

2022 South Dakota Legislature

Senate Bill 6**AMENDMENT 6C FOR THE INTRODUCED BILL**

1 **An Act to** revise provisions related to ~~prohibited conduct by schools and landlords~~
2 ~~related to medical cannabis~~ medical cannabis.

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

4 **Section 1. That § 34-20G-19 be AMENDED:**

5 **34-20G-19.** ~~No school or landlord may refuse to enroll or lease to and may not~~
6 ~~otherwise penalize a person. A cardholder may not be refused enrollment by a school or a~~
7 ~~lease by a landlord, or otherwise be penalized by a school or landlord solely for the~~
8 ~~person's status as a cardholder, unless failing to do so would violate federal law or~~
9 ~~regulations or cause the school or landlord to lose a monetary or licensing-related benefit~~
10 ~~under federal law or regulation. This section does not prevent a landlord from imposing~~
11 ~~reasonable restrictions on the medical use of cannabis by a cardholder who resides at the~~
12 ~~landlord's property.~~

13 **Section 2. That § 34-20G-51 be AMENDED:**

14 **34-20G-51.** ~~Except as provided in § 34-20G-18 and this section, a person may~~
15 ~~assert the medical purpose for using cannabis as a~~ it is an affirmative defense ~~to any~~
16 ~~prosecution involving~~ for using or possessing cannabis, ~~and such~~ affirmative defense ~~is~~
17 ~~presumed valid, where the evidence shows that:~~

18 ~~(1) A practitioner has stated that, in the practitioner's professional opinion, after~~
19 ~~having completed a full assessment of the person's medical history and current~~
20 ~~medical condition made in the course of a bona fide practitioner-patient~~
21 ~~relationship, the patient has a debilitating medical condition and the potential~~
22 ~~benefits of using cannabis for medical purposes would likely outweigh the health~~
23 ~~risks for the person;~~

1 ~~(2) The person was in possession of no more than three ounces of cannabis, the~~
2 ~~amount of cannabis products allowed by department rules, six cannabis plants~~
3 ~~minimum or as prescribed by a physician, and the cannabis produced by those~~
4 ~~plants;~~

5 ~~(3) The person was engaged in the acquisition, possession, use, manufacture,~~
6 ~~cultivation, or transportation of cannabis, paraphernalia, or both, relating to the~~
7 ~~administration of cannabis to treat or alleviate the person's debilitating medical~~
8 ~~condition or symptoms associated with the person's debilitating medical condition;~~
9 ~~and~~

10 ~~(4) Any cultivation of cannabis and storage of more than three ounces of cannabis~~
11 ~~occurred in a secure location that only the person asserting the defense could~~
12 ~~access.~~

13 (1) The person is a qualifying patient and the person is not in physical possession of
14 the registry identification card, the person was registered with the department as
15 a cardholder or nonresident cardholder at the time of the alleged offense;

16 (2) The person is a designated caregiver, the person was registered with the
17 department and in physical possession of the registry identification card at the time
18 of the alleged offense or produces the registry identification card to law
19 enforcement within twenty-four hours of the alleged offense; and

20 (3) The conduct underlying the alleged offense complied with this chapter.

21 **Section 3. That § 34-20G-53 be REPEALED:**

22 ~~A person is not required to possess a registry identification card to raise the~~
23 ~~affirmative defense set forth in § 34-20G-51.~~