

SENATOR GARY CAMMACK, CHAIR | REPRESENTATIVE DEAN WINK, VICE CHAIR
JASON HANCOCK, DIRECTOR | SUE CICHOS, DEPUTY DIRECTOR | DOUG DECKER, CODE COUNSEL

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November 30, 2016

RECEIVED

DEC 19 2016

S.D. SEC. OF STATE

Ms. Melissa Mentele
New Approach SD
241 N. 7th Street
Emery, SD 57332

Dear Ms. Mentele:

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 initiative or initiated amendment 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 measure is not misleading or likely to cause confusion among voters.

We have reviewed your initiative and approve it for proper style and form as well as clarity, with our enclosed style and form recommendations.

Please note that if you proceed with your initiative that a prison or jail population cost estimate must be requested pursuant to SDCL 2-1-19.

This letter constitutes neither an endorsement of your initiated measure 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 that reads "Jason Hancock". The signature is written in a cursive style with a large initial "J".

Jason Hancock
Director

JH/DO/ct

Enclosure

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

FOR AN ACT ENTITLED,

→ 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 ^Aact that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a medical cannabis establishment; *keep; take out comma before;*

(8) "Debilitating medical condition,"

(a) Cancer, glaucoma, positive status for ~~human immunodeficiency virus~~ ^{HIV}, endometriosis, reflex sympathetic dystrophy, epilepsy, ~~acquired immune deficiency syndrome~~ ^{AIDS}, hepatitis C, amyotrophic lateral sclerosis, Crohn's disease, ~~IBS~~ ^{space after comma}, 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 ^Aact;

(9) "Department," means the South Dakota Department of Health; ^A

(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~~ ^{remove space};

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

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