



March 3, 2017

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

RECEIVED

MAR 06 2017

S.D. SEC. OF STATE

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.

We suggest changes with regard to the typesetting and sentence structure of your draft. Of particular note, we recommend against using all-caps in your typeset. We also recommend drafting in complete sentences that end with a period. When drafting legislation, the simplest way of stating a proposition is usually the best way. Well-crafted legislation is concise, specific, uses active verbs, and is consistent and uniform throughout the text.

Other style and form changes we suggest are explained more thoroughly in the Guide to Legislative Drafting (<http://www.sdlegislature.gov/docs/referencematerials/draftingmanual.pdf>), which may be accessed on the Legislative Research Council website. Of particular note with regard to the submitted draft, you may refer to the sections of the guide that discuss the use of catch lines, severability clauses, short titles, the numbering convention of the South Dakota Codified Laws, the use of numerals versus text when providing numbers, and the use of legislative declarations and findings.

With regard to the draft you submitted, although we provide style and form suggestions for sections 1, 2, 3, and 9 for your review and consideration, these four sections provide declarations and findings. As you will note in the Guide to Legislative Drafting, declarations and findings are strongly discouraged and these four sections should therefore be removed from the draft. These sections would not be included in any bills drafted for the Legislature.

The following comments are in regard to section 5 of your submitted draft. Parts A, B, G, H, and M all propose to override statutes currently in effect. We recommend that you specifically provide the sections within the South Dakota Codified Laws and amend those sections to effectuate the draft's policy objective. A blanket statement that repeals or amends laws in general will not achieve the draft's goal. Actions are presumed legal unless specifically prohibited in statute, so if the draft seeks to legalize an activity, the most effective way of achieving that goal is to revise or repeal any section of the code that prohibits the activity.

Mr. John Dale  
March 3, 2017  
Page 2

Parts C, J-1, K-1, N-6, and O of the submitted draft are all unnecessary as the language states a legal outcome that would be already assumed were cannabis legalized in the state. Part F of the draft also is unnecessary as the process of sentence modification and criminal records expungement already exists and would be available to anyone penalized under any law that would be repealed or revised under this Act.

Section D of the submitted draft is not an accurate statement of the law. Although South Dakota may legalize activity that remains illegal under federal law, any person who engages in the activity would be subject to a criminal penalty under federal law.

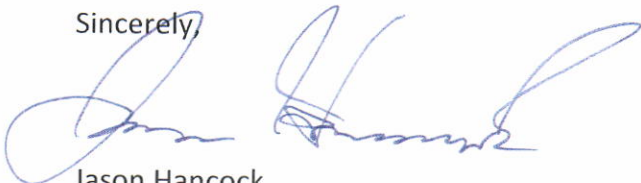
Sections J-2 and K-2 through K-5 require specific rulemaking authority for any agency that would be authorized to prohibit or regulate activity related to cannabis. Rulemaking authority in South Dakota must be in compliance with the Administrative Procedures Act located in chapter 1-26 of the South Dakota Codified Laws.

Regarding Section K-3, if the intent of the draft is that the Department of Agriculture would set licensing fees, that needs to be stated and the department given rulemaking authority to set the fees.

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", is written over a horizontal line.

Jason Hancock  
Director

JH:DO:ct

Enclosure

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

# AN INITIATED MEASURE IN THE STATE OF SOUTH DAKOTA TO DECRIMINALIZE CANNABIS

This Act may be cited as "THE 2018 FREE CANNABIS ACT OF SOUTH DAKOTA"

Be it enacted by the people of The State of South Dakota ..

## 1: ETHICAL AND LEGAL DECLARATIONS

### A. AMERICAN ENTERPRISE USED MARIJUANA AND CANNABIS PROHIBITION INAPPROPRIATELY

1. A GRAIN BINDING INNOVATION CALLED THE DECORTICATOR THREATENED THE TIMBER INDUSTRY, WHO LOBBIED HEAVILY AGAINST CANNABIS TO REDUCE COMPETITION
2. CANNABIS PATIENTS REPORT POSITIVE CANNABIS MEDICINAL VALUE FOR AIDS/HIV, ALZHEIMER'S DISEASE, AMYOTROPHIC LATERAL SCLEROSIS, CANCER, CHRONIC TRAUMATIC ENCEPHALOPATHY, CROHN'S DISEASE, EPILEPSY, FIBROMYALGIA, GLAUCOMA, INFLAMMATORY BOWEL DISEASE, PARKINSON'S DISEASE, OTHER, MAKING CANNABIS A THREAT TO THE PHARMACEUTICAL INDUSTRY WHO LOBBIES ACTIVELY TO REDUCE COMPETITION
3. MARIJUANA, THE DRIED FLOWER OF THE CANNABIS PLANT, CONTAINS DEMONSTRABLY SAFER RECREATIONAL PROPERTIES THAT ARE SHOWN SAFER THAN ALCOHOL AND TOBACCO, MAKING CANNABIS A THREAT TO THE ALCOHOL AND TOBACCO INDUSTRY AS AN ALTERNATIVE INTOXICANT, ENTICING OPPOSITION LOBBY FROM BAR OWNERS AND ALCOHOL MANUFACTURERS WHO SEEK TO STIFLE COMPETITION
4. PERVASIVE WITH MARIJUANA USE, A BURGEONING SOUTHWESTERN UNDOCUMENTED LATIN AMERICAN POPULATION BECAME THE TARGET OF FEDERAL DRUG ENFORCEMENT AFTER ALCOHOL PROHIBITION WAS REPEALED, INCITING DRUG ENFORCEMENT AT THE FEDERAL LEVEL TO TAKE RENT THROUGH SELECTIVE PROSECUTION OF UNDOCUMENTED LATIN AMERICAN IMMIGRANTS
5. IT IS PRESENTLY LEGAL TO IMPORT VALUE-ADD HEMP PRODUCTS FROM OTHER COUNTRIES INTO THE UNITED STATES, BUT IT IS ILLEGAL TO PRODUCE THE RAW MATERIAL REQUIRED TO PRODUCE THE SAME HEMP GOODS DOMESTICALLY
6. THE ENFORCEMENT OF CANNABIS CRIMES IS OVERKILL AND CREATES WIDESPREAD DAMAGE TO GOOD AMERICANS BY CRIMINALIZING VICTIMLESS CANNABIS-RELATED ACTIVITIES

## 2: ECONOMIC DECLARATIONS

### A. VALUABLE CANNABIS ECONOMIC/INNOVATION OPPORTUNITIES

1. HENRY FORD CREATED THE WORLD'S FIRST PLASTIC CAR USING A CANNABIS POLYMER EXTRACT
2. CANNABIS OIL EXTRACTS CAN FUEL AUTOMOBILES, TRUCKS, AND TRAINS



3. CANNABIS TEXTILES CAN BE USED IN CLOTHING, ACCESSORIES, BAGS, FLAGS, ROPES, FURNITURE, OTHER
4. CANNABIS LEGALIZATION VERTICALLY INTEGRATES THE CANNABIS SUPPLY CHAIN, GIVING AMERICAN FARMERS COMPETITIVE ADVANTAGE IN THE CANNABIS MARKETPLACE
5. REQUIRING GOVERNMENT TO PURCHASE CANNABIS RELATED PRODUCTS IS NOT A LIMITATION ON FREE CHOICE IN THE MARKETPLACE, BUT RATHER THROUGH THE DEMOCRATIC PROCESS IS AN EXPRESSION OF CHOICE OF THE CITIZENRY WITH REPECT TO THE ARRAY OF PRODUCTS TO BE CONSUMED BY GOVERNMENT, WITHOUT CRIMINALIZING CANNABIS COMPETITION
6. CANNABIS LEGALIZATION CREATES A FREE MARKET THAT MORE EVENLY DISTRIBUTES ECONOMIC BENEFIT, INCREASING THE VELOCITY OF MONEY INTO AND OUT OF THE CANNABIS ECONOMY WITH INCREASINGLY LOWER PRICES, ALLOWING REALLOCATION OF THE CANNABIS DOLLAR TO OTHER POTENTIALLY MORE CRITICAL AREAS OF THE AVERAGE SOUTH DAKOTAN'S BUDGET

### **3: SECURITY DECLARATIONS**

#### **A. LAW ENFORCEMENT RESOURCE ALLOCATION**

1. LAW ENFORCEMENT RESOURCES ENFORCING BASELESS LAW REDUCES SECURITY TO THE MORALLY AND ETHICALLY INNOCENT AND INCREASES THE COST OF LAW ENFORCEMENT SERVICES
2. DECRIMINALIZATION OF CANNABIS CREATES A COMPETITIVE FREE MARKET THAT WILL REDUCE THE COST OF CANNABIS, REDUCING FINANCIAL PRESSURE ON AN ALREADY POOR AND DESPERATE ELECTORATE
3. IN THE ENFORCEMENT OF CANNABIS LAWS, CREATING CIVIL FINES OR PRISON TIME CREATES FINANCIAL INCENTIVE TO OVER-POLICE, CREATING A SECURITY RISK TO THE POPULACE FROM POLICE DEPARTMENTS INFILTRATED BY ORGANIZED CRIME ENTERPRISE

### **4: CANNABIS DEFINITION**

#### **A. TECHNICAL SPECIFICATION OF CANNABIS AND RELATED CONCEPTS SUBJECT TO THE SCOPE OF LEGALIZATION HEREIN**

1. "CANNABIS" REFERS TO THE PLANT GENUS CANNABIS, ITS ACCESSORIES, ITS GROWING IMPLEMENTS, ITS MEANS OF PROCESSING, ITS MEANS OF RESELLING, ALL PARTS OF THE PLANT, WHETHER GROWING OR NOT, 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 PLANT, ITS SEEDS, RESIN, AND ANY OF ITS PARTS AND COMPONENTS, AND EVERY COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF SUCH RESIN, AND ANY CANNABINOIDS DERIVED FROM THE PLANT GENUS CANNABIS, INCLUDING, BUT NOT LIMITED TO TETRAHYDROCANNABINOL (THC), CANNABIDIOL (CBD), AND CANNABIGEROL (CBG).

### **5: DECRIMINALIZATION OF CANNABIS**

**A. STATEMENT OF INTENT**

1. THE CITIZENS OF SOUTH DAKOTA WISH IT ENACTED THAT CANNABIS SHALL BE IMMEDIATELY DECRIMINALIZED AND LEGALIZED IN THE STATE OF SOUTH DAKOTA AS PROVIDED HEREIN

**B. HEMP EXEMPTION**

1. INDUSTRIALLY EXTRACTED HEMP FIBER, FROM WHICH CLOTHING, ROPE, CANVAS, AND OTHER TEXTILES ARE DERIVED, SHALL HAVE NO RESTRICTIONS WHATSOEVER WITHIN REASONABLE BOUNDS, COMPARABLE TO AGRICULTURAL PRODUCTS OF SIMILAR TYPE
2. HEMP MAY BE PRODUCED, POSSESSED, TRANSPORTED, SOLD, AND PURCHASED FREELY LIKE ANY OTHER AGRICULTURAL COMMODITY BY ANY PERSONS OF ANY AGE, IN COMPLIANCE WITH STATE LABOR AND AGRICULTURAL LAWS, AS LONG AS THE HEMP IN QUESTION DOES NOT CONTAIN MORE THAN 3% THC

**C. GUN RIGHTS CLARIFICATION AND AFFIRMATION**

1. A PERSON'S RIGHT TO OWN AND BEAR ARMS SHALL NOT BE INFRINGED UPON, NOR PUT INTO ANY REPORT, WRITTEN ELECTRONIC, DIGITAL, OR OTHER, BY LAW ENFORCEMENT OR ANY AGENTS OF THE STATE OF SOUTH DAKOTA BASED SOLELY ON A FINDING THAT THERE WAS CANNABIS OR ITS METABOLITES IN A PERSON'S BODY OR BREATH OR IN THE PERSON'S POSSESSION

**D. FREEDOM FROM FEDERAL ENFORCEMENT**

1. STATES ARE NOT REQUIRED TO ENFORCE FEDERAL LAW OR PROSECUTE PEOPLE FOR ENGAGING IN ACTIVITIES PROHIBITED BY FEDERAL LAW
2. THEREFORE, COMPLIANCE WITH THE LEGAL REQUIREMENTS HEREIN DOES NOT PUT THE STATE OF SOUTH DAKOTA IN VIOLATION OF FEDERAL LAW

**E. STATE SUPPORT FOR CANNABIS PRODUCTS THROUGH DEMOCRATIC MARKET CHOICE**

1. AS AN EXPRESSION OF SOUTH DAKOTA VOTER PRODUCT CHOICE, THE STATE OF SOUTH DAKOTA SHALL SUPPORT THE SAFE PRODUCTION, SALE, AND CONSUMPTION OF CANNABIS TO THE EXTENT THAT CAN BE REASONABLY EXPECTED OF A GOVERNMENT AMONG CONSTITUTIONALLY FREE PEOPLE
2. MEANS OF EXPRESSING SUPPORT SHALL INCLUDE GIVING PREFERENCE TO LOCALLY PRODUCED CANNABIS UNIFORM PATCHES AND PAPER PRODUCTS WHEN IT COMES TIME FOR THE STATE TO PURCHASE THESE ITEMS
3. PRODUCTS MUST PASS THE APPLICATION OF REASONABLE QUALITY ASSURANCE STANDARDS FOR PRICE, DURABILITY, AND AESTHETIC
4. THE BURDEN OF PRODUCING AND PRESENTING VIABLE ALTERNATIVE CANNABIS SUBSTITUTES SHALL FALL ON THE DYNAMIC FORCES OF THE FREE AND COMPETITIVE MARKET THAT THIS INITIATIVE CREATES AND IT SHALL NOT BE THE RESPONSIBILITY OF THOSE OPERATING IN GOVERNMENT AND ENACTING PURCHASES TO SEEK-OUT THE PRODUCTS
5. ONCE A CANNABIS PRODUCT IS PRESENTED TO GOVERNMENT, THE GOVERNMENT SHALL DISCONTINUE PURCHASE OF COMPETING NON-CANNABIS RELATED PRODUCT, USE EXISTING SUPPLIES TILL EXPIRATION, AND SHALL PURCHASE AND INTEGRATE CANNABIS PRODUCTS AT THE NEXT OPPORTUNITY TO REPLENISH SUPPLIES

**F. POST CONVICTION RELIEF AND RE-SENTENCING**

1. ANY PERSON WHO WAS SENTENCED IN SOUTH DAKOTA UNDER THIS SECTION PRIOR TO THE EFFECTIVE DATE OF THIS AMENDMENT, SHALL BE ELIGIBLE FOR RE-SENTENCING BY FILING A MOTION TO MODIFY SENTENCE
2. THE MOTION SHALL BE FILED TO A SUCCESSOR TO, OR TO ANY ONE OF THE FOLLOWING: JUDGE, COMMISSIONER, JUSTICE OF THE PEACE, OR MAGISTRATE, WHICHEVER PRONOUNCED SENTENCE OR IMPOSED PROBATION
3. NO LATER THAN 30 DAYS FROM THE FILING DATE OF THE MOTION TO MODIFY SENTENCE, THE COURT SHALL EITHER GRANT THE MOTION TO MODIFY SENTENCE, OR, IF THE STATE OBJECTS, SCHEDULE A CONTESTED RE-SENTENCING HEARING
4. AT A THE RE-SENTENCING HEARING, THE COURT SHALL DETERMINE IF A CONVICTED PERSON APPLYING FOR POST CONVICTION RELIEF IS CURRENTLY SERVING A TERM OF INCARCERATION OR PROBATION, AND WHETHER THE PERSON WOULD HAVE BEEN SENTENCED TO A SHORTER TERM OR NO TERM AT ALL IF INCARCERATION OR PROBATION OCCURRED UNDER THIS ACT
5. IF THE COURT DETERMINES THAT A SHORTER TERM OR NO TERM AT ALL WOULD HAVE BEEN IMPOSED, UNDER THIS SECTION AS AMENDED, IT SHALL GRANT THE MOTION TO MODIFY SENTENCE AND ORDER A MODIFICATION OF SENTENCE THAT IS CONSISTENT WITH THIS ACT
6. UNDER NO CIRCUMSTANCES MAY A RE-SENTENCING UNDER THIS SECTION RESULT IN THE IMPOSITION OF ADDITIONAL PENALTIES
7. THE COURT SHALL EITHER GRANT OR DENY THE MOTION TO MODIFY SENTENCE NO LATER THAN SIXTY (60) DAYS FROM THE DATE OF THE FILING OF THE MOTION TO MODIFY SENTENCE
8. AN EXPUNGEMENT NOTIFICATION SHALL BE DELIVERED TO ALL LAW ENFORCEMENT IN THE STATE, WHERE THE CONVICTION SHALL BE PERMANENTLY OBLITERATED FROM ALL RECORDS FALLING UNDER THE MANAGEMENT PURVIEW OF THE LAW ENFORCEMENT AGENCIES AND OTHER GOVERNMENT AGENCIES RECEIVING THE NOTIFICATION WHETHER ELECTRONIC, DIGITAL, WRITTEN
9. ANY INFORMATION RELATING TO THE PRIOR CANNABIS CONVICTION SHALL NOT BE USED IN THE FUTURE AGAINST ANY PETITIONING DEFENDANT FOR ANY PURPOSE, INCLUDING IN ANY CIVIL, CRIMINAL, OR ADMINISTRATIVE PROCEEDING

**G. OPERATION OF MOTOR VEHICLES WHILE UNDER THE INFLUENCE OF CANNABIS METABOLITES**

1. THE STATE OF SOUTH DAKOTA SHALL NOT PROSECUTE CONSUMED CANNABIS METABOLITES AS DUI, AND SHALL TREAT THE CONSUMPTION OF CANNABIS WITH THE SAME REGARD AS THE CONSUMPTION OF ASPIRIN, SUDAFED, AND OTHER LEGAL OVER-THE-COUNTER MEDICATIONS, UNDER THE INFLUENCE OF WHICH IT IS LEGAL TO OPERATE A MOTOR VEHICLE

**H. OBTIATION OF PRIOR CANNABIS PROHIBITION AND STATEMENT OF SEVERABILITY**

1. ALL SOUTH DAKOTA LEGISLATION REGULATING CANNABIS IS HEARBY REPEALED IN A WAY SO AS TO PROVIDE SEVERABILITY
2. IN CASES WHERE PRIOR LEGISLATION CONTAINS GUIDELINES FOR CANNABIS, THE GUIDELINES ARE TO BE IGNORED IN LEGAL CALCULUS IN FAVOR OF THE LEGAL CODIFICATIONS HEREIN
3. TO THE EXTENT POSSIBLE WHEN NOT CLEARLY SPECIFIED OTHERWISE, AFFECTED PRIOR LAW SHALL REMAIN OTHERWISE INTACT WITH RESPECT TO NON-CANNABIS RELATED ASPECTS OF THEIR CONTENT

**I. AGE RESTRICTIONS AND PENALTIES**

1. PERSONS UNDER 21 FOUND IN POSSESSION OF CANNABIS SHALL REQUIRE EITHER A DOCTOR'S RECOMMENDATION OR AN EMPLOYEE PERMISSION LETTER VERIFYING THE UNDERAGE PERSON'S GRANTED CANNABIS HANDLING PRIVILEGES
2. IF EITHER OF THESE ARTIFACTS CANNOT BE PRODUCED TO THE INVESTIGATING OFFICIAL, THE DOCUMENTATION SHALL BE PRODUCED TO THE COURT IN THE JURISDICTION IN WHICH THE OFFENSE OCCURRED WITHIN 30 DAYS OF THE OFFENSE
3. CANNABIS PRODUCTS MAY BE HANDLED BY PERSONS UNDER 21 YEARS OF AGE WORKING LEGALLY IN THE AGRICULTURE INDUSTRY AS PER SOUTH DAKOTA LABOR LAWS WITH A LETTER FROM THE EMPLOYER DESCRIBING THE LEGAL DUTIES PERFORMED BY THE UNDERAGED PERSON
4. PERSONS UNDER 21 FOUND IN POSSESSION OF CANNABIS WITHOUT EITHER A DOCTOR'S RECOMMENDATION OR VALID EMPLOYEE PERMISSION LETTER SHALL PERFORM 10 HOURS COMMUNITY SERVICE PER OFFENSE NOT TO EXCEED 100 HOURS PER YEAR. PERSONS CAUGHT SELLING OR DISTRIBUTING CANNABIS TO OTHER PERSONS UNDER 21 SHALL PERFORM 20 HOURS COMMUNITY SERVICE PER OFFENSE NOT TO EXCEED 200 HOURS PER YEAR
5. ILLEGALLY POSSESSED CANNABIS BY A PERSON UNDER 21 SHALL BE CONFISCATED, TESTED IN A MANNER CONSISTENT WITH CANNABIS INDUSTRY QUALITY CONTROL STANDARDS, CATALOGED WITHOUT RETAINING ANY PERSONALLY IDENTIFYING INFORMATION ABOUT THE OFFENDER, AFTER WHICH THE CONFISCATED CANNABIS SHALL BE DESTROYED

**J. PUBLIC USE POLICY**

1. SMOKING OF CANNABIS IN PUBLIC IS SUBJECT TO THE SAME RULES AND REGULATIONS AS TOBACCO
2. THE USE OF CANNABIS MAY BE PROHIBITED IN GOVERNMENT TRANSPORTATION, GOVERNMENT BUILDINGS, PUBLIC PRESCHOOLS, PUBLIC ELEMENTARY SCHOOLS, AND PUBLIC SECONDARY SCHOOLS

**K. LICENSING AND RESTRICTIONS**

1. WITH THE EXCEPTION OF THE AGE RESTRICTIONS ON USE AND POSSESSION, CANNABIS PRODUCTION SHALL BE TREATED LIKE THE PRODUCTION OF OTHER AGRICULTURAL COMMODITIES LIKE LETTUCE, TOMATOES, AND OTHER COMMON GARDEN VEGETABLE VARIETIES
2. THE CANNABIS PLANT IS PLACED UNDER THE REGULATORY CONTROL OF THE DEPARTMENT OF AGRICULTURE AS PROVIDED FOR HEREIN
3. LICENSING REVENUES IN EXCESS OF WHAT IS REQUIRED TO FACILITATE THE EXECUTION OF THIS LEGISLATION SHALL BE GRANTED TO SOUTH DAKOTA SMALL FARMERS, WHERE THE MONIES SHALL BE USED TO SUPPORT EARLY STAGE, HIGH RISK LOCAL AGRICULTURE NEW VENTURE AND RESEARCH AND DEVELOPMENT
4. THE GRANT PROCESS SHALL NOT ADHERE TO WELL KNOWN PRINCIPLES OF GRANT OUTCOME VERIFICATION FOUND IN UNIVERSITIES AND OTHER CHARITABLE ORGANIZATIONS
5. THE GRANTS SHALL ONLY BE AWARDED TO PROOF OF CONCEPT PROJECTS THAT ARE ALREADY COMPLETED, TAKING INTO ACCOUNT THE RATIO OF

## INVESTMENT-LEVEL-TO-VALUE OF THE EXPRESSED ENTREPRENEURIAL IDEA AS A KEY CRITERION FOR THE AWARD

### L. MEDICAL USE

1. THE USE OF CANNABIS SHALL NOT PRECLUDE A PERSON FROM MEDICAL CARE INCLUDING BUT NOT LIMITED TO PARTICIPATION IN ORGAN TRANSPLANT LISTS. PERSONS UNDER 21 YEARS OF AGE MUST HAVE A RECOMMENDATION FROM A DOCTOR TO USE CANNABIS

### M. CHILD CUSTODY

1. THE USE OF CANNABIS SHALL NEVER BE USED AS AN INDICATION OF SUITABILITY FOR PARENTHOOD, AND THEREFORE SHALL NOT BE USED AS CRITERION IN DECIDING CHILD CUSTODY CASES

### N. LOCAL CONTROL

1. UNLESS OTHERWISE PROVIDED FOR HEREIN, LOCAL JURISDICTIONS SHALL NOT PASS ANY LAWS, ORDINANCES, OR REGULATIONS THAT RESTRICT OR CONTROL THE LOCATION OR OPERATION OF A CANNABIS RELATED BUSINESS
2. LOCAL SOUTH DAKOTA JURISDICTIONS SHALL NOT TAX, REGULATE, CONTROL, OR PASS ANY LAWS OR REGULATIONS GOVERNING THE USE OR CONSUMPTION OF CANNABIS
3. LOCAL GOVERNMENTS SHALL NOT ENACT ANY ZONING REQUIREMENT THAT IS DISCRIMINATORY TO A CANNABIS RELATED BUSINESS
4. LOCAL GOVERNMENT SHALL REQUIRE ONLY A STANDARD BUSINESS LICENSE TO CONDUCT SALES WITHIN THEIR JURISDICTIONS AND SHALL VERIFY COMPLIANCE WITHIN THEIR JURISDICTIONS JUST AS EXISTING FARMERS ARE VERIFIED IN COMPLIANCE WITH AGRICULTURAL LAW
5. LOCALITIES SHALL NOT BAN HOME CULTIVATION OR ANY OTHER CULTIVATION OF CANNABIS
6. BUSINESSES THAT REFINE CANNABIS PRODUCTS SHALL RESPECT EXISTING LAWS WITH RESPECT TO ENVIRONMENTAL AND AIR STANDARDS, COMMUNITY BUILDING STANDARDS, AND OTHER REASONABLE RESTRICTIONS IMPOSED ON OTHER BUSINESSES OF SIMILAR TYPE

### O. SEARCH AND SEIZURE

1. NO SEARCH OR ARREST WARRANTS SHALL BE ISSUED NOR SHALL ANY PROPERTY BE SEIZED OR FORFEITED BASED UPON FINDINGS THAT CANNABIS IS OR WAS IN THE PROCESS OF BEING USED, MANUFACTURED, TRANSPORTED, OR CULTIVATED
2. IF A WARRANT IS ISSUED, ANY EVIDENCE GATHERED AS A RESULT OF AN IMPROPER CANNABIS WARRANT SHALL NOT BE ADMISSIBLE IN COURT AS EVIDENCE

### P. PRIVATE PROPERTY

1. THIS ACT DOES NOT ATTEMPT TO GRANT THE RIGHT OF AN EMPLOYEE TO USE CANNABIS WHILE AT WORK
2. EMPLOYERS MAY RESTRICT WORKPLACE POLICIES SUCH THAT CANNABIS USE IS NOT ALLOWED WHILE WORKING



3. THIS LEGISLATION ALSO DOES NOT PRECLUDE A LANDOWNER FROM PROHIBITING USE OF CANNABIS ON HIS OR HER PROPERTY

**Q. INTERPRETATION**

1. IN ANY CRIMINAL, CIVIL, OR ADMINISTRATIVE MATTER, IF A PROVISION OF THIS ACT OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS FOUND TO BE AMBIGUOUS OR UNCLEAR, THE COURT SHALL INTERPRET THE PROVISION AGAINST THE GOVERNMENT AND IN THE MANNER THAT IS MOST FAVORABLE TO THE INDIVIDUAL IN ANY CRIMINAL, CIVIL, OR ADMINISTRATIVE PROCEEDING

**R. ACKNOWLEDGING NATURAL LAW AND HUMAN RIGHTS**

1. THE STATE OF SOUTH DAKOTA SHALL RECOGNIZE APRIL 20 EACH YEAR AS "CANNABIS DAY". SOUTH DAKOTA STATE PARKS SHALL ALLOW ANY SOUTH DAKOTA RESIDENT INTO ANY STATE PARK FOR FREE ON APRIL 20 EVERY YEAR

AN INITIATED MEASURE IN THE STATE OF  
SOUTH DAKOTA TO DECRIMINALIZE CANNABIS

This Act may be cited as "~~THE 2018 FREE CANNABIS ACT OF SOUTH DAKOTA~~" Be it enacted by the people of ~~The State~~  
~~of South Dakota~~;

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

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

ETHICAL AND LEGAL DECLARATIONS

The people of South Dakota find and declare that:

~~A. (1)~~ AMERICAN ENTERPRISE ~~USED~~ prohibited MARIJUANA AND CANNABIS ~~PROHIBITION~~  
INAPPROPRIATELY;

~~1. (2)~~ A GRAIN BINDING INNOVATION CALLED THE DECORTICATOR THREATENED THE  
TIMBER INDUSTRY, ~~WHO~~ which LOBBIED HEAVILY AGAINST CANNABIS TO REDUCE  
COMPETITION;

~~2. (3)~~ CANNABIS PATIENTS using cannabis REPORT POSITIVE ~~CANNABIS~~ MEDICINAL VALUE FOR  
AIDS/HIV, ALZHEIMER'S DISEASE, AMYOTROPHIC LATERAL SCLEROSIS, CANCER,  
CHRONIC TRAUMATIC ENCEPHALOPATHY, CROHN'S DISEASE, EPILEPSY,  
FIBROMYALGIA, GLAUCOMA, INFLAMMATORY BOWEL DISEASE, PARKINSON'S  
DISEASE, and OTHER diseases or ailments, MAKING CANNABIS A THREAT TO THE PHARMACEUTICAL  
INDUSTRY ~~WHO~~ that LOBBIES ACTIVELY TO REDUCE COMPETITION;

~~3. (4)~~ MARIJUANA, THE DRIED FLOWER OF THE CANNABIS PLANT, CONTAINS  
DEMONSTRABLY SAFER RECREATIONAL PROPERTIES THAT ARE SHOWN to be SAFER  
THAN ALCOHOL AND TOBACCO, MAKING CANNABIS A THREAT TO THE ALCOHOL  
AND TOBACCO INDUSTRY AS AN ALTERNATIVE INTOXICANT, and ENTICING  
OPPOSITION ~~LOBBY~~ lobbying efforts FROM BAR OWNERS AND ALCOHOL MANUFACTURERS WHO  
SEEK TO STIFLE COMPETITION;

~~4. (5)~~ PERVASIVE WITH MARIJUANA USE, A BURGEONING SOUTHWESTERN

UNDOCUMENTED LATIN AMERICAN POPULATION BECAME THE TARGET OF  
 FEDERAL DRUG ENFORCEMENT AFTER ALCOHOL PROHIBITION WAS REPEALED,  
 INCITING DRUG ENFORCEMENT AT THE FEDERAL LEVEL TO TAKE RENT  
 THROUGH SELECTIVE PROSECUTION OF UNDOCUMENTED LATIN AMERICAN IMMIGRANTS;  
~~5. (6)~~ IT IS PRESENTLY LEGAL TO IMPORT ~~VALUE-ADD~~ HEMP PRODUCTS FROM OTHER  
 COUNTRIES INTO THE UNITED STATES, BUT IT IS ILLEGAL TO PRODUCE THE RAW  
 MATERIAL REQUIRED TO PRODUCE THE SAME HEMP ~~GOODS-products~~ DOMESTICALLY; and  
~~6. (7)~~ THE ENFORCEMENT OF ~~CANNABIS~~-CRIMES involving cannabis IS OVERKILL AND CREATES  
 WIDESPREAD DAMAGE TO GOOD AMERICANS BY CRIMINALIZING VICTIMLESS  
 CANNABIS-RELATED ACTIVITIES.

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

#### ~~ECONOMIC DECLARATIONS~~

The people of South Dakota find and declare that:

~~A. (1) VALUABLE~~ CANNABIS ~~ECONOMIC/INNOVATION~~ provides valuable economic innovation OPPORTUNITIES,  
including:

~~1. (a)~~ HENRY FORD ~~CREATED~~ creating THE WORLD'S FIRST PLASTIC CAR USING A CANNABIS  
 POLYMER EXTRACT;

~~2. (b)~~ CANNABIS OIL EXTRACTS ~~CAN FUEL~~ fueling AUTOMOBILES, TRUCKS, AND TRAINS;

~~3. (c)~~ CANNABIS TEXTILES ~~CAN BE~~ being USED IN CLOTHING, ACCESSORIES, BAGS, FLAGS,  
 ROPES, FURNITURE, and OTHER products;

~~4. (d)~~ CANNABIS LEGALIZATION VERTICALLY ~~INTEGRATES~~ integrating THE CANNABIS SUPPLY  
 CHAIN, GIVING AMERICAN FARMERS a COMPETITIVE ADVANTAGE IN THE CANNABIS  
 MARKETPLACE;

~~5. (e)~~ REQUIRING the GOVERNMENT TO PURCHASE CANNABIS RELATED PRODUCTS IS NOT A LIMITATION ON FREE CHOICE IN THE MARKETPLACE, BUT ~~RATHER~~ THROUGH THE DEMOCRATIC PROCESS IS AN EXPRESSION OF CHOICE ~~OF~~ by THE CITIZENRY WITH REPECT TO THE ARRAY OF PRODUCTS TO BE CONSUMED BY the GOVERNMENT, WITHOUT CRIMINALIZING CANNABIS COMPETITION; and

~~6. (f) CANNABIS LEGALIZATION CREATES~~ Creating A FREE MARKET THAT MORE EVENLY DISTRIBUTES ECONOMIC ~~BENEFIT~~ benefits, INCREASING THE VELOCITY OF MONEY INTO AND OUT OF THE CANNABIS ECONOMY WITH INCREASINGLY LOWER PRICES, ~~ALLOWING REALLOCATION OF~~ reallocating THE CANNABIS DOLLAR TO OTHER POTENTIALLY ~~MORE~~ CRITICAL AREAS OF THE AVERAGE SOUTH DAKOTAN'S BUDGET.

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

#### ~~A. LAW ENFORCEMENT RESOURCE ALLOCATION~~

The people of South Dakota find and declare that:

~~4. (1) LAW ENFORCEMENT RESOURCES ENFORCING~~ that enforce BASELESS ~~LAW REDUCES~~ laws reduce

SECURITY TO THE MORALLY AND ETHICALLY INNOCENT AND ~~INCREASES~~ increase THE COST OF LAW ENFORCEMENT SERVICES;

~~2. (2) DECRIMINALIZATION OF~~ Decriminalizing CANNABIS CREATES A COMPETITIVE FREE MARKET THAT

~~WILL REDUCE~~ reduces THE COST OF CANNABIS, REDUCING FINANCIAL PRESSURE ON AN ALREADY POOR AND DESPERATE ELECTORATE; and

~~3. (3) IN THE ENFORCEMENT OF~~ Enforcing CANNABIS ~~LAWS, CREATING~~ laws and imposing CIVIL FINES OR PRISON

TIME CREATES a FINANCIAL INCENTIVE TO OVER-POLICE, ~~CREATING~~ and creates A SECURITY



RISK TO THE ~~POPULACE~~-population FROM ~~POLICE DEPARTMENTS~~-law enforcement agencies  
INFILTRATED BY an ORGANIZED CRIME ENTERPRISE.

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

~~A. TECHNICAL SPECIFICATION OF CANNABIS AND RELATED CONCEPTS SUBJECT TO THE SCOPE OF  
LEGALIZATION~~

~~HEREIN~~

~~1. "As used in this section, CANNABIS," REFERS TO~~ means THE PLANT GENUS CANNABIS, ITS  
ACCESSORIES, ITS

GROWING IMPLEMENTS, ITS MEANS OF PROCESSING, ITS MEANS OF RESELLING,  
ALL PARTS OF THE PLANT, WHETHER GROWING OR NOT, CANNABIS SEEDS, THE  
RESIN EXTRACTED FROM ANY PART OF A ~~PLAINT~~-plant OF THE GENUS CANNABIS, AND  
EVERY COMPOUND, MANUFACTURE, SALT, DERIVATIVE, MIXTURE OR  
PREPARATION OF SUCH PLANT, ITS SEEDS, RESIN, AND ANY OF ITS PARTS AND  
COMPONENTS, AND EVERY COMPOUND, MANUFACTURE, SALT, DERIVATIVE,  
MIXTURE, OR PREPARATION OF SUCH RESIN, AND ANY CANNABINOIDS DERIVED  
FROM THE PLANT GENUS CANNABIS, INCLUDING, ~~BUT NOT LIMITED TO~~  
TETRAHYDROCANNABINOL (THC), CANNABIDIOL (CBD), AND CANNABIGEROL (CBG).

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

~~A. STATEMENT OF INTENT~~

~~1. THE CITIZENS OF SOUTH DAKOTA WISH IT ENACTED THAT CANNABIS SHALL BE~~ is  
IMMEDIATELY DECRIMINALIZED AND LEGALIZED IN THE STATE OF SOUTH DAKOTA ~~AS~~  
PROVIDED HEREIN pursuant to the provisions of this Act.



## B. HEMP EXEMPTION

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

~~1. INDUSTRIALLY EXTRACTED HEMP FIBER, FROM WHICH CLOTHING, ROPE, CANVAS, AND OR OTHER TEXTILES ARE MAY BE DERIVED, SHALL HAVE NO RESTRICTIONS WHATSOEVER WITHIN REASONABLE BOUNDS, COMPARABLE TO AGRICULTURAL PRODUCTS OF SIMILAR TYPE.~~

~~Any person may produce, possess, transport, sell, or purchase HEMP MAY BE PRODUCED, POSSESSED, TRANSPORTED, SOLD, AND PURCHASED FREELY LIKE ANY OTHER AGRICULTURAL COMMODITY BY ANY PERSONS OF ANY AGE, IN COMPLIANCE WITH pursuant to STATE LABOR AND AGRICULTURAL LAWS law, AS LONG AS THE HEMP IN QUESTION DOES NOT CONTAIN MORE unless the hemp contains greater THAN 3% THC.~~

## C. GUN RIGHTS CLARIFICATION AND AFFIRMATION

Section 7. That the code be amended by adding a NEW SECTION to read:

~~1. A PERSON'S RIGHT TO OWN keep AND BEAR ARMS SHALL MAY NOT BE INFRINGED UPON, NOR PUT INTO ANY REPORT No record, whether WRITTEN, ELECTRONIC, DIGITAL, OR OTHER otherwise, BY any LAW ENFORCEMENT agency in the state, OR ANY AGENTS agent OF THE STATE, OF SOUTH DAKOTA MAY BE BASED SOLELY ON A FINDING THAT THERE WAS CANNABIS OR ITS METABOLITES IN are found on A PERSON'S BODY OR BREATH OR IN THE PERSON'S POSSESSION.~~

## D. FREEDOM FROM FEDERAL ENFORCEMENT

Section 8. That the code be amended by adding a NEW SECTION to read:

~~1. STATES ARE The state is NOT REQUIRED TO ENFORCE FEDERAL LAW OR to PROSECUTE PEOPLE any person FOR ENGAGING IN ACTIVITIES any activity that is PROHIBITED BY FEDERAL LAW.~~  
~~2. THEREFORE, COMPLIANCE by the state WITH THE LEGAL REQUIREMENTS HEREIN any requirement provided under this Act is not a DOES NOT PUT THE STATE OF SOUTH DAKOTA IN VIOLATION OF FEDERAL LAW.~~

~~E. STATE SUPPORT FOR CANNABIS PRODUCTS THROUGH DEMOCRATIC MARKET CHOICE~~

Section 9. That the code be amended by adding a NEW SECTION to read:

The people of South Dakota find and declare:

- ~~1. (1)~~ AS AN EXPRESSION OF SOUTH DAKOTA VOTER PRODUCT CHOICE, THE STATE OF SOUTH DAKOTA ~~SHALL SUPPORT~~ supports THE SAFE PRODUCTION, SALE, AND CONSUMPTION OF CANNABIS TO THE EXTENT THAT CAN BE REASONABLY EXPECTED OF A GOVERNMENT AMONG CONSTITUTIONALLY FREE PEOPLE;
- ~~2. (2) MEANS OF EXPRESSING~~ The state's expression of SUPPORT ~~SHALL INCLUDE~~ includes GIVING PREFERENCE TO LOCALLY PRODUCED CANNABIS, UNIFORM PATCHES, AND PAPER PRODUCTS ~~WHEN IT COMES TIME FOR~~ in the event THE STATE ~~TO PURCHASE THESE ITEMS~~ purchases any item provided under this subdivision;
- ~~3. (3)~~ PRODUCTS ~~MUST~~ shall PASS ~~THE APPLICATION OF~~ a REASONABLE QUALITY ASSURANCE STANDARDS ~~standard~~ FOR PRICE, DURABILITY, AND AESTHETIC;
- ~~4. (4)~~ THE BURDEN OF PRODUCING ~~AND~~ or PRESENTING a VIABLE ALTERNATIVE CANNABIS SUBSTITUTES ~~substitute~~ SHALL ~~FALL~~ be ON THE DYNAMIC FORCES OF THE FREE AND COMPETITIVE ~~MARKET THAT~~ marketplace created under THIS INITIATIVE ~~CREATES~~ AND IT SHALL may NOT BE THE RESPONSIBILITY OF ~~THOSE OPERATING IN~~ any official in GOVERNMENT ~~AND ENACTING~~ or any person who PURCHASES ~~TO SEEK OUT~~ THE PRODUCTS; and
- ~~5. (5) ONCE A CANNABIS PRODUCT IS PRESENTED TO GOVERNMENT,~~ THE GOVERNMENT SHALL DISCONTINUE any PURCHASE OF COMPETING NON-CANNABIS RELATED PRODUCT, shall USE any EXISTING ~~SUPPLIES TILL~~ supply until the supply's EXPIRATION, AND SHALL PURCHASE ~~AND~~ or INTEGRATE CANNABIS PRODUCTS AT THE NEXT OPPORTUNITY TO REPLENISH SUPPLIES.

Section 10. That the code be amended by adding a NEW SECTION to read:

~~F. POST CONVICTION RELIEF AND RE-SENTENCING~~

1. ANY PERSON WHO WAS SENTENCED IN SOUTH DAKOTA ~~UNDER THIS SECTION~~ for a crime involving cannabis

PRIOR TO THE EFFECTIVE DATE OF THIS ~~AMENDMENT, SHALL BE~~ Act is ELIGIBLE FOR RE-SENTENCING BY FILING A MOTION TO MODIFY SENTENCE.

2. ~~THE MOTION SHALL BE FILED TO A SUCCESSOR TO, OR TO ANY ONE OF THE FOLLOWING: with a~~ JUDGE, COMMISSIONER, JUSTICE OF THE PEACE, OR MAGISTRATE; ~~WHICHEVER PRONOUNCED SENTENCE OR IMPOSED PROBATION~~ with jurisdiction over the subject matter.

Section 11. That the code be amended by adding a NEW SECTION to read:

3. ~~NO LATER~~ Not more THAN ~~30~~ thirty DAYS ~~FROM~~ after THE ~~FILING DATE OF THE~~ on which a MOTION TO MODIFY SENTENCE under section 10 of this Act is filed, THE COURT SHALL ~~EITHER~~ GRANT THE MOTION TO MODIFY

the SENTENCE, OR, ~~IF THE STATE OBJECTS~~ upon objection by the state, SCHEDULE A CONTESTED RESENTENCING HEARING.

4. ~~AT~~ During A ~~THE~~ RE-SENTENCING HEARING, THE COURT ~~SHALL~~ may DETERMINE IF A CONVICTED PERSON who is APPLYING FOR ~~POST CONVICTION~~ post-conviction RELIEF IS CURRENTLY ~~SERVING A TERM OF INCARCERATION~~ incarcerated OR on PROBATION, AND WHETHER THE convicted PERSON WOULD HAVE BEEN SENTENCED TO A SHORTER TERM OR NO TERM ~~AT ALL~~ IF ~~INCARCERATION OR PROBATION OCCURRED UNDER THIS ACT~~ the provisions of this Act had been enacted at the time of conviction.

5. IF THE COURT DETERMINES THAT A SHORTER ~~TERM~~ OR NO ~~TERM AT ALL~~ sentence WOULD HAVE BEEN IMPOSED, ~~UNDER THIS SECTION AS AMENDED~~ the provisions of this Act, ~~IT~~ the court SHALL GRANT THE MOTION TO MODIFY the SENTENCE AND ~~ORDER A MODIFICATION OF~~ modify the SENTENCE ~~THAT IS~~ CONSISTENT WITH the provisions of THIS ACT.



~~6. UNDER NO CIRCUMSTANCES MAY A RE-SENTENCING UNDER THIS SECTION RESULT IN THE IMPOSITION OF No ADDITIONAL PENALTIES~~ may be imposed during a resentencing hearing under this section.

~~7. THE COURT SHALL EITHER GRANT OR DENY THE a MOTION TO MODIFY a SENTENCE NO LATER not more THAN SIXTY (60) DAYS FROM after THE DATE OF THE FILING OF THE MOTION TO MODIFY SENTENCE on which the motion to modify a sentence under this Act is filed.~~

Section 12. That the code be amended by adding a NEW SECTION to read:

~~8. AN Upon EXPUNGEMENT of a criminal conviction under the provisions of this Act, NOTIFICATION SHALL BE DELIVERED TO ALL LAW ENFORCEMENT IN THE STATE, WHERE THE CONVICTION SHALL BE PERMANENTLY OBLITERATED removed FROM ALL RECORDS FALLING UNDER THE MANAGEMENT PURVIEW OF THE LAW ENFORCEMENT AGENCIES AND OTHER GOVERNMENT AGENCIES RECEIVING THE NOTIFICATION WHETHER ELECTRONIC, DIGITAL, WRITTEN the person's criminal record maintained by the state.~~

~~9. ANY INFORMATION RELATING TO THE PRIOR CANNABIS CONVICTION SHALL NOT BE USED IN THE FUTURE AGAINST ANY PETITIONING DEFENDANT FOR ANY PURPOSE, INCLUDING IN ANY CIVIL, CRIMINAL, OR ADMINISTRATIVE PROCEEDING~~

Section 13. That the code be amended by adding a NEW SECTION to read:

~~G. OPERATION OF MOTOR VEHICLES WHILE UNDER THE INFLUENCE OF CANNABIS METABOLITES~~

~~1. THE STATE OF SOUTH DAKOTA SHALL NOT PROSECUTE No charge may be brought under chapter 32-23 for CONSUMED CANNABIS~~

~~METABOLITES AS DUI, AND SHALL TREAT THE CONSUMPTION OF CANNABIS WITH THE SAME REGARD AS THE CONSUMPTION OF ASPIRIN, SUDAFED, AND OTHER LEGAL OVER THE COUNTER MEDICATIONS, UNDER THE INFLUENCE OF WHICH IT IS LEGAL TO OPERATE A MOTOR VEHICLE.~~

#### H. OBVIATION OF PRIOR CANNABIS PROHIBITION AND STATEMENT OF SEVERABILITY

- ~~1. ALL SOUTH DAKOTA LEGISLATION REGULATING CANNABIS IS HEARBY REPEALED IN A WAY SO AS TO PROVIDE SEVERABILITY~~
- ~~2. IN CASES WHERE PRIOR LEGISLATION CONTAINS GUIDELINES FOR CANNABIS, THE GUIDELINES ARE TO BE IGNORED IN LEGAL CALCULUS IN FAVOR OF THE LEGAL CODIFICATIONS HEREIN~~
- ~~3. TO THE EXTENT POSSIBLE WHEN NOT CLEARLY SPECIFIED OTHERWISE, AFFECTED PRIOR LAW SHALL REMAIN OTHERWISE INTACT WITH RESPECT TO NON-CANNABIS RELATED ASPECTS OF THEIR CONTENT~~

Section 14. That the code be amended by adding a NEW SECTION to read:

#### I. AGE RESTRICTIONS AND PENALTIES

- ~~1. PERSONS~~ A person UNDER ~~21~~ age twenty-one who is FOUND to be IN POSSESSION OF CANNABIS SHALL ~~REQUIRE~~ EITHER display A DOCTOR'S RECOMMENDATION OR AN EMPLOYEE PERMISSION LETTER VERIFYING that verifies THE ~~UNDERAGE~~ PERSON'S ~~GRANTED~~ CANNABIS ~~HANDLING~~ possession PRIVILEGES.
- ~~2. IF EITHER OF THESE ARTIFACTS~~ a person CANNOT ~~BE PRODUCED~~ display the documentation required under this section TO THE INVESTIGATING an OFFICIAL at the time of cannabis possession, THE ~~DOCUMENTATION SHALL BE PRODUCED~~ person may display the documentation TO THE a COURT ~~IN THE~~ of competent JURISDICTION ~~IN WHICH THE OFFENSE OCCURRED~~ WITHIN ~~30~~ thirty DAYS OF THE OFFENSE.

Section 15. That the code be amended by adding a NEW SECTION to read:

- ~~3. Any person~~ CANNABIS PRODUCTS MAY BE HANDLED BY PERSONS UNDER ~~21~~ twenty-one YEARS OF AGE who is



WORKING ~~LEGALLY~~ IN THE AGRICULTURE INDUSTRY ~~AS PER SOUTH DAKOTA~~  
~~LABOR LAWS~~ WITH A LETTER FROM THE person's EMPLOYER DESCRIBING THE LEGAL DUTIES  
PERFORMED BY THE UNDERAGED PERSON may handle cannabis products.

4. ~~PERSONS~~ Any person UNDER ~~21~~ age twenty-one ~~FOUND IN POSSESSION OF~~ who possesses CANNABIS  
WITHOUT ~~EITHER~~ A  
DOCTOR'S RECOMMENDATION OR a VALID EMPLOYEE PERMISSION LETTER pursuant to this section  
~~SHALL~~

~~PERFORM 10~~ is subject to ten HOURS of COMMUNITY SERVICE ~~PER for each~~ OFFENSE, NOT TO EXCEED  
~~100~~ one hundred

HOURS ~~PER YEAR~~ in any calendar year. ~~PERSONS CAUGHT SELLING OR DISTRIBUTING~~ Any person who  
sells or distributes CANNABIS TO

any OTHER ~~PERSONS~~ person UNDER ~~21~~ age twenty-one ~~SHALL PERFORM 20~~ be subject to twenty HOURS of  
COMMUNITY SERVICE ~~PER for each~~ OFFENSE, NOT TO EXCEED ~~200~~ two hundred HOURS ~~PER YEAR~~ in  
any calendar year.

Section 16. That the code be amended by adding a NEW SECTION to read:

5. ~~ILLEGALLY POSSESSED~~ CANNABIS that is possessed BY A PERSON UNDER ~~21~~ age twenty-one ~~SHALL~~  
~~BE~~

CONFISCATED, TESTED IN A MANNER CONSISTENT WITH CANNABIS INDUSTRY  
QUALITY CONTROL STANDARDS, ~~CATALOGED~~ and catalogued WITHOUT RETAINING ANY  
PERSONALLY IDENTIFYING INFORMATION ABOUT THE ~~OFFENDER, AFTER WHICH THE~~  
~~CONFISCATED~~ person. Any CANNABIS that is confiscated under this section ~~SHALL BE DESTROYED.~~

#### J. PUBLIC USE POLICY

~~1. SMOKING OF CANNABIS IN PUBLIC IS SUBJECT TO THE SAME RULES AND REGULATIONS AS~~  
~~TOBACCO~~

~~2. THE USE OF CANNABIS MAY BE PROHIBITED IN GOVERNMENT TRANSPORTATION,~~

~~GOVERNMENT BUILDINGS, PUBLIC PRESCHOOLS, PUBLIC ELEMENTARY  
SCHOOLS, AND PUBLIC SECONDARY SCHOOLS~~

Section 17. That the code be amended by adding a NEW SECTION to read:

~~K. LICENSING AND RESTRICTIONS~~

~~1. WITH THE EXCEPTION OF THE AGE RESTRICTIONS ON USE AND POSSESSION,  
CANNABIS PRODUCTION SHALL BE TREATED LIKE THE PRODUCTION OF OTHER  
AGRICULTURAL COMMODITIES LIKE LETTUCE, TOMATOES, AND OTHER COMMON GARDEN  
VEGETABLE VARIETIES~~

~~2. THE The Department of Agriculture shall regulate the manufacture, sale, transport, and transfer of  
CANNABIS. PLANT IS PLACED UNDER THE REGULATORY CONTROL OF THE DEPARTMENT OF  
AGRICULTURE AS PROVIDED FOR HEREIN~~

Section 18. That the code be amended by adding a NEW SECTION to read:

~~3. — LICENSING REVENUES generated from licensure fees under this Act that are IN EXCESS OF WHAT IS  
amounts REQUIRED TO FACILITATE THE  
EXECUTION OF THIS LEGISLATION implement any provision of this Act SHALL BE GRANTED TO SOUTH  
DAKOTA SMALL~~

~~FARMERS, WHERE THE MONIES. Grant funds SHALL BE USED TO SUPPORT EARLY STAGE early-stage,  
HIGH RISK high-risk LOCAL AGRICULTURE, NEW VENTURE, AND RESEARCH AND DEVELOPMENT.~~

~~4 THE GRANT PROCESS SHALL NOT ADHERE TO WELL KNOWN PRINCIPLES OF GRANT  
OUTCOME VERIFICATION FOUND IN UNIVERSITIES AND OTHER CHARITABLE ORGANIZATIONS.~~

~~5 THE GRANTS SHALL ONLY BE AWARDED TO PROOF OF CONCEPT PROJECTS  
THAT ARE ALREADY COMPLETED, TAKING INTO ACCOUNT THE RATIO OF  
INVESTMENT-LEVEL-TO-VALUE OF THE EXPRESSED ENTREPRENEURIAL IDEA AS  
A KEY CRITERION FOR THE AWARD.~~

Section 19. That the code be amended by adding a NEW SECTION to read:

L. MEDICAL USE

~~1. THE USE OF CANNABIS SHALL NOT PRECLUDE A PERSON FROM MEDICAL CARE INCLUDING BUT NOT LIMITED TO PARTICIPATION IN ORGAN TRANSPLANT LISTS.~~

~~PERSONS~~ Any person UNDER ~~21~~ twenty-one YEARS OF AGE ~~MUST HAVE~~ who uses cannabis shall first obtain  
A RECOMMENDATION FROM A DOCTOR ~~TO USE CANNABIS.~~

Section 20. That the code be amended by adding a NEW SECTION to read:

M. CHILD CUSTODY

~~1. THE USE OF CANNABIS SHALL NEVER~~ may not BE USED AS AN INDICATION OF SUITABILITY  
FOR ~~PARENTHOOD, AND THEREFORE SHALL NOT BE USED AS CRITERION IN~~ DECIDING a CHILD  
CUSTODY ~~CASES~~ case.

Section 21. That the code be amended by adding a NEW SECTION to read:

N. LOCAL CONTROL

~~1. UNLESS OTHERWISE PROVIDED FOR HEREIN, LOCAL JURISDICTIONS SHALL NOT~~ No locality  
may PASS ANY ~~LAWS, ORDINANCES, OR REGULATIONS~~ law, ordinance, or regulation THAT ~~RESTRICT~~  
restricts OR ~~CONTROL~~ controls

THE LOCATION OR OPERATION OF A CANNABIS RELATED BUSINESS.

~~2. LOCAL SOUTH DAKOTA JURISDICTIONS SHALL NOT~~ No locality may TAX, REGULATE, CONTROL,  
OR PASS ANY ~~LAWS OR REGULATIONS~~ law or regulation GOVERNING THE USE OR CONSUMPTION OF  
CANNABIS.

~~3. LOCAL GOVERNMENTS SHALL NOT~~ No locality may ENACT ANY ZONING REQUIREMENT THAT  
IS DISCRIMINATORY TO A ~~CANNABIS RELATED~~ cannabis-related BUSINESS.



~~4. A LOCAL GOVERNMENT SHALL~~ locality may REQUIRE ~~ONLY no other than~~ A STANDARD BUSINESS LICENSE TO

CONDUCT cannabis SALES WITHIN ~~THEIR JURISDICTIONS AND SHALL VERIFY COMPLIANCE WITHIN THEIR JURISDICTIONS JUST AS EXISTING FARMERS ARE VERIFIED IN COMPLIANCE WITH AGRICULTURAL LAW~~ the locality's jurisdiction.

~~5. LOCALITIES SHALL NOT~~ No locality may BAN HOME CULTIVATION OR ANY OTHER CULTIVATION OF CANNABIS.

~~6. BUSINESSSES THAT REFINE CANNABIS PRODUCTS SHALL RESPECT EXISTING LAWS WITH RESPECT TO ENVIRONMENTAL AND AIR STANDARDS, COMMUNITY BUILDING STANDARDS, AND OTHER REASONABLE RESTRICTIONS IMPOSED ON OTHER BUSINESSES OF SIMILAR TYPE~~

#### O. SEARCH AND SEIZURE

- ~~1. NO SEARCH OR ARREST WARRANTS SHALL BE ISSUED NOR SHALL ANY PROPERTY BE SEIZED OR FORFEITED BASED UPON FINDINGS THAT CANNABIS IS OR WAS IN THE PROCESS OF BEING USED, MANUFACTURED, TRANSPORTED, OR CULTIVATED~~
- ~~2. IF A WARRANT IS ISSUED, ANY EVIDENCE GATHERED AS A RESULT OF AN IMPROPER CANNABIS WARRANT SHALL NOT BE ADMISSIBLE IN COURT AS EVIDENCE~~

Section 22. That the code be amended by adding a NEW SECTION to read:

#### P. PRIVATE PROPERTY

- ~~1. THIS~~ Nothing in this ACT ~~DOES NOT ATTEMPT~~ may be interpreted TO GRANT THE RIGHT OF AN EMPLOYEE TO USE CANNABIS WHILE AT ~~WORK~~ a workplace, nor to remove the right of employers
- ~~2 EMPLOYERS MAY RESTRICT~~ to enact WORKPLACE POLICIES ~~SUCH THAT~~ restrict or prohibit the use of CANNABIS ~~USE IS NOT ALLOWED WHILE WORKING~~ in the workplace.

~~3. THIS LEGISLATION ALSO DOES NOT PRECLUDE~~ Nothing in this Act may be interpreted to prohibit A  
LANDOWNER FROM restricting or PROHIBITING the USE OF CANNABIS ON ~~HIS OR HER~~ the landowner's  
private PROPERTY.

~~Q. INTERPRETATION~~ Section 23. That the code be amended by adding a NEW SECTION to read:

~~1.~~ IN ANY CRIMINAL, CIVIL, OR ADMINISTRATIVE ~~MATTER~~ hearing, IF A PROVISION OF THIS  
ACT OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS FOUND TO BE AMBIGUOUS OR  
UNCLEAR, THE COURT SHALL INTERPRET THE PROVISION  
~~AGAINST THE GOVERNMENT AND IN THE MANNER THAT IS MOST~~ a light more FAVORABLE TO  
THE INDIVIDUAL IN ANY CRIMINAL, CIVIL, OR ADMINISTRATIVE PROCEEDING.

Section 24. That the code be amended by adding a NEW SECTION to read:

~~R. ACKNOWLEDGING NATURAL LAW AND HUMAN RIGHTS~~

~~1.~~ THE STATE ~~OF SOUTH DAKOTA~~ SHALL RECOGNIZE APRIL 20 EACH YEAR AS  
"CANNABIS DAY". ~~SOUTH DAKOTA~~ STATE PARKS SHALL ALLOW ANY SOUTH  
DAKOTA RESIDENT admission ~~INTO ANY STATE PARK FOR FREE~~ of any charge ON APRIL 20 ~~EVERY~~ of  
each YEAR.