



OFFICE OF ATTORNEY GENERAL

1302 East Highway 14, Suite 1
Pierre, South Dakota 57501-8501
Phone (605) 773-3215
Fax (605) 773-4106
<http://atg.sd.gov>

MARTY J. JACKLEY
ATTORNEY GENERAL

MARK W. BARNETT
CHIEF DEPUTY ATTORNEY GENERAL

RECEIVED

AUG 11 2023

SD Secretary of State

August 11, 2023

Honorable Monae L. Johnson
Secretary of State
500 E. Capitol
Pierre, SD 57501

RE: Draft Attorney General's Statement (Proposed Initiated Measure
Legalizing the Possession, Use, and Distribution of Marijuana)

Dear Secretary Johnson,

Enclosed is a copy of a proposed Initiated Measure, in final form, that the sponsor submitted to this Office. In accordance with state law, I hereby file the enclosed *draft* Attorney General's Statement for the purposes of receiving public comment on the same.

By copy of this letter, I am providing a copy of the *draft* Statement to the sponsor.

Very truly yours,

A blue ink signature of Marty J. Jackley.

Marty J. Jackley
ATTORNEY GENERAL

MJJ/dd
Enc.

Cc/encl: Matthew Schweich
Reed Holwegner – Legislative Research Council

Filed this 11th day of
August 2023

A blue ink signature of Monae L. Johnson.

SECRETARY OF STATE

INITIATED MEASURE
DRAFT ATTORNEY GENERAL'S STATEMENT

Title: An Initiated Measure Legalizing the Possession, Use, and Distribution of Marijuana.

Explanation:

This initiated measure allows individuals 21 years of age or older to possess, grow, sell, ingest, and distribute marijuana or marijuana paraphernalia. Individuals may possess up to two ounces of marijuana in a form other than marijuana concentrate or other marijuana products. An individual may possess up to six marijuana plants with no more than twelve plants possessed per household. The measure also limits the possession of other forms of marijuana and marijuana products.

Under the measure, the possession, ingestion, and distribution of marijuana and marijuana paraphernalia remains illegal for individuals under the age of 21. It remains illegal to drive under the influence of marijuana.

The measure imposes restrictions on where an individual may possess or consume marijuana, such as schools or where tobacco is prohibited.

The measure allows employers to restrict an employee's use of marijuana. Property owners may also regulate the use of marijuana on their property.

This initiated measure does not affect laws dealing with hemp. The measure also does not change State laws concerning the State's medical marijuana program.

The measure legalizes marijuana derived substances considered felony controlled substances under State law. Marijuana remains illegal under federal law.

Judicial or legislative clarification of this measure may be necessary.

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