



## 2023 South Dakota Legislature

# House Bill 1041

Introduced by: **Representative** Rehfeldt

1 **An Act to provide an exception to the definition of drug paraphernalia.**

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

3 **Section 1. That § 22-42A-1 be AMENDED:**

4 **22-42A-1.** ~~The~~For purposes of this chapter, the term, drug paraphernalia, means  
 5 any equipment, ~~products, and materials of any kind which are~~ product, or material that is  
 6 primarily used, intended for use, or designed for use by the person in possession of ~~them~~it,  
 7 in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding,  
 8 converting, producing, processing, preparing, testing, analyzing, packaging, repackaging,  
 9 storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into  
 10 the human body any controlled substance or marijuana in violation of the provisions of  
 11 this chapter. ~~It~~Drug paraphernalia includes, ~~but is not limited to:~~

- 12 (1) Kits used, intended for use, or designed for use in planting, propagating,  
 13 cultivating, growing, or harvesting of any species of plant ~~which~~ that is a controlled  
 14 substance or marijuana or from which a controlled substance can be derived;
- 15 (2) Kits used, intended for use, or designed for use in manufacturing, compounding,  
 16 converting, producing, processing, or preparing controlled substances;
- 17 (3) Isomerization devices used, intended for use, or designed for use in increasing the  
 18 potency of marijuana or any species of plant ~~which~~ that is a controlled substance;
- 19 (4) Scales and balances used, intended for use, or designed for use in weighing or  
 20 measuring controlled substances;
- 21 (5) Diluents and adulterants, ~~such as~~ including quinine hydrochloride, mannitol,  
 22 mannite, dextrose, and lactose, used, intended for use, or designed for use in  
 23 cutting controlled substances;
- 24 (6) Separation gins and sifters used, intended for use, or designed for use in removing  
 25 twigs and seeds from, or in otherwise cleaning or refining, marijuana;

- 1 (7) Capsules, balloons, envelopes, and other containers used, intended for use, or  
2 designed for use in packaging small quantities of controlled substances or  
3 marijuana;
- 4 (8) Containers and other objects used, intended for use, or designed for use in storing  
5 or concealing controlled substances or marijuana;
- 6 (9) Hypodermic syringes, needles, and other objects used, intended for use, or  
7 designed for use in parenterally injecting controlled substances into the human  
8 body; and
- 9 (10) Objects used, intended for use, or designed for use in ingesting, inhaling, or  
10 otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human  
11 body, ~~such as~~including:
- 12 (a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or  
13 without screens, permanent screens, hashish heads, or punctured metal  
14 bowls;
- 15 (b) Water pipes;
- 16 (c) Carburetion tubes and devices;
- 17 (d) Smoking and carburetion masks;
- 18 (e) Roach clips: meaning objects used to hold burning material, such as a  
19 marijuana cigarette, that has become too small or too short to be held in  
20 the hand;
- 21 (f) Miniature cocaine spoons and cocaine vials;
- 22 (g) Chamber pipes;
- 23 (h) Carburetor pipes;
- 24 (i) Electric pipes;
- 25 (j) Air-driven pipes;
- 26 (k) Chillums;
- 27 (l) Bongs; and
- 28 (m) Ice pipes or chillers.
- 29 For purposes of this chapter, drug paraphernalia does not include a product that  
30 detects the presence of fentanyl or a fentanyl analog in a controlled substance.