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MAR 30 2017

S.D. SEC. OF STATE

March 29, 2017

Mr. John Dale  
CC4L  
239 W. Jackson  
Spearfish, SD 57783

Dear Mr. Dale:

Pursuant to SDCL 12-13-25, this office is required to review each initiated law. Further, this office is required by SDCL 12-13-24 to determine if each initiated law is written in a clear and coherent manner in the style and form of other legislation and that it is worded so that the effect of the initiated law is not misleading or likely to cause confusion among voters. You are under no obligation to accept the suggestions contained in this letter, but please keep in mind the legal standards established in SDCL 12-13-24.

The Guide to Legislative Drafting (<http://sdlegislature.gov/docs/referencematerials/draftingmanual.pdf>) explains more thoroughly the style and form changes we suggest in this letter and as attached. You may refer to the sections of the Guide that discuss amending or repealing specific sections of the code.

Although we offer style and form suggestions for section 2, this section is unnecessary as a statement of legislative intent and we therefore suggest removing this section from the draft. In section 4, the declaratory statement about a person's right to keep and bear arms is unclear in the context of the section. Does this language intend to preserve a person's right to keep and bear arms despite possession of cannabis? If so, the first sentence should be clarified to draw that connection; if not, we recommend removing the first sentence of this section.

Section 6 contains statements regarding "expressions" of the voters and the state. These are legislative intent-based statements and we suggest removing them from the draft. There are also several instances of jargon that have no legal meaning or effect, such as "reasonable quality assurance standard" and "dynamic forces." For greater clarity in this section, we suggest removing the legislative intent-based statements and the jargon, leaving only the language that relates to specific actions or defined standards.

Section 10 also contains jargon with no legal meaning or effect, such as "a manner consistent with cannabis industry quality control standards." We suggest replacing this language with more specific verbiage that offers clear standards, or delegates rulemaking authority that would allow a state agency to establish clear standards. Likewise, section 12 contains jargon regarding "well-known principles of grant outcome verification found in universities and other charitable organizations." Such standards are not universal and the language has no legal meaning or effect for purposes of the statute. We suggest using more specific

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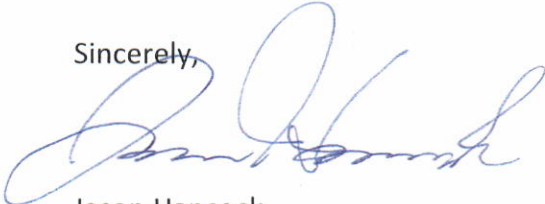
language to describe the required standard or removing that language entirely. In section 18, there is a reference regarding testing "by lot." This language is unclear.

Finally, several sections within the submitted draft intend to "append" specific code sections that "may be superseded by amendments . . . in objection [sic] federal level scheduling and law-making." This language indicates legislative intent that has no legal meaning or effect and should be removed from the draft.

Attached is a copy of your initiative with all our suggested style and form changes.

This letter constitutes neither an endorsement of your initiative nor a guarantee of its statutory sufficiency. It does constitute fulfillment of your responsibility pursuant to SDCL 12-13-25 to submit your draft to this office for review and comment. If you proceed with your initiative, please take care to ensure your statements or advertising do not imply that this office endorses or approves your proposal.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Hancock", written over a white background.

Jason Hancock  
Director

JH:DO:ct

Enclosure

CC: The Honorable Shantel Krebs, Secretary of State  
The Honorable Marty Jackley, Attorney General

Be it enacted by the people of South Dakota:

An Act to provide certain provisions regarding the legalization of Cannabis.

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

As used in this Act, Cannabis cannabis, means the plant genus Cannabis cannabis, its accessories, its growing implements, its means of processing, its means of reselling, all parts of the plant, whether growing or not, Cannabis cannabis seeds, the resin extracted from any part of a plant of the genus cannabis, and every compound, manufacture, salt, derivative, mixture or preparation of ~~such the~~ plant, its seeds, resin, and any of its parts and components, and every compound, manufacture, salt, derivative, mixture, or preparation of ~~such the~~ resin, and any cannabinoids derived from the plant genus cannabis, including ~~Tetrahydrocannabinol~~ tetrahydrocannabinol (THC), Cannabidiol cannabidiol (CBD), and Cannabigerol cannabigerol (CBG).

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

Cannabis is ~~immediately~~ decriminalized ~~and legalized~~ in the state of South Dakota pursuant to the provisions of this Act.

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

~~Industrially extracted Cannabis fibers, from which Any person may produce~~ clothing, rope, canvas, or other textiles ~~may be derived, have no restrictions within reasonable bounds, comparable to agricultural products of similar type using industrially extracted cannabis fibers subject to the provisions of this Act.~~ Any person may produce, possess, transport, sell, or purchase hemp pursuant to ~~state this Act~~ and federal labor and

agricultural law unless the hemp contains greater than ~~3% THG~~ three percent tetrahydrocannabinol.

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

~~A person's right to keep and bear arms may not be infringed. No law enforcement agency in the state or any agent of the state may keep any~~ record, whether written, electronic, digital, or otherwise, ~~by any law enforcement agency in the state, or any agent of the state, may be~~ based on a finding that ~~Cannabis~~ cannabis or its metabolites are found on a person's body or breath or in the person's possession.

Section 5. That the code be amended by adding a NEW SECTION to read:

~~South Dakota shall not~~ No agent of any law enforcement agency in the state may enforce any federal ~~Cannabis laws~~ cannabis law.

Section 6. That the code be amended by adding a NEW SECTION to read:

- (1) As an expression of South Dakota voter product choice for government operations, South Dakota supports the safe production, sale, and consumption of ~~Cannabis~~ cannabis to the extent that can be reasonably expected of a government among constitutionally free people;\_
- (2) ~~The state's expression of support includes giving~~ If acting as a market participant, the state shall give preference to locally produced ~~Cannabis~~ cannabis, uniform patches, and paper products ~~in the event the state purchases any item under this subdivision;~~\_
- (3) Products shall pass a reasonable quality assurance standard for price, durability, and aesthetic;\_
- (4) The burden of producing or presenting a viable alternative ~~Cannabis~~ cannabis substitute shall be on the dynamic forces of the free and competitive marketplace