

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

580X0674

SENATE HEALTH AND HUMAN SERVICES

ENGROSSED NO. **SB 171** - 02/19/2016

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

Introduced by: The Committee on Health and Human Services

1 FOR AN ACT ENTITLED, An Act to authorize the limited use of certain types of medical  
2 marijuana.

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

4 Section 1. That the code be amended by adding a NEW SECTION to read:

5 Terms used in this Act mean:

6 (1) "Cannabidiol," a nonpsychoactive cannabinoid found in the plant cannabis sativa L.  
7 or cannabis indica or any other preparation thereof that is essentially free from plant  
8 material, and has a tetrahydrocannabinol level of no more than three percent;

9 (2) "Intractable epilepsy," an epileptic seizure disorder for which standard medical  
10 treatment does not prevent or significantly reduce reoccurring, uncontrolled seizures  
11 or for which standard medical treatment results in harmful side effects;

12 (3) "Primary caregiver," a person, at least eighteen years of age, who has been designated  
13 by a patient's physician, or the patient, as being necessary to managing the well-being  
14 of the patient.



1       Section 2. That the code be amended by adding a NEW SECTION to read:

2       Upon proper and thorough examination of a patient, a physician may prescribe the use of  
3       cannabidiol in liquid, oil, or pill form for treatment of intractable epilepsy. Any patient  
4       diagnosed with intractable epilepsy may possess up to the amount of cannabidiol liquid, oil, or  
5       pills prescribed by a physician. A physician may not prescribe cannabidiol for illnesses other  
6       than intractable epilepsy.

7       Section 3. That the code be amended by adding a NEW SECTION to read:

8       A patient in possession of a valid cannabidiol prescription is not subject to prosecution  
9       pursuant to chapter 22-42, 22-42A, or 34-20B. A physician properly prescribing cannabidiol is  
10      not subject to prosecution pursuant to chapter 22-42, 22-42A, or 34-20B. A primary caregiver  
11      as defined in section 1 of this Act or a custodial parent of the patient may assist in the  
12      administering of the prescribed cannabidiol to the patient and is not subject to prosecution  
13      pursuant to chapter 22-42, 22-42A, or 34-20B. A pharmacist or other medical professional  
14      handling cannabidiol pursuant to this Act is not subject to prosecution pursuant to chapter 22-  
15      42, 22-42A, or 34-20B. However, improper possession or use of a valid cannabidiol prescription  
16      by any person is subject to prosecution pursuant to chapter 22-42 or 22-42A.