



2022 South Dakota Legislature

Senate Bill 7

Introduced by: **Senators** Wheeler, Breitling, Duhamel, Heinert, Rohl, V. J. Smith, and Stalzer and **Representatives** Finck, Bartels, Bordeaux, Chaffee, Derby, Deutsch, Duba, Fitzgerald, Goodwin, Milstead, Perry, Rehfeldt, Wiese, and Willadsen at the request of the Marijuana Interim Study Committee

1 **An Act to revise provisions related to custody and visitation rights by medical**
 2 **cannabis cardholders.**

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

4 **Section 1. That § 34-20G-21 be AMENDED:**

5 **34-20G-21.** No person may be denied custody of, ~~or~~ visitation rights with, or
 6 parenting time with a minor solely ~~for because the person's status as person is~~ a
 7 cardholder, ~~and there.~~ There is no presumption of neglect or child endangerment for
 8 conduct allowed under this chapter, unless the person's behavior creates an unreasonable
 9 danger to the safety of the minor ~~as established by clear and convincing evidence.~~ Nothing
 10 in this chapter supersedes or otherwise affects custody decisions, visitation rights, or
 11 parenting time based upon the best interests of the child.