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MARTY J. JACKLEY
ATTORNEY GENERAL

RECEIVED

NOV 17 2023

SD Secretary of State

November 17, 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 and
Creating Dual-Use Marijuana Licenses)

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, written in a cursive style.

Marty J. Jackley
ATTORNEY GENERAL

MJJ/dd
Enc.

Filed this 17th day of
November 2023

A blue ink signature of Monae L. Johnson, written in a cursive style.

SECRETARY OF STATE

Cc/encl: Emmett Reistroffer
Reed Holwegner – Legislative Research Council

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MAY 1 1900
STATE OF TEXAS

Filed this _____ day of _____

Morris A. Johnson

SECRETARY OF STATE

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SD Secretary of State

INITIATED MEASURE
DRAFT ATTORNEY GENERAL'S STATEMENT

Title: An Initiated Measure Legalizing the Possession, Use, and Distribution of Marijuana and Creating Dual-Use Marijuana Licenses.

Explanation:

This initiated measure allows individuals 21 years of age or older to possess, grow, ingest, and distribute marijuana or marijuana paraphernalia. Individuals may possess up to three ounces of marijuana plant material. The measure places other limits on the possession of marijuana concentrate (such as oil or wax), or marijuana products (such as edibles and lotions). Individuals may also possess up to six marijuana plants with no more than twelve plants possessed per household.

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

The measure authorizes the Department of Health to issue dual-use licenses to medical marijuana dispensaries. A dual-use license allows dispensaries to sell marijuana to persons 21 years of age or older. Local governments may not prohibit dual-use licenses but may cap the number available within their jurisdictions.

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

The measure does not affect State laws dealing with hemp.

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

Filed this 17th day of
November 2023

Monae L. Johnson

SECRETARY OF STATE

RECEIVED

NOV 17 201

SD Secretary of State

LEGISLATIVE DEPARTMENT

DRAFT BY THE LEGISLATIVE DEPARTMENT

The following is a draft of a bill for the purpose of amending the Constitution of the State of South Dakota, Chapter 1, Article 1, Section 1, to read as follows:

Section 1. The legislative power shall be vested in the Legislature, which shall consist of a Senate and a House of Representatives. The Senate shall be composed of members elected by the electors of the several counties for terms of four years, one-half of whom shall be elected in each year. The House of Representatives shall be composed of members elected by the electors of the several counties for terms of two years, one-half of whom shall be elected in each year. The Legislature shall assemble on the first Monday in January of each year.

Section 2. The Legislature shall have the power to pass bills, resolutions, and joint resolutions, and to amend or repeal any law enacted by the Legislature. The Legislature shall also have the power to confer powers on the executive and judicial branches of the government.

Section 3. The Legislature shall have the power to originate and pass bills for the raising of revenue, and to appropriate money for the support of the executive and judicial branches of the government. The Legislature shall also have the power to originate and pass bills for the amendment of the Constitution.

Section 4. The Legislature shall have the power to originate and pass bills for the appointment and removal of officers and judges of the executive and judicial branches of the government.

Section 5. The Legislature shall have the power to originate and pass bills for the impeachment and removal of officers and judges of the executive and judicial branches of the government.

Section 6. The Legislature shall have the power to originate and pass bills for the amendment of the Constitution.

Filed this _____ day of _____

Morris L. Johnson

SECRETARY OF STATE