



## 2024 South Dakota Legislature

# Senate Bill 219

### SENATE LOCAL GOVERNMENT ENGROSSED

Introduced by: **Senator Wheeler**

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

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

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

5 **34-20G-56.** ~~If a local government~~ the governing body of a county has enacted a  
 6 numerical limit on the number of medical cannabis establishments in the ~~locality~~ county  
 7 and a greater number of applicants seek registration, the department shall solicit and  
 8 consider input from the ~~local government~~ county as to its preference for registration.

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

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

14 **34-20G-58.** ~~A local government~~ The governing body of a municipality may enact  
 15 an ordinance, not in conflict with this chapter, ~~governing the imposing:~~

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

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

20 (3) Reasonable setback requirements; or

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

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

25 (b) Any other medical cannabis establishment.

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

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

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

10           **34-20G-59.** ~~No local government county or municipality may prohibit a~~  
 11 ~~dispensary, either expressly or through the enactment of an ordinance that makes the~~  
 12 ~~operation of the dispensary impracticable in the jurisdiction county or municipality.~~

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

14           **34-20G-60.** ~~A local government~~The governing body of a county or municipality  
 15 may require a medical cannabis establishment to obtain a local license, permit, or  
 16 registration to operate, and may charge a reasonable fee for the local license, permit, or  
 17 registration. The governing body of a county or municipality may not require a medical  
 18 cannabis establishment to obtain more than one local license, permit, or registration to  
 19 operate a single establishment location.

20           **Section 5. That § 34-20G-58.1 be REPEALED.**

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

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

29           ~~A municipality may require a minimum distance between cannabis-related~~  
 30 ~~establishments.~~