



2022 South Dakota Legislature

House Bill 1095

Introduced by: **Representative Milstead**

1 **An Act to allow a local government to prevent a medical cannabis establishment**
 2 **from operating in its jurisdiction.**

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

4 **Section 1. That § 34-20G-58 be AMENDED:**

5 **34-20G-58.** A local government may enact an ordinance not in conflict with this
 6 chapter, ~~governing:~~

7 (1) Governing the time, place, manner, and number of medical cannabis
 8 establishments in the locality. ~~A local government may establish civil penalties for~~
 9 ~~violation of an ordinance governing the time, place, and manner of a medical~~
 10 ~~cannabis establishment that may operate in the locality.; or~~

11 (2) Prohibiting medical cannabis establishments in the locality.

12 A local government may establish a civil penalty for a violation of an ordinance
 13 enacted under this section.

14 **Section 2. That § 34-20G-59 be REPEALED:**

15 ~~No local government may prohibit a dispensary, either expressly or through the~~
 16 ~~enactment of an ordinance that makes the operation of the dispensary impracticable in~~
 17 ~~the jurisdiction.~~

18 **Section 3. That a NEW SECTION be added:**

19 If a local government enacts an ordinance pursuant to § 34-20G-58 prohibiting
 20 medical cannabis establishments from operating within the government's jurisdiction, an
 21 establishment operating under a valid registration certificate within the jurisdiction prior
 22 to the enactment of the ordinance may continue to operate in the jurisdiction until the
 23 expiration of the establishment's registration certificate.