



2023 South Dakota Legislature

Senate Bill 134

CONFERENCE COMMITTEE ENGROSSED

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: **Senator Duhamel**

1 **An Act to revise membership of the Medical Marijuana Oversight Committee.**

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

3 **Section 1. That § 34-20G-92 be AMENDED:**

4 **34-20G-92.** The Executive Board of the Legislative Research Council shall appoint
 5 an oversight committee ~~comprised of: one member of the House of Representatives, one~~
 6 ~~member of the Senate, one Division of Criminal Investigation agent, one staff member~~
 7 ~~from the Office of the Attorney General, two representatives of law enforcement, one~~
 8 ~~representative from the department, one practitioner with experience in medical cannabis~~
 9 ~~issues, one nurse, one board member or principal officer of a cannabis testing facility, one~~
 10 ~~person with experience in policy development or implementation in the field of medical~~
 11 ~~cannabis, and three qualifying patients consisting of:~~

12 (1) Two members of the Senate;

13 (2) Two members of the House of Representatives;

14 (3) One physician licensed in accordance with chapter 36-4;

15 (4) One physician assistant licensed in accordance with chapter 36-4A;

16 (5) One certified nurse practitioner licensed in accordance with chapter 36-9A;

17 (6) One chief of police for a municipality having a population in excess of fifty-
 18 thousand, or a representative of the police department designated by the chief;

19 (7) One sheriff of a county or a representative of the sheriff's office designated by the
 20 sheriff;

21 (8) One professional counselor licensed in accordance with chapter 36-32 or one
 22 addiction counselor licensed in accordance with chapter 36-34; and

23 (9) One qualifying patient.

24 Each appointee shall serve for a term of two years and may be reappointed.

25 **Section 2. That chapter 34-20G be amended with a NEW SECTION:**

1 Beginning in 2023, and every two years thereafter, the oversight committee shall
2 select from among itself one legislator to serve as the chair and one legislator, from the
3 opposite chamber, to serve as the vice chair.

4 Beginning in 2025, the legislators selected to serve as the chair and vice chair may
5 not be from the same chamber as their immediate predecessors.

6 **Section 3. That § 34-20G-93 be AMENDED:**

7 **34-20G-93.** The oversight committee shall meet at least two times per year for
8 the purpose of evaluating and making recommendations to the Legislature and the
9 department regarding:

- 10 (1) The ability of qualifying patients in all areas of the state to obtain timely access to
11 high-quality medical cannabis;
- 12 (2) The effectiveness of the dispensaries and cultivation facilities, individually and
13 together, in serving the needs of qualifying patients, including the provision of
14 educational and support services by dispensaries, the reasonableness of their
15 prices, whether they are generating any complaints or security problems, and the
16 sufficiency of the number operating to serve the state's registered qualifying
17 patients;
- 18 (3) The effectiveness of the cannabis testing facilities, including whether a sufficient
19 number are operating;
- 20 (4) The sufficiency of the regulatory and security safeguards contained in this chapter
21 and adopted by the department to ensure that access to and use of cannabis
22 cultivated is provided only to cardholders;
- 23 (5) Any recommended additions or revisions to the department regulations or this
24 chapter, including relating to security, safe handling, labeling, and nomenclature;
25 and
- 26 (6) Any research studies regarding health effects of medical cannabis for patients.

27 The oversight committee shall ensure that it seeks relevant input from qualifying
28 patients; designated caregivers; pharmacists; school boards and administrators; parents;
29 municipal representatives; state agencies, including the Department of Health, the South
30 Dakota Division of Criminal Investigation, and the Department of Public Safety; and
31 medical cannabis establishments.