



2021 South Dakota Legislature
House Bill 1061
ENROLLED

AN ACT

**ENTITLED An Act to prohibit smoking and consuming marijuana and its derivatives
in a motor vehicle and create a penalty therefor.**

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

Section 1. That a NEW SECTION be added:

22-42-24. Driver--Use of marijuana--Motor vehicle--Misdemeanor.

While a motor vehicle is located upon a public highway or the right-of-way of a public highway, it is a Class 2 misdemeanor if any person operating or in actual physical control of a motor vehicle smokes or consumes marijuana or marijuana concentrate while the vehicle is being operated. For purposes of this section and § 22-42-25, marijuana concentrate is the resin extracted from any part of a marijuana plant and every compound, manufacture, salt, derivative, mixture, or preparation from such resin.

Section 2. That a NEW SECTION be added:

22-42-25. Passenger--Use of marijuana--Motor vehicle--Misdemeanor.

While a motor vehicle is located upon a public highway or the right-of-way of a public highway, it is a Class 2 misdemeanor if any person occupying a motor vehicle smokes marijuana or marijuana concentrate while the vehicle is being operated.

An Act to prohibit smoking and consuming marijuana and its derivatives in a motor vehicle and create a penalty therefor.

I certify that the attached Act originated in
the:
House as Bill No. 1061

Received at this Executive Office
this ____ day of _____,
2021 at _____ M.

Chief Clerk

By _____
for the Governor

Speaker of the House

The attached Act is hereby
approved this _____ day of
_____, A.D., 2021

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2021
at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1061
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State