

Minutes: Senate Judiciary

Tuesday, January 20, 2026 7:45 AM

Roll Call

Present: Sen. Blanc, Sen. Duhamel, Sen. Grove, Sen. Mehlhaff, Sen. Pischke, and Sen. Hulse

Excused: Sen. Kolbeck (Steve)

The meeting was called to order by Senator Hulse

MOTION: TO APPROVE THE MINUTES OF THURSDAY, JANUARY 15TH

Moved by: Pischke

Second by: Blanc

Action: Prevailed by voice vote

SB 44 : establish investigative subpoena authority to gather business records in certain investigations.

Presented by: Marty Jackley, South Dakota Attorney General's Office

Proponents: Lisa Gennaro, Concerned Women for America

Jenna R. Severyn, South Dakota Police Chiefs Association

Opponents: Chet. Ellsworth, Self

Samantha Chapman, American Civil Liberties Union Foundation Inc

MOTION: AMEND SB 44

44A

On page 2, line 15, of the Introduced bill, delete " shall" and insert " may"

On page 3, line 10, of the Introduced bill, after "sought" insert " if such a prohibition is contained within the investigative subpoena"

Moved by: Pischke

Second by: Grove

Action: Prevailed by voice vote

MOTION: DO PASS SB 44 AS AMENDED

Moved by: Mehlhaff

Second by: Duhamel

Action: Prevailed by Majority Members Elect (6-0-1-0)

Voting Yes: Blanc, Duhamel, Grove, Mehlhaff, Pischke, and Hulse

Excused: Kolbeck (Steve)

SB 45 : revise a provision regulating delta-8 tetrahydrocannabinol, THC-O acetate, and hexahydrocannabinol for persons under the age of twenty-one and to provide a penalty therefor.

Presented by: Marty Jackley, South Dakota Attorney General's Office

Proponents: Richard Tieszen, South Dakota Sheriffs Association

Jenna R. Severyn, South Dakota Police Chiefs Association
Lisa Gennaro, Protecting South Dakota Kids Inc.
Senator Glen Vilhauer
Terrance Lee Dosch, South Dakota Council of Community Behavioral Health
Inc. (Handout(s) HO#1)

MOTION: AMEND SB 45

45A

On page 1, line 9, of the Introduced bill, after "twenty-one" insert ", unless the substance was obtained directly or pursuant to a valid prescription or order from a practitioner, acting in the course of the practitioner's professional practice"

On page 1, line 13, of the Introduced bill, after "twenty-one" insert ", unless the substance was obtained directly or pursuant to a valid prescription or order from a practitioner, acting in the course of the practitioner's professional practice"

On page 1, line 13, of the Introduced bill, remove the overstrikes from " and"

On page 1, line 18, of the Introduced bill, after "tetrahydrocannabinol," insert " delta-9 tetrahydrocannabinolic acid,"

On page 1, line 19, of the Introduced bill, delete " the" and insert ":

(a) The"

On page 1, line 20, of the Introduced bill, after "twenty-one" insert "; and

(b) The substance was obtained directly or pursuant to a valid prescription or order from a practitioner, acting in the course of the practitioner's professional practice"

On page 1, line 21, of the Introduced bill, delete " Class 6 felony" and insert " Class 1 misdemeanor"

Moved by: Pischke
Second by: Grove
Action: Prevailed by voice vote

MOTION: DO PASS SB 45 AS AMENDED

Moved by: Grove
Second by: Blanc
Action: Prevailed by Majority Members Elect (6-0-1-0)

Voting Yes: Blanc, Duhamel, Grove, Mehlhaff, Pischke, and Hulse

Excused: Kolbeck (Steve)

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 45 AS UNCONTESTED
AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

**SB 49 : safeguard the integrity, privacy, and security of genetic data and
provide a civil penalty therefor.**

Presented by: Marty Jackley, South Dakota Attorney General's Office
Proponents: Kim Malsam-Rysdon, Avera Health
Jacob Parsons, South Dakota Association of Healthcare Organizations

MOTION: AMEND SB 49

49A

On page 4, line 10, of the Introduced bill, after "investigation;" delete " or"
On page 4, line 18, of the Introduced bill, after "2025)" insert "; or
(7) A hospital licensed under chapter 34-12, including any laboratory or health care facility owned, operated by, or affiliated with the hospital"

Moved by: Pischke
Second by: Duhamel
Action: Prevailed by voice vote

MOTION: DO PASS SB 49 AS AMENDED

Moved by: Pischke
Second by: Duhamel
Action: Prevailed by Majority Members Elect (6-0-1-0)

Voting Yes: Blanc, Duhamel, Grove, Mehlhaff, Pischke, and Hulse

Excused: Kolbeck (Steve)

**HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED SB 49 AS UNCONTESTED
AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.**

MOTION: ADJOURN

Moved by: Pischke
Second by: Mehlhaff
Action: Prevailed by voice vote

Doug Mortenson, Committee Secretary

/s/ AMBER HULSE
Amber Hulse, Vice-Chair