

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

814Z0685

SENATE BILL NO. 95

Introduced by: Senators Kennedy, Frerichs, Maher, Peters, Rusch, Solano, and White and
Representatives Bartling, Bordeaux, Hawley, Jamison, Johns, McCleerey,
Otten (Herman), and Ring

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding ingestion of certain
2 controlled substances.

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

4 Section 1. That § 22-42-5.1 be amended to read:

5 22-42-5.1. No person may knowingly ingest a controlled drug or substance or have a
6 controlled drug or substance in an altered state in the body unless the substance was obtained
7 directly by or pursuant to a valid prescription or order from a practitioner, ~~while~~ acting in the
8 course of ~~the~~ that practitioner's professional practice, or except as otherwise authorized by
9 chapter 34-20B. A violation of ~~this section for a substance in Schedules I or II is a Class 5~~
10 ~~felony. A violation of this section for a substance in Schedules III or IV is a Class 6 felony~~ the
11 provisions of this section is a Class 1 misdemeanor.

