



2024 South Dakota Legislature

Senate Bill 219

SENATE 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~~ regardless of whether it has
 16 enacted a zoning ordinance pursuant to title 11, imposing:

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

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

21 (3) Reasonable setback requirements;

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

23 (a) Any sensitive land-use area, including a childcare facility, park, public
 24 service facility, recreational facility, religious facility, school, and any
 25 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-58.1 be REPEALED.**

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

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

26 ~~A municipality may require a minimum distance between cannabis-related~~
 27 ~~establishments.~~

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 That § 34-20G-60 be REPEALED.**

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