

STATE OF SOUTH DAKOTA



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**JASON R. RAVNSBORG**  
ATTORNEY GENERAL

**RECEIVED**  
OCT 08 2021  
**S.D. SEC. OF STATE**

**CHARLES D. McGUIGAN**  
CHIEF DEPUTY ATTORNEY GENERAL

October 8, 2021

Honorable Steve Barnett  
Secretary of State  
500 E. Capitol  
Pierre, SD 57501

RE: Attorney General's Statement (Constitutional Amendment: Article XXI –  
Marijuana (Version A))

Dear Secretary Barnett,

Enclosed is a copy of a proposed constitutional amendment, in final form, that the sponsor submitted to this Office. In accordance with state law, I hereby file the enclosed Attorney General's Statement for this initiated measure.

By copy of this letter, I am providing a copy of the Statement to the sponsors.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jason R. Ravensborg".

Jason R. Ravensborg  
ATTORNEY GENERAL

JRR/dd  
Enc.

Filed this 8 day of  
October  
A handwritten signature in black ink, appearing to read "Steve Barnett".  
SECRETARY OF STATE

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CONSTITUTIONAL AMENDMENT  
ATTORNEY GENERAL'S STATEMENT

Title: An initiated amendment to the South Dakota Constitution to legalize the possession, use, and distribution of marijuana.

Explanation:

This constitutional amendment legalizes the possession, use, and distribution of marijuana and marijuana paraphernalia by people age 21 and older. Individuals may possess one ounce or less of marijuana. They may also distribute one ounce or less of marijuana without payment or other consideration. Marijuana plants and marijuana produced from those plants may be possessed under specific conditions.

Certain violations of the restrictions the amendment places on the possession, use, and distribution of marijuana and marijuana paraphernalia are subject to various civil penalties. Individuals under age 21 may be offered drug education or counseling instead of paying a penalty. The amendment authorizes the Legislature to adjust these penalties, but those adjustments cannot exceed the rate of inflation.

The amendment does not intend to affect certain laws otherwise regulating marijuana, including laws regulating medical marijuana or industrial hemp.

The amendment legalizes substances considered felony controlled substances under State law. Marijuana remains illegal under Federal law.

Judicial or legislative clarification of the amendment may be necessary.

Filed ~~Filed~~ this 8 day of

October

Steve Barnett

FORESTARY OF STATE