



STATE OF SOUTH DAKOTA  
OFFICE OF THE GOVERNOR

KRISTI NOEM | GOVERNOR

The Honorable Hugh M. Bartels  
Speaker of the House  
500 East Capitol Avenue  
Pierre, South Dakota 57501

March 23, 2023

Dear Mr. Speaker and Members of the House of Representatives,

I respectfully return to you House Bill 1209 with my VETO. House Bill 1209 is an Act to revise provisions regarding industrial hemp.

South Dakota has a responsible industrial hemp program that we have worked many years to implement properly. House Bill 1209 would jeopardize the effectiveness and safety of our industrial hemp program by creating conflict with federal law while also allowing marijuana products to be considered hemp products.

House Bill 1209 would change the definition of "product in process" by increasing the amount of THC allowed to 5%. Federally, marijuana is classified as anything that contains over 0.3% THC. With this change, South Dakota would allow hemp products and crops to contain over sixteen times more THC than is currently allowed at the federal level.

My Department of Agriculture and Natural Resources worked closely with industry and legislators on a compromise last year, allowing for 1% THC levels for a product in process. This level was based on research showing that 1% THC levels are the trigger for causing psychotropic effects on humans.

Only two states allow a product in process to contain up to 5% THC: Colorado and New York, both of which have legalized recreational marijuana. South Dakota voters spoke clearly this past November: they do not want recreational marijuana. If I allowed this bill to become law, it would jeopardize the clearly expressed will of the people. Increasing the THC level to 5% would hinder our successful hemp program and undermine enforcement of our drug laws.

For these reasons, I oppose House Bill 1209 and ask that you sustain my veto.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Kristi Noem".

Kristi Noem  
Governor

cc: The Honorable Monae L. Johnson, Secretary of State  
The Honorable Larry Rhoden, President of the Senate