

On page 1, line 1, of the Introduced bill, delete "exclude delta-9 tetrahydrocannabinol from felony ingestion charges" and insert "provide treatment for the ingestion of controlled substances"

On the Introduced bill, delete everything after the enacting clause and insert:

"

Section 1. That § 22-42-5.1 be AMENDED:

22-42-5.1. No person may knowingly ingest a controlled drug or substance or have a controlled drug or substance in an altered state in the body unless the substance was obtained directly or pursuant to a valid prescription or order from a practitioner, while acting in the course of the practitioner's professional practice or except as otherwise authorized by chapter 34-20B. ~~A violation of this section for a substance in Schedules I or II is a Class 5 felony. A violation of this section for a substance in Schedules III or IV is a Class 6 felony.~~ A first violation of this section, or a second violation of this section within ten years of a first conviction for, or plea of guilty to, a violation of this section is a Class 1 misdemeanor. A third or subsequent violation of this section within ten years of a first conviction for, or plea of guilty to, a violation of this section is a Class 6 felony.

In determining whether the offense is the second, third, or subsequent violation of this section, the court may not consider any previous conviction for, or plea of guilty to, a violation of this section occurring more than ten years prior to the current violation. In calculating whether the time period provided in this section has elapsed, the court may not include any period of time during which the defendant was incarcerated.

Any person convicted for a violation of this section shall undergo a court-ordered evaluation by an addiction counselor licensed or certified by the South Dakota Board of Addiction and Prevention Professionals pursuant to chapter 36-34, or a licensed or certified health care professional with specialized training in chemical dependency evaluation, to determine if the defendant is chemically dependent. The defendant shall pay the cost of the evaluation. The evaluator shall provide a copy of recommendations from the evaluation to the referring judge."