

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

175Q0409

HOUSE BILL NO. 1128

Introduced by: Representatives Lange, Iron Cloud III, Thompson, and Vanderlinde

1 FOR AN ACT ENTITLED, An Act to allow a medical necessity to be used as a defense in
2 certain cases involving the possession or use of marijuana.

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

4 Section 1. Any person arrested or prosecuted for the possession or use of marijuana may
5 submit as a defense, a medical necessity, if:

6 (1) The person has a medical condition recognized by a competent medical authority as
7 a condition for which marijuana is a palliative; or

8 (2) The person has a recommendation by a competent medical authority for the use of
9 marijuana for a medical condition.

10 Section 2. A medical necessity defense pursuant to this Act may, at the discretion of the
11 accused, include:

12 (1) Expert testimony;

13 (2) A recommendation by a competent medical authority; and

14 (3) Testimony by other persons with a similar medical condition.

