

# State of South Dakota

EIGHTY-SEVENTH SESSION  
LEGISLATIVE ASSEMBLY, 2012

400T0226

## SENATE BILL NO. 23

Introduced by: The Committee on Health and Human Services at the request of the  
Department of Health

1 FOR AN ACT ENTITLED, An Act to place certain substances on the controlled substances  
2 schedule and to declare an emergency.

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

4 Section 1. That § 34-20B-14 be amended to read as follows:

5 34-20B-14. Any material, compound, mixture, or preparation which contains any quantity  
6 of the following hallucinogenic substances, their salts, isomers, and salts of isomers, is included  
7 in Schedule I, unless specifically excepted, whenever the existence of such salts, isomers, and  
8 salts of isomers is possible within the specific chemical designation:

- 9 (1) Bufotenine;
- 10 (2) Diethyltryptamine;
- 11 (3) Dimethyltryptamine;
- 12 (4) 5-methoxy-N, N-Dimethyltryptamine;
- 13 (5) 5-methoxy-3, 4-methylenedioxy amphetamine;
- 14 (6) 4-bromo-2, 5-dimethoxyamphetamine;
- 15 (7) 4-methoxyamphetamine;



- 1 (8) 4-methoxymethamphetamine;
- 2 (9) 4-methyl-2, 5-dimethoxyamphetamine;
- 3 (10) Hashish and hash oil;
- 4 (11) Ibogaine;
- 5 (12) Lysergic acid diethylamide;
- 6 (13) Mescaline;
- 7 (14) N-ethyl-3-piperidyl benzilate;
- 8 (15) N-methyl-3-piperidyl benzilate;
- 9 (16) 1-(-(2-thienyl)cyclohexyl) piperdine;
- 10 (17) Peyote, except that when used as a sacramental in services of the Native American
- 11 church in a natural state which is unaltered except for drying or curing and cutting
- 12 or slicing, it is hereby excepted.;
- 13 (18) Psilocybin;
- 14 (19) Psilocyn;
- 15 (20) Tetrahydrocannabinol, other than that which occurs in marijuana in its natural and
- 16 unaltered state;
- 17 (21) 3, 4, 5-trimethoxy amphetamine;
- 18 (22) 3, 4-methylenedioxy amphetamine;
- 19 (23) 3-methoxyamphetamine;
- 20 (24) 2, 5-dimethoxyamphetamine;
- 21 (25) 2-methoxyamphetamine;
- 22 (26) 2-methoxymethamphetamine;
- 23 (27) 3-methoxymethamphetamine;
- 24 (28) Phencyclidine;

- 1 (29) 3, 4-methylenedioxymethamphetamine (MDMA);
- 2 (30) 3, 4-methylenedioxy-N-ethylamphetamine;
- 3 (31) N-hydroxy-3, 4-methylenedioxyamphetamine;
- 4 (32) 4-methylaminorex (also known as 2-Amino-4-methyl/x-5-phenyl-2-oxazoline);
- 5 (33) 2,5 Dimethoxy-4-ethylamphetamine;
- 6 (34) N,N-Dimethylamphetamine;
- 7 (35) 1-(1-(2-thienyl)cyclohexyl)pyrrolidine;
- 8 (36) Aminorex;
- 9 (37) Cathinone;
- 10 (38) Methcathinone;
- 11 (39) 2,5-Dimethoxy-4-ethylamphetamine (DOET);
- 12 (40) Alpha-ethyltryptamine;
- 13 (41) 4-Bromo-2,5-dimethoxy phenethylamine;
- 14 (42) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7);
- 15 (43) 1-(3-trifluoromethylphenyl) piperazine (TFMPP);
- 16 (44) Alpha-methyltryptamine (AMT);
- 17 (45) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);
- 18 (46) Any material, substance, compound, mixture, or preparation which contains any
- 19 quantity of any synthetic cannabinoid that is not approved as a pharmaceutical,
- 20 including the following:
- 21 (a) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
- 22 ~~(47)~~(b) 5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol;
- 23 ~~(48)~~(c) 5-(1,1-Dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol;
- 24 ~~(49)~~(d) 1-Butyl-3-(1-naphthoyl)indole;

1           ~~(50)~~(e)       1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole; and

2           ~~(51)~~(f)       1-Pentyl-3-(1-naphthoyl)indole;

3           (47)   4-methyl-N-methylcathinone-1248 (also known as mephedrone);

4           (48)   3,4-methylenedioxy-N-methylcathinone-7540 (also known as methylone); and

5           (49)   3,4-methylenedioxypropylone-7535 (also known as MDPV).

6           Section 2. That § 34-20B-16 be amended to read as follows:

7           34-20B-16. Any of the following substances including their salts, isomers, and salts of  
8 isomers is included in Schedule II except those narcotic drugs listed in other schedules whether  
9 produced directly or indirectly by extraction from substances of vegetable origin, or  
10 independently by means of chemical synthesis, or by a combination of extraction and chemical  
11 synthesis:

12       (1)   Opium, coca leaves, and opiate;

13       (2)   Any salt, compound, derivative, or preparation of opium, coca leaves, or opiate,  
14           excluding apomorphine, dextrorphan, and naloxone;

15       (3)   Any salt, compound, derivative, or preparation thereof which is chemically  
16           equivalent or identical with any of the substances referred to in subdivisions (1) and  
17           (2), except that these substances may not include decocainized coca leaves or  
18           extraction of coca leaves, which extractions do not contain cocaine or ecgonine; and  
19           may not include the isoquinoline alkaloids of opium;

20       (4)   Opium poppy and poppy straw;

21       (5)   Amphetamine;

22       (6)   Methamphetamine;

23       (7)   Amobarbital;

24       (8)   Pentobarbital;

- 1 (9) Secobarbital;
- 2 (10) Methylphenidate;
- 3 (11) Phenmetrazine;
- 4 (12) Etorphine;
- 5 (13) Diprenorphine;
- 6 (14) Deleted by SL 2000, ch 170, § 1;
- 7 (15) Nabilone;
- 8 (16) Glutethimide;
- 9 (17) Phencyclidine immediate precursors:
  - 10 (a) 1-phenylcyclohexylamine;
  - 11 (b) 1-piperidinocyclohexanecarbonitrile (PCC);
- 12 (18) Lisdexamfetamine, its salts, isomers, and salts of its isomers;
- 13 (19) Tapentadol; and
- 14 (20) Ioflupane.

15 Section 3. That § 34-20B-25 be amended to read as follows:

16 34-20B-25. The following are included in Schedule IV:

- 17 (1) Chlordiazepoxide, but not including librax (chlordiazepoxide hydrochloride and  
18 clindinium bromide) or menrium (chlordiazepoxide and water soluble esterified  
19 estrogens);
- 20 (2) Clonazepam;
- 21 (3) Clorazepate;
- 22 (4) Diazepam;
- 23 (4A) Flunitrazepam;
- 24 (5) Flurazepam;

- 1 (6) Mebutamate;
- 2 (7) Oxazepam;
- 3 (8) Prazepam;
- 4 (9) Lorazepam;
- 5 (10) Triazolam;
- 6 (11) Any substance which contains any quantity of a benzodiazepine, or salt of
- 7 benzodiazepine, except those substances which are specifically listed in other
- 8 schedules;
- 9 (12) Repealed by SL 2003, ch 183, § 4;
- 10 (13) Cathine;
- 11 (14) Fencamfamine;
- 12 (15) Fenproporex;
- 13 (16) Mefenorex;
- 14 (17) Pyrovalerone;
- 15 (18) Propoxyphene;
- 16 (19) Pentazocine;
- 17 (20) Diethylpropion;
- 18 (21) Ethchlorvynol;
- 19 (22) Ethinamate;
- 20 (23) Fenfluramine;
- 21 (24) Mazindol;
- 22 (25) Mephobarbital;
- 23 (26) Methohexitol;
- 24 (27) Paraldehyde;

- 1 (28) Pemoline;
- 2 (29) Petrichloral;
- 3 (30) Phentermine;
- 4 (31) Barbital;
- 5 (32) Phenobarbital;
- 6 (33) Meprobamate;
- 7 (34) Zolpidem;
- 8 (35) Butorphanol;
- 9 (36) Modafinil, including its salts, isomers, and salts of isomers;
- 10 (37) Sibutramine;
- 11 (38) Zaleplon;
- 12 (39) Dichloralphenazone;
- 13 (40) Zopiclone (also known as eszopiclone), including its salts, isomers, and salts of
- 14 isomers;
- 15 (41) Pregabalin;
- 16 (42) Lacosamide;
- 17 (43) Fospropofol, including its salts, isomers, and salts of isomers;
- 18 (44) Clobazam;
- 19 (45) Carisoprodol, including its salts, isomers, and salts of isomers; and
- 20 (46) Ezogabine, [-[2-amino-4-(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester],
- 21 including its salts, isomers, and salts of isomers.

22 Section 4. Whereas, this Act is necessary for the immediate preservation of the public peace,  
23 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and  
24 effect from and after its passage and approval.