

PRISON/JAIL POPULATION COST ESTIMATE STATEMENT

Ninety-Seventh Session SESSION
2022 South Dakota Legislature

House Bill 1054

An Act to prohibit the isomerization and acetylation of cannabinoids and the sale and possession of products created by the isomerization and acetylation of cannabinoids and to provide a penalty therefor.

A prison/jail population cost estimate statement is required for HB1054 because the bill would establish two new felony penalties.

Section 1 of the bill would prohibit engaging in the isomerization or acetylation of cannabinoids or sale of any material, compound, mixture, or preparation created by the isomerization or acetylation of cannabinoids. A violation of section 1 would be a Class 4 felony. Section 2 of the bill would prohibit the possession of any material, compound, mixture, or preparation created by the isomerization or acetylation of cannabinoids. A violation of section 2 would be a Class 5 felony.

Isomerization is a chemical process by which a compound is transformed into any of its isomeric forms, or forms with the same chemical composition but with different configurations. For this reason, an isomer often has different physical and chemical properties than the original compound. Acetylation is the process of introducing an acetyl group into a compound. It is another process by which a drug can be altered to produce different properties. The bill would, for example, prohibit the use of cannabinoids found in hemp to undergo the isomerization or acetylation process.

No other state laws were identified that take a similar approach to the prohibition of isomerization and acetylation of cannabinoids. At least two states were identified, North Dakota and New York, that have prohibited the isomerization of cannabinoids within hemp regulation. In at least fifteen states, the manufacture, sale, and possession of such compounds appears to be included within scheduled drug lists. Those states include Alaska, Arizona, Arkansas, Colorado, Delaware, Kentucky, Idaho, Iowa, Michigan, Mississippi, Montana, Rhode Island, Utah, Vermont, and Washington. These compounds are thus subject to the treatment of controlled drugs or substances in these states. In this state, hemp is excepted from the definition of tetrahydrocannabinol and thus any compound derived from it is not a scheduled drug.

In sum, an adequate comparison to draw from for purposes of a representative prison/jail population cost estimate for the bill is not readily available. There is expected to be an impact of prison and jail costs, but that impact is not readily discernible.

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