

2024 South Dakota Legislature

Senate Bill 219**AMENDMENT 219B
FOR THE SENATE LOCAL GOVERNMENT ENGROSSED BILL**

An Act to modify provisions related to the control of counties and municipalities over medical marijuana establishments within their jurisdictions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 34-20G-56 be AMENDED:

34-20G-56. ~~If a local government~~ the governing body of a county has enacted a numerical limit on the number of medical cannabis establishments in the ~~locality~~ county and a greater number of applicants seek registration, the department shall solicit and consider input from the ~~local government~~ county as to its preference for registration.

If the governing body of a municipality has enacted a numerical limit on the number of medical cannabis establishments in the municipality, and a greater number of applicants seek registration, the department shall solicit and consider input from the municipality as to its preference for registration.

Section 2. That § 34-20G-58 be AMENDED:

34-20G-58. ~~A local government~~ The governing body of a municipality may enact an ordinance, ~~not in conflict with this chapter, governing the~~ regardless of whether it has enacted a zoning ordinance pursuant to title 11, imposing:

(1) Restrictions on a medical cannabis establishment to govern the time, place, and manner, and number of operation;

(2) A limit on the number of medical cannabis establishments in the ~~locality~~ municipality;

(3) Reasonable setback requirements; ~~or~~

(4) Limitations on the proximity of a medical cannabis establishment to:

(a) Any sensitive land-use area, including a childcare facility, park, public service facility, recreational facility, religious facility, school, and any location frequented by individuals under the age of twenty-one; or

- 1 (b) Any other medical cannabis establishment;
2 (5) Requirements for a medical cannabis establishment to obtain a local license,
3 permit, or registration to operate; or
4 (6) Reasonable fees for any local license, permit, or registration.

5 The governing body of a county may enact an ordinance governing all matters set
6 forth in this section. The county ordinance applies throughout its jurisdiction, except within
7 the boundaries of a municipality that has enacted an ordinance in accordance with this
8 section.

9 ~~A local government county or municipality may establish impose a civil penalties~~
10 ~~penalty for the violation of an ordinance governing the time, place, and manner of a~~
11 ~~medical cannabis establishment that may operate in the locality enacted in accordance~~
12 ~~with this section.~~

13 **Section 3. That § 34-20G-59 be AMENDED:**

14 **34-20G-59.** ~~No local government county or municipality may prohibit a~~
15 ~~dispensary, either expressly or through the enactment of an ordinance that makes the~~
16 ~~operation of the dispensary impracticable in the jurisdiction county or municipality.~~

17 ~~**Section 4. That § 34-20G-60 be AMENDED:**~~

18 ~~**34-20G-60.** A local government~~The governing body of a county or municipality may require
19 ~~a medical cannabis establishment to obtain a local license, permit, or registration to operate,~~
20 ~~and may charge a reasonable fee for the local license, permit, or registration. The governing~~
21 ~~body of a county or municipality may not require a medical cannabis establishment to obtain~~
22 ~~more than one local license, permit, or registration to operate a single establishment location.~~

23 **Section 4. That § 34-20G-58.1 be REPEALED.**

24 ~~For purposes of this chapter, any municipality that has not enacted a zoning~~
25 ~~ordinance pursuant to title 11 governing the location of medical cannabis establishments~~
26 ~~may enact an ordinance to regulate the place of operation of any cannabis-related~~
27 ~~establishment under this section.~~

28 ~~A municipality may prohibit the location of a medical cannabis establishment in an~~
29 ~~area in a sensitive land use area and may establish reasonable setbacks. For purposes of~~
30 ~~this section, a sensitive land use area includes churches, schools, day cares, public service~~
31 ~~and recreation facilities, places frequented by people under age twenty-one, and parks.~~

1 ~~A municipality may require a minimum distance between cannabis-related~~
2 ~~establishments.~~

3 **Section 5. That § 34-20G-60 be REPEALED.**

4 ~~A local government may require a medical cannabis establishment to obtain a local~~
5 ~~license, permit, or registration to operate, and may charge a reasonable fee for the local~~
6 ~~license, permit, or registration.~~

AMENDED