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March 21, 2017

Secretary Krebs
Secretary of State
500 E. Capitol Avenue
Pierre, SD 57501

RECEIVED

MAR 21 2017

S.D. SEC. OF STATE

Dear Secretary Krebs,

This office received an initiated measure to allow for the regulation, access, and compassionate use of cannabis in South Dakota, which required a prison or jail cost estimate statement. Enclosed is a copy of the initiated measure, in final form, that was submitted to this office. In accordance with SDCL 2-1-19 I hereby submit the Legislative Research Council's prison or jail cost estimate with respect to this initiated measure. It is my understanding that the Attorney General's statement pursuant to 12-13-25.1 will be filed directly with you by the Office of the Attorney General.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Hancock". The signature is fluid and cursive, with a large initial "J" and "H".

Jason Hancock
Director

jml/skg
Enclosures

PRISON/JAIL POPULATION COST ESTIMATE STATEMENT

LEGISLATIVE RESEARCH COUNCIL

INITIATED MEASURE

AN INITIATED MEASURE TO PROVIDE FOR REGULATION, ACCESS, AND
COMPASSIONATE USE OF CANNABIS IN SOUTH DAKOTA.

To determine the prison or jail impact of this measure, the Legislative Research Council researched and analyzed statistics from states where marijuana is currently legal for medical purposes. It did not consider the impact to state revenue, business, law enforcement expenses, regulatory costs, or societal costs. The LRC concluded that a portion of South Dakota's current marijuana users would qualify to use, sell, or transfer medical marijuana, and this would prevent a number of marijuana convictions. However, states that have enacted marijuana laws have seen a subsequent increase in overall marijuana usage, dependence, and abuse in adults, which would likely offset any savings from some current illegal marijuana users being able to obtain marijuana legally for medical purposes. As a result, this measure is likely to have minimal impact on prison and jail costs.

Approved: 

Date: 3/20/17

Director, Legislative Research Council

RECEIVED

MAR 21 2017

S.D. SEC. OF STATE

An act to provide for regulation, access and compassionate use of cannabis in South Dakota.

BE IT ENACTED BY THE PEOPLE OF SOUTH DAKOTA

Section 1 Terms used in this act mean:

- (1) "Allowable amount of cannabis" means:
 - (a) Three ounces of cannabis;
 - (b) The quantity of cannabis products as established by rules promulgated by the department;
 - (c) If the cardholder has a registry identification card allowing cultivation, six cannabis plants minimum or as prescribed by physician; and
 - (d) If the cardholder has a registry identification card allowing cultivation, the amount of cannabis and cannabis products that were produced from the cardholder's allowable plants, if the cannabis and cannabis products are possessed at the same property where the plants were cultivated.
- (2) "Bona fide practitioner-patient relationship":
 - (a) a practitioner and patient have a treatment or consulting relationship, during the course of which the practitioner has completed an assessment of the patient's medical history and current medical condition, including an appropriate in-person physical examination;
 - (b) the practitioner has consulted with the patient with respect to the patient's debilitating medical condition; and
 - (c) the practitioner is available to or offers to provide follow-up care and treatment to the patient, including, but not limited to, patient examinations;
- (3) "Cannabis products," any concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof, and are intended for use or consumption by humans. The term includes, without limitation, edible cannabis products, beverages, topical products, ointments, oils, and tinctures;
- (4) "Cannabis product manufacturing facility" an entity registered with the department pursuant to this act that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a medical cannabis dispensary;
- (5) "Cannabis testing facility" or "testing facility" an independent entity registered with the department pursuant to this act to analyze the safety and potency of cannabis;
- (6) "Cardholder," a qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card;

(7) "Cultivation facility," an entity registered with the department pursuant to this act that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a medical cannabis establishment.;

(8) "Debilitating medical condition,"

(a) Cancer, glaucoma, positive status for human immunodeficiency virus, endometriosis, reflex sympathetic dystrophy, epilepsy, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn's disease, IBS, ulcerative colitis, agitation of Alzheimer's disease, post-traumatic stress disorder, or the treatment of any of these conditions;

(b) A chronic or debilitating disease or medical condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; severe, debilitating pain; severe nausea; seizures; or severe and persistent muscle spasms, including, those characteristic of multiple sclerosis; or

(c) Any other medical condition or its treatment added by the department, as provided for in section 26 of this act;

(9) "Department," means the South Dakota Department of Health.

(10) "Designated caregiver," a person who:

(a) Is at least 21 years of age;

(b) Has agreed to assist with a qualifying patient's medical use of cannabis;

(c) Has not been convicted of a disqualifying felony offense; and

(d) Assists no more than five qualifying patients with the medical use of cannabis, unless the designated caregiver's qualifying patients each reside in or are admitted to a health care facility or residential care facility where the designated caregiver is employed;

(11) "Disqualifying felony offense,"

(a) A violent crime that was classified as a felony in the jurisdiction where the person was convicted; or

(b) A violation of a state or federal controlled substances law that was classified as a felony in the jurisdiction where the person was convicted, not including:

(i) An offense for which the sentence, including any term of probation, incarceration, or supervised release, was completed ten or more years earlier; or

(ii) An offense that consisted of conduct for which this Act would likely have prevented a conviction, but the conduct either occurred prior to the enactment of this Act or was prosecuted by an authority other than the state of South Dakota .

(12) "Edible cannabis products" any product that:

(a) Contains or is infused with cannabis or an extract thereof;