



2023 South Dakota Legislature

House Bill 1226

HOUSE STATE AFFAIRS ENGROSSED

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: **Representative** Lesmeister

1 **An Act to regulate industrial hemp-derived delta-8 and delta-10**
 2 **tetrahydrocannabinol products, and other hemp-derived psychoactive**
 3 **compounds, and to declare an emergency.**

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

5 **Section 1. That § 38-35-12 be AMENDED:**

6 **38-35-12.** The Department of Health shall promulgate rules, pursuant to chapter
 7 1-26, to:

- 8 (1) Make any modification or addition to the hemp regulatory program in order to
 9 comply with any federal statutes or any rules and regulations regarding hemp
 10 enacted or implemented by the United States Department of Agriculture;
 11 (2) Establish testing procedures to determine if the hemp tested contains the lawful
 12 amount of total delta-9 tetrahydrocannabinol concentration and certifying
 13 results;~~and~~
 14 (3) Establish labeling requirements for industrial hemp products; and
 15 (4) Establish labeling, marketing, packaging, and testing requirements and procedures
 16 for delta-8 and delta-10 tetrahydrocannabinol products, and other hemp-derived
 17 psychoactive compounds.

18 **Section 2.** Whereas, this Act is necessary for the immediate preservation of the public peace,
 19 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force
 20 and effect from and after its passage and approval.