

**INSTRUCTIONS TO SIGNERS:**

1. Signers of this petition must individually sign their names in the form in which they are registered to vote or as they usually sign their names.
2. Before the petition is filed, each signer or the circulator must add the residence address of the signer and the date of signing. If the signer is a resident of a second or third class municipality, a post office box may be used for the residence address.
3. Before the petition is filed, each signer or the circulator must print the name of the signer in the space provided and add the county of voter registration.
4. Abbreviations of common usage may be used. Ditto marks may not be used.
5. Failure to provide all information requested may invalidate the signature.

NAME	RESIDENCE	DATE/COUNTY
SIGN _____ 1 PRINT _____	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN _____	DATE OF SIGNING _____ COUNTY OF REGISTRATION _____
SIGN _____ 2 PRINT _____	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN _____	DATE OF SIGNING _____ COUNTY OF REGISTRATION _____
SIGN _____ 3 PRINT _____	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN _____	DATE OF SIGNING _____ COUNTY OF REGISTRATION _____
SIGN _____ 4 PRINT _____	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN _____	DATE OF SIGNING _____ COUNTY OF REGISTRATION _____
SIGN _____ 5 PRINT _____	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN _____	DATE OF SIGNING _____ COUNTY OF REGISTRATION _____
SIGN _____ 6 PRINT _____	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN _____	DATE OF SIGNING _____ COUNTY OF REGISTRATION _____
SIGN _____ 7 PRINT _____	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN _____	DATE OF SIGNING _____ COUNTY OF REGISTRATION _____
SIGN _____ 8 PRINT _____	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN _____	DATE OF SIGNING _____ COUNTY OF REGISTRATION _____
SIGN _____ 9 PRINT _____	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN _____	DATE OF SIGNING _____ COUNTY OF REGISTRATION _____
SIGN _____ 10 PRINT _____	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN _____	DATE OF SIGNING _____ COUNTY OF REGISTRATION _____
SIGN _____ 11 PRINT _____	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN _____	DATE OF SIGNING _____ COUNTY OF REGISTRATION _____
SIGN _____ 12 PRINT _____	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN _____	DATE OF SIGNING _____ COUNTY OF REGISTRATION _____
SIGN _____ 13 PRINT _____	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN _____	DATE OF SIGNING _____ COUNTY OF REGISTRATION _____
SIGN _____ 14 PRINT _____	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN _____	DATE OF SIGNING _____ COUNTY OF REGISTRATION _____
SIGN _____ 15 PRINT _____	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN _____	DATE OF SIGNING _____ COUNTY OF REGISTRATION _____
SIGN _____ 16 PRINT _____	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN _____	DATE OF SIGNING _____ COUNTY OF REGISTRATION _____
SIGN _____ 17 PRINT _____	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN _____	DATE OF SIGNING _____ COUNTY OF REGISTRATION _____
SIGN _____ 18 PRINT _____	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN _____	DATE OF SIGNING _____ COUNTY OF REGISTRATION _____
SIGN _____ 19 PRINT _____	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN _____	DATE OF SIGNING _____ COUNTY OF REGISTRATION _____
SIGN _____ 20 PRINT _____	STREET AND NUMBER OR RURAL ROUTE AND BOX NUMBER _____ CITY OR TOWN _____	DATE OF SIGNING _____ COUNTY OF REGISTRATION _____

Filed this 18th day of June 2015  
*Shantel Krebs*  
 SECRETARY OF STATE

**VERIFICATION BY PERSON CIRCULATING PETITION**

**INSTRUCTIONS TO CIRCULATOR:** This section must be completed following circulation and before filing.

Print name of the circulator \_\_\_\_\_ Residence Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

I, under oath, state that I circulated the above petition, that each signer personally signed this petition in my presence, that I made reasonable inquiry and to the best of my knowledge each person signing the petition is a qualified voter in the county indicated on the signature line, that no state statute regarding petition circulation was knowingly violated, and that either the signer or I added the printed name, the residence address of the signer, the date of signing, and the county of voter registration.

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ (Seal)

My Commission Expires \_\_\_\_\_

Signature of Circulator \_\_\_\_\_

Signature of Officer Administering Oath \_\_\_\_\_

Title of Officer Administering Oath \_\_\_\_\_

**INITIATIVE PETITION**

WE, THE UNDERSIGNED qualified voters of the state of South Dakota, petition that the following proposed law be submitted to the voters of the state of South Dakota at the general election on November 8, 2016, for their approval or rejection pursuant to the Constitution of the State of South Dakota.

**Title: An initiated measure to legalize marijuana for medical use**

**Attorney General Explanation:**

The measure legalizes medical use of marijuana by qualifying patients, including minors. No person or entity may be penalized, or denied any right or privilege, for conduct that is lawful under the measure.

Qualifying patients must be certified by a practitioner as having a debilitating medical condition. South Dakota patients must obtain a registration card from the State Department of Health ("Department"). Non-resident patients are permitted to use their registration cards from other jurisdictions.

Qualifying patients may designate caregivers to assist with their use of marijuana. A designated caregiver must obtain a registration card from the Department for each qualifying patient.

Allowable amounts of marijuana include three ounces of marijuana, a minimum of six marijuana plants (if cultivation is permitted for that cardholder), and quantities of other marijuana products as determined by the Department.

The measure legalizes marijuana testing, manufacturing, and cultivation facilities, as well as dispensaries where marijuana may be acquired by cardholders. These establishments must register with the Department.

Schools and landlords cannot penalize, or refuse to enroll or lease, based solely on a person's cardholder status, absent federal law to the contrary.

Marijuana possession, use, cultivation and distribution remain illegal under federal law.

**The text of the proposed law is as follows:**

**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" means:
    - (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" means 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" means 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" means 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 act that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a medical cannabis establishment;
  - (8) "Debilitating medical condition" means:
    - (a) Cancer, glaucoma, positive status for human immunodeficiency virus, endometriosis, reflex sympathetic dystrophy, epilepsy, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn's disease, IBS, 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 act;

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- (9) "Department," means the South Dakota Department of Health;
- (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" means:
  - (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.
- (12) "Edible cannabis products" any product that:
  - (a) Contains or is infused with cannabis or an extract thereof;
  - (b) Is intended for human consumption by oral ingestion; and
  - (c) Is presented in the form of foodstuffs, beverages, extracts, oils, tinctures, and other similar products;
- (13) "Enclosed, locked facility," any closet, room, greenhouse, building, or other enclosed area that is equipped with locks or other security devices that permit access only by a cardholder or allowed to cultivate the plants. Two or more cardholders who reside in the same dwelling may share one enclosed, locked facility for cultivation;
- (14) "Medical cannabis" or "cannabis," marijuana as defined in SD 22-42-1 (7);
- (15) "Medical cannabis dispensary" or "dispensary," an entity registered with the department pursuant to this Act that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials to cardholders;
- (16) "Medical cannabis establishment," a cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a dispensary;
- (17) "Medical cannabis establishment agent," an owner, officer, board member, employee, or volunteer at a medical cannabis establishment;
- (18) "Medical use," includes the acquisition, administration, cultivation, manufacture, delivery, harvest, possession, preparation, transfer, transportation, or use of cannabis or paraphernalia relating to the administration of cannabis to treat or alleviate a registered qualifying patient's debilitating medical condition or symptom associated with the patient's debilitating medical condition. The term does not include:
  - (a) The cultivation of cannabis by a nonresident cardholder;
  - (b) The cultivation of cannabis by a cardholder who is not designated as being allowed to cultivate on the cardholder's registry identification card; or
  - (c) The extraction of resin from cannabis by solvent extraction unless the extraction is done by a cannabis product manufacturing facility;
- (19) "Nonresident cardholder" a person who:
  - (a) Has been diagnosed with a debilitating medical condition, or is the parent, guardian, conservator, or other person with authority to consent to the medical treatment of a person who has been diagnosed with a debilitating medical condition;
  - (b) Is not a resident of South Dakota or who has been a resident of South Dakota for less than forty five days;
  - (c) Was issued a currently valid registry identification card or its equivalent by another state, district, territory, commonwealth, insular possession of the United States, or country recognized by the United States that allows the person to use cannabis for medical purposes in the jurisdiction of issuance; and
  - (d) Has submitted an application to the department, and has received confirmation of registration;
- (20) "Practitioner," a person who is licensed with authority to prescribe drugs to humans. In relation to a nonresident cardholder, the term means a person who is licensed with authority to prescribe drugs to humans in the state of the patient's residence;
- (21) "Qualifying patient," means a person who has been diagnosed by a practitioner as having a debilitating medical condition;
- (22) "Registry identification card," a document issued by the department that identifies a person as a registered qualifying patient or registered designated caregiver, or documentation that is deemed a registry identification card pursuant to sections 29-41 of this Act;
- (23) "Written certification," a document dated and signed by a practitioner, stating that in the practitioner's professional opinion the patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's debilitating medical condition or symptom associated with the debilitating medical condition. A written certification shall affirm that it is made in the course of a bona fide practitioner-patient relationship and shall specify the qualifying patient's debilitating medical condition.

**Section 2.** A cardholder who possesses a valid registry identification card is not subject to arrest, prosecution, or penalty in any manner, or denial of any right or privilege, including any civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau for:

- (1) The medical use of cannabis pursuant to this Act, if the cardholder does not possess more than the allowable amount of cannabis, and if any cannabis plants is either cultivated in an enclosed, locked facility or are being transported;
- (2) Reimbursement by a registered qualifying patient to the patient's registered designated caregiver for direct costs incurred by the registered designated caregiver for assisting with the registered qualifying patient's medical use of cannabis;
- (3) Transferring the cannabis to a testing facility for testing;
- (4) Conspiring a dispensary or a testing facility for goods or services provided;
- (5) Selling, transferring, or delivering cannabis seeds produced by the cardholder to a cultivation facility or dispensary; or
- (6) Offering or providing cannabis to a cardholder for a registered qualifying patient's medical use, to a nonresident cardholder, or to a dispensary if nothing of value is transferred in return and the person giving the cannabis does not knowingly cause the recipient to possess more than the allowable amount of cannabis.

**Section 3.** No nonresident cardholder may be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, civil penalty or disciplinary action by a business or occupational or professional licensing board or entity, for the transporting, purchasing, possessing, or using medical cannabis pursuant to this Act if the nonresident cardholder does not possess more than three ounces of cannabis and the quantity of cannabis products established by rules promulgated by the department.

**Section 4.** There is a presumption that a qualifying patient or designated caregiver is engaged in the medical use of cannabis pursuant to this Act if the cardholder is in possession of a registry identification card and an amount of cannabis that does not exceed the allowable amount of cannabis. The presumption may be rebutted by evidence that conduct related to cannabis was not for the purpose of treating or alleviating a qualifying patient's debilitating medical condition or symptom associated with the qualifying patient's debilitating medical condition pursuant to this Act.

**Section 5.** No practitioner may be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including civil penalty or disciplinary action by the South Dakota Board of Medical and Osteopathic Examiners or by any other occupational or professional licensing board or bureau, solely for providing written certifications or for otherwise stating that, in the practitioner's professional opinion, a patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's serious or debilitating medical condition or symptoms associated with the serious or debilitating medical condition. However nothing in this Act prevents a practitioner from being sanctioned for:

- (1) Issuing a written certification to a patient with whom the practitioner does not have a bona fide practitioner-patient relationship; or
- (2) Failing to properly evaluate a patient's medical condition.

**Section 6.** No attorney may be subject to disciplinary action by the State Bar of South Dakota or other professional licensing association for providing legal assistance to a prospective or registered medical cannabis establishment or other related to activity that is no longer subject to criminal penalties under state law pursuant to this Act.

**Section 7.** No person may be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including any civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, for:

- (1) Providing or selling cannabis paraphernalia to a cardholder, nonresident cardholder, or to a medical cannabis establishment;
- (2) Being in the presence or vicinity of the medical use of cannabis that is exempt from criminal penalties by this Act;
- (3) Allowing the person's property to be used for an activity that is exempt from criminal penalties by this Act; or
- (4) Assisting a registered qualifying patient with the act of using or administering cannabis.

**Section 8.** No dispensary or a dispensary agent may be subject to prosecution, search, or inspection, except by the department pursuant to sections 61-71 of this Act seizure, or penalty in any manner, and may not be denied any right or privilege, including civil penalty or disciplinary action by a court or business licensing board or entity, for acting pursuant to this Act or rules authorized by this Act to:

- (1) Possess, transport, or store cannabis or cannabis products;
- (2) Deliver, transfer, or transport cannabis to a testing facility and compensate a testing facility for services provided;
- (3) Accept cannabis offered by a cardholder or nonresident cardholder if nothing of value is exchanged in return;
- (4) Purchase or otherwise acquire cannabis from a cultivation facilities or dispensaries, and cannabis products from cannabis product manufacturing facilities or dispensaries; and
- (5) Deliver, sell, supply, transfer, or transport cannabis, cannabis products, cannabis paraphernalia, or related supplies or educational materials to a cardholders, nonresident cardholder, and dispensary.



New Approach South Dakota  
241 N 7<sup>th</sup> Street  
Emery, SD 57332

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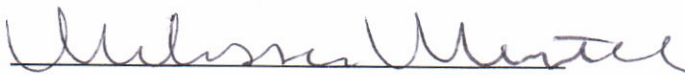
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9 June 2015

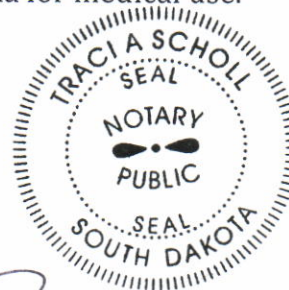
Honorable Shantel Krebs, Secretary of State  
Capitol Building  
500 East Capitol Avenue Ste 204  
Pierre, SD 57501-5070

Secretary Krebs;

Attached is the petition form we propose to circulate to initiate a law in South Dakota, titled by the Attorney General, "An initiated measure to legalize marijuana for medical use."



Melissa Mentele, Sponsor  
241 N 7<sup>th</sup> Ave, Emery SD 57332



Sworn to before me this 11 day of June, 2015.

  
Signature of officer administering oath

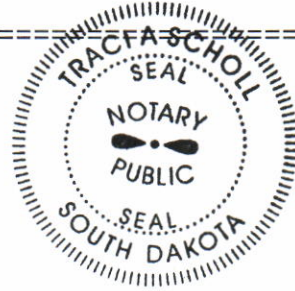
My commission expires 12/10/17

  
Title of officer administering oath

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Melissa Mentele

Melissa Mentele, Sponsor  
241 N 7<sup>th</sup> Ave, Emery, SD 57332

Sworn to before me this 11 day of June, 2015.

[Signature]  
Signature of officer administering oath

My commission expires 12/10/19

Notary  
Title of officer administering oath

=====



Riena M Parker

Riena M Parker, Sponsor  
5037 E 54<sup>th</sup> St #5, Sioux Falls, SD 57110

Sworn to before me this 11 day of June, 2015.

[Signature]  
Signature of officer administering oath

My commission expires 12/10/19

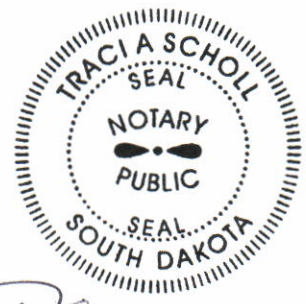
Notary  
Title of officer administering oath

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Trisha Ann Parker  
Trisha Ann Parker, Sponsor  
1215 S Duluth Ave, Sioux Falls, SD 57104



Sworn to before me this 11 day of June, 2015.

[Signature]  
Signature of officer administering oath

My commission expires 12/10/19

notary  
Title of officer administering oath

[Signature]  
George Hendrickson, Sponsor  
2716 S Lincoln Ave, Sioux Falls, SD 57105



Sworn to before me this 11 day of June, 2015.

[Signature]  
Signature of officer administering oath

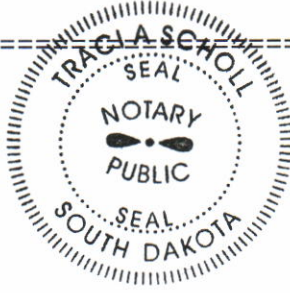
My commission expires 12/10/19

notary  
Title of officer administering oath

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S.D. SEC. OF STATE



Patrick K. Lynch

Patrick Lynch, Sponsor  
610 W 17<sup>th</sup> St, Sioux Falls, SD 57104

Sworn to before me this 11 day of June, 2015.

[Signature]  
Signature of officer administering oath

My commission expires 12/10/19

Notary  
Title of officer administering oath

New Approach SD  
241 N 7th Ave  
Emery SD 57332

11 June 2015

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JUN 18 2015  
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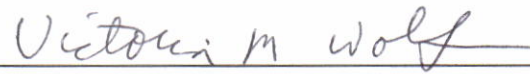
Honorable Shantel Krebs, Secretary of State  
Capitol Building  
500 East Capitol Avenue Ste 204  
Pierre, SD 57501-5070

Secretary Krebs;

Attached is the petition form we propose to circulate to initiate a law in South Dakota, titled by the Attorney General, "An initiated measure to legalize marijuana for medical use."

  
\_\_\_\_\_  
Bob Newland, Sponsor  
345 Jennings Ave, Hot Springs SD 57747

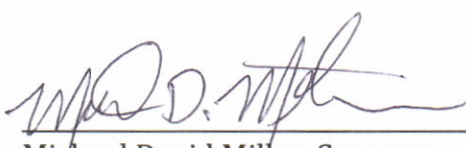
Sworn to before me this 10 day of June, 2015.

  
\_\_\_\_\_  
Signature of officer administering oath

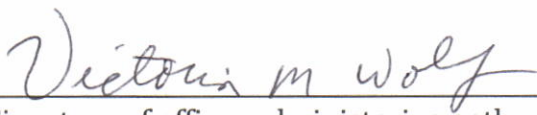
My commission expires 9-24-2020

  
\_\_\_\_\_  
Title of officer administering oath

=====

  
\_\_\_\_\_  
Michael David Miller, Sponsor  
1120 Northeast Drive, Rapid City SD 57701

Sworn to before me this 10 day of June, 2015.

  
\_\_\_\_\_  
Signature of officer administering oath

My commission expires 9-24-2020

  
\_\_\_\_\_  
Title of officer administering oath