AN ACT

ENTITLED, An Act to revise the definition of anabolic steroid, to provide for the scheduling of tapentadol, lacosamide, and fospropofol as controlled substances, and to declare an emergency.

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

Section 1. That § 34-20B-4.1 be amended to read as follows:

34-20B-4.1. An anabolic steroid is any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, and corticosteroids, that promotes muscle growth and includes:

(1) Androstanediol:

(a) 3β,17β-dihydroxy-5a-androstane;

(b) 3α,17β-dihydroxy-5a-androstane;

(2) Androstanedione (5α-androstan-3,17-dione);

(3) Androstenediol:

(a) 1-androstenediol (3β,17β-dihydroxy-5α- androst-1-ene);

(b) 1-androstenediol (3α,17β-dihydroxy-5α- androst-1-ene);

(c) 4-androstenediol (3β,17β-dihydroxy-androst-4-ene);

(d) 5-androstenediol (3β,17β-dihydroxy-androst-5-ene);

(4) Androstenedione:

(a) 1-androstenedione ([5α]-androst-1-en-3,17-dione);

(b) 4-androstenedione (androst-4-en-3,17-dione);

(c) 5-androstenedione (androst-5-en-3,17-dione);

(5) Bolasterone (7α,17α-dimethyl-17β-hydroxyandrost-4-en-3-one);

(6) Boldenone (17β-hydroxyandrost-1,4,-diene-3-one);

(7) Calusterone (7β,17α-dimethyl-17β-hydroxyandrost-4-en-3-one);

(8) Clostebol (4-chloro-17β-hydroxyandrost-4-en-3-one);

(9) Dehydrochloromethyltestosterone (4-chloro-17β-hydroxy-17α- methyl-androst-1,4-dien-3-one);

(10) Δ1-dihydrotestosterone (a.k.a. '1-testosterone') (17β-hydroxy-5α-androst-1-en-3-one);

(11) 4-dihydrotestosterone (17β-hydroxy-androstan-3-one);

(12) Drostanolone (17β-hydroxy-2α-methyl-5α-androstan-3-one);

(13) Ethylestrenol (17α-ethyl-17β-hydroxyestr-4-ene);

(14) Fluoxymesterone (9-fluoro-17α-methyl-11β,17β-dihydroxyandrost-4-en-3-one);

(15) Formebolone (2-formyl-17α-methyl-11α,17β-dihydroxyandrost-1,4-dien-3-one);

(16) Furazabol (17α-methyl-17β-hydroxyandrostano[2,3-c]- furazan);

(17) 13β-ethyl-17α-hydroxygon-4-en-3-one;

(18) 4-hydroxytestosterone (4,17β-dihydroxy-androst-4-en-3-one);

(19) 4-hydroxy-19-nortestosterone (4,17β-dihydroxy-estr-4-en-3-one);

(20) Mestanolone (17α-methyl-17β-hydroxy- 5α-androstan-3-one);

(21) Mesterolone (1α-methyl-17β-hydroxy-[5α]-androstan-3-one);

(22) Methandienone (17α-methyl-17β-hydroxyandrost-1,4-dien- 3-one);

(23) Methandriol (17α-methyl-3β,17β- dihydroxyandrost-5-ene);

(24) Methenolone (1-methyl-17β-hydroxy-5α-androst-1-en-3- one);

(25) 17α-methyl-3β,17β-dihydroxy-5a-androstane;

(26) 17α-methyl-3α,17β-dihydroxy-5a-androstane;

(27) 17α-methyl-3β,17β-dihydroxyandrost-4-ene;

(28) 17α-methyl-4-hydroxynandrolone (17α-methyl-4-hydroxy- 17β-hydroxyestr-4-en-3-one);

(29) Methyldienolone (17α-methyl-17β-hydroxyestra-4,9(10)- dien-3-one);

(30) Methyltrienolone (17α-methyl-17β-hydroxyestra-4,9-11- trien-3-one);

(31) Methyltestosterone (17α-methyl-17β-hydroxyandrost-4-en-3-one);

(32) Mibolerone (7α,17α-dimethyl-17β- hydroxyestr-4-en-3-one);

(33) 17α-methyl-Δ1-dihydrotestosterone (17bβ-hydroxy-17α-methyl-5α- androst-1-en-3-one) (also known as 17-α-methyl-1-testosterone);

(34) Nandrolone (17β-hydroxyestr-4-en-3-one);

(35) Norandrostenediol:

(a) 19-nor-4-androstenediol (3β,17β-dihydroxyestr-4-ene);

(b) 19-nor-4-androstenediol (3α,17β-dihydroxyestr-4-ene);

(c) 19-nor-5-androstenediol (3β,17β-dihydroxyestr-5-ene);

(d) 19-nor-5-androstenediol (3α,17β-dihydroxyestr-5-ene);

(36) Norandrostenedione:

(a) 19-nor-4-androstenedione (estr-4-en-3,17-dione);

(b) 19-nor-5-androstenedione (estr-5-en-3,17-dione);

(37) Norbolethone (13β,17α-diethyl-17β-hydroxygon-4-en-3-one);

(38) Norclostebol (4-chloro-17β-hydroxyestr-4-en-3-one);

(39) Norethandrolone (17α-ethyl-17β-hydroxyestr-4-en-3-one);

(40) Normethandrolone (17α-methyl-17β-hydroxyestr-4-en-3-one);

(41) Oxandrolone (17α-methyl-17β-hydroxy-2-oxa-[5α]-androstan-3-one);

(42) Oxymesterone (17α-methyl-4,17β-dihydroxyandrost-4-en- 3-one);

(43) Oxymetholone (17α-methyl-2-hydroxymethylene-17β- hydroxy-[5α]-androstan-3-one);

(44) Stanozolol (17α-methyl-17β-hydroxy-[5α]-androst-2-eno[3,2-c]-pyrazole);

(45) Stenbolone (17β-hydroxy-2-methyl-[5α]-androst-1-en-3-one);

(46) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);

(47) Testosterone (17β-hydroxyandrost-4-en-3-one);

(48) Tetrahydrogestrinone (13β,17α-diethyl-17β-hydroxygon-4,9,11-trien-3-one);

(49) Trenbolone (17β-hydroxyestr-4,9,11-trien-3-one);

(50) Boldione (androsta-1,4-diene-3,17-dione);

(51) Desoxymethyltestosterone (17α-methyl-5α-androst- 2-en-17β-ol) (also known as madol);

(52) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene- 3,17-dione); and

(53) Any salt, ester, or ether of a drug or substance described or listed in this section, if that salt, ester, or ether promotes muscle growth.

The term, anabolic steroid, as defined in this section, does not include an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species. However, if any person prescribes, dispenses, or distributes such a steroid for human use, the person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this section.

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

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

(1) Opium, coca leaves, and opiate;

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

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

isoquinoline alkaloids of opium;

(4) Opium poppy and poppy straw;

(5) Amphetamine;

(6) Methamphetamine;

(7) Amobarbital;

(8) Pentobarbital;

(9) Secobarbital;

(10) Methylphenidate;

(11) Phenmetrazine;

(12) Etorphine;

(13) Diprenorphine;

(14) Deleted by SL 2000, ch 170, § 1;

(15) Nabilone;

(16) Glutethimide;

(17) Phencyclidine immediate precursors:

(a) 1-phenylcyclohexylamine;

(b) 1-piperidinocyclohexanecarbonitrile (PCC);

(18) Lisdexamfetamine, its salts, isomers, and salts of its isomers;

(19) Tapentadol.

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

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

(1) Chlordiazepoxide, but not including librax (chlordiazepoxide hydrochloride and clindinium bromide) or menrium (chlordiazepoxide and water soluble esterified estrogens);

(2) Clonazepam;

(3) Clorazepate;

(4) Diazepam;

(4A) Flunitrazepam;

(5) Flurazepam;

(6) Mebutamate;

(7) Oxazepam;

(8) Prazepam;

(9) Lorazepam;

(10) Triazolam;

(11) Any substance which contains any quantity of a benzodiazepine, or salt of benzodiazepine, except those substances which are specifically listed in other schedules;

(12) Repealed by SL 2003, ch 183, § 4;

(13) Cathine;

(14) Fencamfamine;

(15) Fenproporex;

(16) Mefenorex;

(17) Pyrovalerone;

(18) Propoxyphene;

(19) Pentazocine;

(20) Diethylpropion;

(21) Ethchlorvynol;

(22) Ethinamate;

(23) Fenfluramine;

(24) Mazindol;

(25) Mephobarbital;

(26) Methohexitol;

(27) Paraldehyde;

(28) Pemoline;

(29) Petrichloral;

(30) Phentermine;

(31) Barbital;

(32) Phenobarbital;

(33) Meprobamate;

(34) Zolpidem;

(35) Butorphanol;

(36) Modafinil, including its salts, isomers, and salts of isomers;

(37) Sibutramine;

(38) Zaleplon;

(39) Dichloralphenazone;

(40) Zopiclone (also known as eszopiclone), including its salts, isomers, and salts of isomers;

(41) Pregabalin;

(42) Lacosamide;

(43) Fospropofol, including its salts, isomers, and salts of isomers.

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

An Act to revise the definition of anabolic steroid, to provide for the scheduling of tapentadol, lacosamide, and fospropofol as controlled substances, and to declare an emergency.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1045

_____
Chief Clerk

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_____
Speaker of the House

Attest:

_____
Chief Clerk

_____
President of the Senate

Attest:

_____
Secretary of the Senate

House Bill No. 1045
File No. ____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20___

_____
Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 20___
at _____ o'clock __ M.

_____
Secretary of State

By _____
Asst. Secretary of State