

HAND COUNTY BOARD OF COMMISSIONERS

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<http://hand.sdcounties.org/commissioner>
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ORDINANCE 2021-04

AN ORDINANCE AMENDING THE HAND COUNTY COMPREHENSIVE PLAN, RELATING TO REGULATIONS FOR CANNABIS ESTABLISHMENTS BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HAND COUNTY, SOUTH DAKOTA:

Section 1. That “Definitions,” of the Zoning Ordinance of Hand County shall be amended by adding the following:

Zoning Marijuana and Cannabis Definitions shall include:

“Cannabis (or Marijuana)” means all parts of any plant of the genus cannabis, whether growing or not, in its natural and unaltered state, except for drying or curing and crushing or crumbling. The term includes an altered state of marijuana absorbed into the human body. The term does not include fiber produced from the mature stalks of such plant, or oil or cake made from the seeds of such plant. The term does not include the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis.

“Cannabis Cultivation Facility” is further defined, in addition to the definition in SDCL 34- 20G-1, as a legally licensed entity that acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells cannabis and related supplies to a cannabis establishment.

“Cannabis Dispensary” is further defined, in addition to the definition in SDCL 34-20G 1, as a legally licensed entity that acquires, possesses, stores, delivers, transfers, transports, sells, supplies, or dispenses cannabis, cannabis products, paraphernalia, or related supplies and educational materials.

“Cannabis Establishment” means a cannabis cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, or a cannabis dispensary.

“Cannabis Product Manufacturing Facility” is further defined, in addition to the definition in SDCL 34-20G-1, as a legally licensed entity that acquires, possesses, manufactures, delivers, transfers, transports, supplies, or sells cannabis products to a cannabis dispensary.

“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 edible cannabis products, beverages, topical products, ointments, oils, and tinctures.

“Cannabis Testing Facility” is further defined, in addition to the definition in SDCL 34- 20G-1, as a legally licensed entity authorized to analyze the safety and potency of cannabis.

Section 2. That Article 5. Section 507. “Conditional Uses” of the Hand County Comprehensive Plan shall be amended by insertion of the following:

16. Cannabis dispensary.

Section 3. That the provisions of Ordinance 2021-0⁴~~3~~ are severable as follows:
If any provision of this ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application.

Passed and adopted this 2nd day of November, 2021.



Gib Rodgers, CHAIRPERSON
Hand County Board of Commissioners

ATTEST:



Doug DeBoer, AUDITOR
Hand County, South Dakota



First Reading: October 5, 2021
Second Reading: November 2, 2021
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