

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

400T0226

SENATE HEALTH AND HUMAN SERVICES

ENGROSSED NO. **SB 23** - 1/26/2012

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;



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

- 1 (28) Phencyclidine;
- 2 (29) 3, 4-methylenedioxymethamphetamine (MDMA);
- 3 (30) 3, 4-methylenedioxy-N-ethylamphetamine;
- 4 (31) N-hydroxy-3, 4-methylenedioxyamphetamine;
- 5 (32) 4-methylaminorex (also known as 2-Amino-4-methyl/x-5-phenyl-2-oxazoline);
- 6 (33) 2,5 Dimethoxy-4-ethylamphetamine;
- 7 (34) N,N-Dimethylamphetamine;
- 8 (35) 1-(1-(2-thienyl)cyclohexyl)pyrrolidine;
- 9 (36) Aminorex;
- 10 (37) Cathinone and other variations, defined as any compound, material, mixture,
- 11 preparation or other product unless listed in another schedule or an approved FDA
- 12 drug (e.g. bupropion, pyrovalerone), structurally derived from 2-aminopropan-1-one
- 13 by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring
- 14 systems, whether or not the compound is further modified in any of the following
- 15 ways:
- 16 (a) By substitution in the ring system to any extent with alkyl, alkylenedioxy,
- 17 alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further
- 18 substituted in the ring system by one or more other univalent substituents;
- 19 (b) By substitution at the 3-position with an acyclic alkyl substituent;
- 20 (c) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or
- 21 methoxybenzyl groups or by inclusion of the 2-amino nitrogen atom in a
- 22 cyclic structure.
- 23 Some trade or other names: methcathinone, 4-methyl-N-methylcathinone
- 24 (mephedrone); 3,4-methylenedioxy-N-methylcathinone (methydone);

- 1 3,4-methylenedioxypropylvalerone (MDPV); Naphthylpyrovalerone (naphyrone);
2 4-fluoromethcathinone (fledrone); 4-methoxymethcathinone (methedrone;
3 Bk-PMMA); Ethcathinone (N-Ethylcathinone); 3,4-methylenedioxyethcathinone
4 (ethylone); Beta-keto-N-methyl-3,4-benzodioxymethylbutanamine (butylone);
5 N,N-dimethylcathinone (metamfetramone); Alpha-pyrrolidinopropiophenone
6 (alpha-PPP); 4-methoxy-alpha-pyrrolidinopropiophenone (MOPPP);
7 3,4-methylenedioxyalpha-pyrrolidinopropiophenone (MDPPP);
8 Alpha-pyrrolidinovalerophenone (alpha-PVP); 3-fluoromethcathinone;
9 4'-Methyl-?-pyrrolidinobutyphenone (MPBP);
10 (38) **Methcathinone;**
11 —(39)—2,5-Dimethoxy-4-ethylamphetamine (DOET);
12 (40)(39) Alpha-ethyltryptamine;
13 (41)(40) 4-Bromo-2,5-dimethoxy phenethylamine;
14 (42)(41) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7);
15 (43)(42) 1-(3-trifluoromethylphenyl) piperazine (TFMPP);
16 (44)(43) Alpha-methyltryptamine (AMT);
17 (45)(44) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);
18 (46)(45) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
19 (47)—5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol;
20 —(48)—5-(1,1-Dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol;
21 —(49)—1-Butyl-3-(1-naphthoyl)indole;
22 —(50)—1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole; and
23 —(51)—1-Pentyl-3-(1-naphthoyl)indole
24 (46) Synthetic cannabinoids. Any material, compound, mixture, or preparation that is not

1 listed as a controlled substance in another schedule, is not an FDA-approved drug,
2 and contains any quantity of the following substances, their salts, isomers (whether
3 optical, positional, or geometric), homologues, and salts of isomers and homologues,
4 unless specifically excepted, whenever the existence of these salts, isomers,
5 homologues, and salts of isomers and homologues is possible within the specific
6 chemical designation:

7 (a) Naphthoylindoles. Any compound containing a 3-(1-naphthoyl)indole
8 structure with substitution at the nitrogen atom of the indole ring by an alkyl,
9 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
10 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether
11 or not further substituted in the indole ring to any extent and whether or not
12 substituted in the naphthyl ring to any extent.

13 Some trade or other names: JWH-015; 1-pentyl-3-(1-naphthoyl)indole
14 (JWH-018); 1-hexyl-3-(1-naphthoyl)indole (JWH-019);
15 1-butyl-3-(1-naphthoyl)indole (JWH-073);
16 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081);
17 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);
18 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200); JWH-210;
19 JWH-398; 1-pentyl-3-(1-naphthoyl)indole (AM-678);
20 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM-2201); WIN 55-212;

21 (b) Naphthylmethylinindoles. Any compound containing a
22 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen
23 atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
24 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl

group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent;

- (c) Phenylacetylindoles. Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.

S o m e t r a d e o r o t h e r n a m e s :

1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18);

1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (RCS-8);

1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);

1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203);

- (d) Benzoylindoles. Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.

Some trade or other names: 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole

(AM-694); 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19); Pravadolone

(WIN 48,098); 1-pentyl-3-[(4-methoxy)-benzoyl]indole (RCS-4);

- (e) Naphthoypyrroles. Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl,

haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

Some trade or other names: JWH-307;

(f) Naphthylmethylindenes. Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent;

(g) Cyclohexylphenols. Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring to any extent.

S o m e t r a d e o r o t h e r n a m e s :

5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP 47, 497 and homologues, which includes C8); cannabicyclohexanol;

(h) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl) 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol. Some trade or other names: HU-210;

(i) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-napthalenylmethanone. Some trade or other names: WIN 55,

1 212-2;

2 (47) 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine) (MDAI);

3 (48) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);

4 (49) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);

5 (50) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);

6 (51) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);

7 (52) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);

8 (53) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);

9 (54) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);

10 (55) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N); and

11 (56) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).

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

13 34-20B-16. Any of the following substances including their salts, isomers, and salts of
14 isomers is included in Schedule II except those narcotic drugs listed in other schedules whether
15 produced directly or indirectly by extraction from substances of vegetable origin, or
16 independently by means of chemical synthesis, or by a combination of extraction and chemical
17 synthesis:

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

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

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

1 may not include the isoquinoline alkaloids of opium;

2 (4) Opium poppy and poppy straw;

3 (5) Amphetamine;

4 (6) Methamphetamine;

5 (7) Amobarbital;

6 (8) Pentobarbital;

7 (9) Secobarbital;

8 (10) Methylphenidate;

9 (11) Phenmetrazine;

10 (12) Etorphine;

11 (13) Diprenorphine;

12 (14) Deleted by SL 2000, ch 170, § 1;

13 (15) Nabilone;

14 (16) Glutethimide;

15 (17) Phencyclidine immediate precursors:

16 (a) 1-phenylcyclohexylamine;

17 (b) 1-piperidinocyclohexanecarbonitrile (PCC);

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

19 (19) Tapentadol; and

20 (20) Ioflupane.

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

22 34-20B-25. The following are included in Schedule IV:

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

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

- 1 (22) Ethinamate;
- 2 (23) Fenfluramine;
- 3 (24) Mazindol;
- 4 (25) Mephobarbital;
- 5 (26) Methohexitol;
- 6 (27) Paraldehyde;
- 7 (28) Pemoline;
- 8 (29) Petrichloral;
- 9 (30) Phentermine;
- 10 (31) Barbitol;
- 11 (32) Phenobarbital;
- 12 (33) Meproamate;
- 13 (34) Zolpidem;
- 14 (35) Butorphanol;
- 15 (36) Modafinil, including its salts, isomers, and salts of isomers;
- 16 (37) Sibutramine;
- 17 (38) Zaleplon;
- 18 (39) Dichloralphenazone;
- 19 (40) Zopiclone (also known as eszopiclone), including its salts, isomers, and salts of
20 isomers;
- 21 (41) Pregabalin;
- 22 (42) Lacosamide;
- 23 (43) Fospropofol, including its salts, isomers, and salts of isomers;
- 24 (44) Clobazam;

1 (45) Carisoprodol, including its salts, isomers, and salts of isomers; and

2 (46) Ezogabine,[N-[2-amino-4-(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester],

3 including its salts, isomers, and salts of isomers.

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