



2024 South Dakota Legislature

House Bill 1150

Introduced by: **Representative Gross**

1 **An Act to enable the exercise of control by local governments over the presence and**
 2 **operation of medical marijuana establishments within their jurisdictions.**

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 **Section 1. That § 34-20G-57 be AMENDED:**

5 **34-20G-57.** The department shall issue a renewal registration certificate within
 6 ten days of receipt of the prescribed renewal application and renewal fee from a medical
 7 cannabis establishment if ~~the~~:

8 (1) The establishment's registration certificate is not under suspension and;

9 (2) The establishment's registration certificate has not been revoked; and

10 (3) The establishment's operation is not in violation of a local government ordinance
 11 enacted in accordance with § 34-20G-58.

12 **Section 2. That § 34-20G-58 be AMENDED:**

13 **34-20G-58.** A local government may enact an ordinance ~~not in conflict with this~~
 14 ~~chapter, governing the time, place, manner, and number of medical cannabis~~
 15 ~~establishments in the locality~~ prohibiting the operation of a medical cannabis
 16 establishment within its jurisdiction.

17 A local government may enact an ordinance imposing on a medical cannabis
 18 establishment:

19 (1) Restrictions to govern the time, place, and manner of operation;

20 (2) Reasonable setback requirements; and

21 (3) Limitations on the proximity to:

22 (a) A childcare facility, park, public service facility, recreational facility, religious
 23 facility, school, and any location frequented by individuals under the age of
 24 twenty-one;

25 (b) Any sensitive land-use area; and

1 (c) Any other medical cannabis establishment.

2 A local government may ~~establish civil penalties for~~ impose a civil penalty for the
3 violation of an ordinance governing the time, place, and manner of a medical cannabis
4 establishment that may operate in the locality enacted in accordance with this section.

5 **Section 3. That § 34-20G-60 be AMENDED:**

6 **34-20G-60.** An ordinance, enacted in accordance with § 34-20G-58, to prohibit
7 the operation of a medical cannabis establishment, may not be applied to an existing
8 establishment during the period for which the establishment's current registration
9 certificate is valid.

10 A local government may require a medical cannabis establishment to obtain a local
11 license, permit, or registration to operate, and may charge a reasonable fee for the local
12 license, permit, or registration.

13 **Section 4. That § 34-20G-58.1 be REPEALED:**

14 ~~For purposes of this chapter, any municipality that has not enacted a zoning~~
15 ~~ordinance pursuant to title 11 governing the location of medical cannabis establishments~~
16 ~~may enact an ordinance to regulate the place of operation of any cannabis-related~~
17 ~~establishment under this section.~~

18 ~~A municipality may prohibit the location of a medical cannabis establishment in an~~
19 ~~area in a sensitive land use area and may establish reasonable setbacks. For purposes of~~
20 ~~this section, a sensitive land use area includes churches, schools, day cares, public service~~
21 ~~and recreation facilities, places frequented by people under age twenty one, and parks.~~

22 ~~A municipality may require a minimum distance between cannabis-related~~
23 ~~establishments.~~

24 **Section 5. That § 34-20G-59 be REPEALED:**

25 ~~No local government may prohibit a dispensary, either expressly or through the~~
26 ~~enactment of an ordinance that makes the operation of the dispensary impracticable in~~
27 ~~the jurisdiction.~~