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

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

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

22-42A-1. For purposes of this chapter, the term, drug paraphernalia, means any equipment, product, or material that is primarily used, intended for use, or designed for use by the person in possession of it, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body any controlled substance or marijuana in violation of the provisions of this chapter. Drug paraphernalia includes:

(1) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant that is a controlled substance or marijuana or from which a controlled substance can be derived;

(2) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

(3) Isomerization devices used, intended for use, or designed for use in increasing the potency of marijuana or any species of plant that is a controlled substance;

(4) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

(5) Diluents and adulterants, including quinine hydrochloride, mannitol, mannite, dextrose, and lactose, used, intended for use, or designed for use in cutting controlled substances;

(6) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
(7) Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances or marijuana;

(8) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances or marijuana;

(9) Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body; and

(10) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, including:
    (a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
    (b) Water pipes;
    (c) Carburetion tubes and devices;
    (d) Smoking and carburetion masks;
    (e) Roach clips: meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
    (f) Miniature cocaine spoons and cocaine vials;
    (g) Chamber pipes;
    (h) Carburetor pipes;
    (i) Electric pipes;
    (j) Air-driven pipes;
    (k) Chillums;
    (l) Bongs; and
    (m) Ice pipes or chillers.

For purposes of this chapter, drug paraphernalia does not include a product that detects the presence of fentanyl or a fentanyl analog in a controlled substance.
An Act to provide an exception to the definition of drug paraphernalia.

I certify that the attached Act originated in the:

House as Bill No. 1041

________________________  Chief Clerk

Received at this Executive Office this _____ day of _______________,
2023 at ___________ M.

By ______________________ for the Governor

________________________  Speaker of the House

The attached Act is hereby approved this _______ day of
____________________, A.D., 2023

Attest:

________________________  Chief Clerk

________________________  Governor

________________________  President of the Senate

Office of the Secretary of State

________________________  Secretary of the Senate

________________________  Secretary of State

House Bill No. 1041
File No. ______
Chapter No. ______

By ______________________
Asst. Secretary of State