



## 2024 South Dakota Legislature

# House Bill 1027

*Introduced by: The Chair of the Committee on Health and Human Services at the request of the Department of Health*

1 **An Act to modify substances listed on the controlled substances schedule and to**  
 2 **declare an emergency.**

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

4 **Section 1. That § 34-20B-12 be AMENDED:**

5 **34-20B-12.** Any of the following substances, including their isomers, esters,  
 6 ethers, salts, and salts of isomers, esters, and ethers, is included in Schedule I, unless  
 7 specifically excepted, whenever the existence of such isomers, esters, ethers, and salts is  
 8 possible within the specific chemical designation:

- 9 (1) Acetylmethadol;
- 10 (2) Allylprodine;
- 11 (3) Alphacetylmethadol, except levo-alphacetylmethadol, also known as levo-alpha-  
 12 acetylmethadol, levomethadyl acetate or LAAM;
- 13 (4) Alphameprodine;
- 14 (5) Alphamethadol;
- 15 (6) Benzethidine;
- 16 (7) Betacetylmethadol;
- 17 (8) Betameprodine;
- 18 (9) Betamethadol;
- 19 (10) Betaprodine;
- 20 (11) Clonitazene;
- 21 (12) Dextromoramide;
- 22 (13) Diampromide;
- 23 (14) Diethylambutene;
- 24 (15) Dimenoxadol;
- 25 (16) Dimepheptanol;
- 26 (17) Dimethylambutene;

- 1 (18) Dioxaphetyl butyrate;
- 2 (19) Dipipanone;
- 3 (20) Ethylmethylthiambutene;
- 4 (21) Etonitazene;
- 5 (22) Etoxeridine;
- 6 (23) Furethidine;
- 7 (24) Hydroxypethidine;
- 8 (25) Ketobemidone;
- 9 (26) Levomoramide;
- 10 (27) Levophenacylmorphane;
- 11 (28) Mecloqualone;
- 12 (29) Morpheridine;
- 13 (30) Noracymethadol;
- 14 (31) Norlevorphanol;
- 15 (32) Normethadone;
- 16 (33) Norpipanone;
- 17 (34) Phenadoxone;
- 18 (35) Phenampromide;
- 19 (36) Phenomorphan;
- 20 (37) Phenoperidine;
- 21 (38) Piritramide;
- 22 (39) Proheptazine;
- 23 (40) Properidine;
- 24 (41) Racemoramide;
- 25 (42) Trimeperidine;
- 26 (43) Methaqualone;
- 27 (44) N-benzylpiperazine;
- 28 (45) 4-chloro-N-[1-[2-(4-nitrophenyl)ethyl]-2-piperidinylidene]-benzenesulfonamide,  
29 W-18;
- 30 (46) N,N-diethyl-2-(2-(4 isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-  
31 amine, also known as isotonitazene;
- 32 (47) 2-(2-(4-butoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine  
33 (butonitazene);
- 34 (48) 2-(2-(4-ethoxybenzyl)-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine  
35 (etodesnitazene, etazene);

- 1 (49) N,N-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine)  
 2 (flunitazene);
- 3 (50) N,N-diethyl-2-(2-(4-methoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine  
 4 (metodesnitazene);
- 5 (51) N,N-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-  
 6 amine (metonitazene);
- 7 (52) 2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1H-benzimidazole (N-  
 8 pyrrolidino etonitazene, etonitazepyne); ~~and~~
- 9 (53) N,N-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine  
 10 (protonitazene);
- 11 (54) 7-[(10,11-dihydro-5 H -dibenzo[a,d]cyclohepten-5-yl)amino]heptanoic acid)  
 12 (amineptine);
- 13 (55) N -phenyl- N' -(3-(1-phenylpropan-2-yl)-1,2,3-oxadiazol-3-ium-5-  
 14 yl)carbamimidate) (mesocarb); and
- 15 (56) N -methyl-1-(thiophen-2-yl)propan-2-amine (methiopropamine).

16 **Section 2. That § 34-20B-13 be AMENDED:**

17 **34-20B-13.** Any of the following opium derivatives and opiates, their salts,  
 18 isomers, esters, ethers, and salts of isomers, esters, and ethers, is included in Schedule  
 19 I, unless specifically excepted, whenever the existence of such salts, isomers, esters,  
 20 ethers, and salts of isomers, esters, and ethers is possible within the specific chemical  
 21 designation:

- 22 (1) Acetylcodone;
- 23 (2) Benzylmorphine;
- 24 (3) Codeine methylbromide;
- 25 (4) Codeine-N-Oxide;
- 26 (5) Desomorphine;
- 27 (6) Drotebanol;
- 28 (7) Heroin;
- 29 (8) Hydromorphenol;
- 30 (9) ~~Methydesorphine~~Methyldesorphine;
- 31 (10) Methylhydromorphenol;
- 32 (11) Morphine methylbromide;
- 33 (12) Morphine methylsulfonate;
- 34 (13) Morphine-N-Oxide;

- 1 (14) Myrophine;
- 2 (15) Nicocodeine;
- 3 (16) Nicomorphine;
- 4 (17) Normorphine;
- 5 (18) Thebacon;
- 6 (19) 3-Methylfentanyl;
- 7 (20) Fentanyl analogs. Any substituted derivatives of fentanyl unless specifically
- 8 excepted, listed in another schedule, or contained within a pharmaceutical product
- 9 approved by the United States Food and Drug Administration, that is structurally
- 10 related to fentanyl by modification in any one or more of the following ways:
- 11 (a) By replacement of the phenyl portion of the phenethyl group by any
- 12 monocycle whether or not further substituted in or on the monocycle;
- 13 (b) By substitution in or on or replacement of the phenethyl group with alkyl,
- 14 alkenyl, alkoxy, hydroxyl, halo, haloalkyl, amino, or nitro groups;
- 15 (c) By substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy,
- 16 ester, ether, hydroxyl, halo, haloalkyl, amino, phenyl, substituted phenyl,
- 17 or nitro groups;
- 18 (d) By replacement of the aniline ring with any aromatic monocycle whether or
- 19 not further substituted in or on the aromatic monocycle; or
- 20 (e) By the replacement of the N-propionyl group by another acyl group.

21 Some trade and other names: N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (acetyl

22 fentanyl); N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide (furanyl

23 fentanyl); N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryl fentanyl,

24 acryloylfentanyl); N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide (ortho-

25 fluorofentanyl or 2-fluorofentanyl); N-(1-phenethylpiperidin-4-yl)-N-

26 phenyltetrahydrofuran-2-carboxamide (tetrahydrofuran fentanyl); 2-methoxy-N-(1-

27 phenethylpiperidin-4-yl)-N-phenylacetamide (methoxyacetyl fentanyl); N-(1-

28 phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (cyclopropyl fentanyl), N-

29 phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-pentanamide (valeryl fentanyl); N-(1-

30 phenethylpiperidin-4-yl)-N-phenylbutyramide (butyryl fentanyl); N-[1-(2-hydroxy-2-

31 thiophen-2-ylethyl)piperidin-4-yl]-N-phenylpropanamide (Beta-Hydroxythiofentanyl); N-

32 (4-fluorophenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]butanamide (para-fluorobutyryl

33 fentanyl); N-(4-methoxyphenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]butanamide (para-

34 methoxybutyryl fentanyl); N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-

35 yl)isobutyramide (para-chloroisobutyryl fentanyl); N-(1-phenethylpiperidin-4-yl)-N-

- 1 phenylisobutyramide (isobutyryl fentanyl); N-(1-phenethylpiperidin-4-yl)-N-  
 2 phenylcyclopentanecarboxamide (cyclopentyl fentanyl); N-(2-fluorophenyl)-2-methoxy-  
 3 N-(1-phenethylpiperidin-4-yl)acetamide (ocfentanil); N-(4-fluorophenyl)-N-(1-  
 4 phenethylpiperidin-4-yl)isobutyramide (para-fluoroisobutyryl fentanyl); (E)-N-(1-  
 5 phenethylpiperidin-4-yl)-N-phenylbut-2-enamide (Crotonyl fentanyl);  
 6 (21) 1-Methyl-4-phenyl-4-propionoxypiperidine;  
 7 (22) 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine;  
 8 (23) 3,4-dichloro-N[2-(dimethylamino)cyclohexyl]-N-methylbenzamide (U-47700);  
 9 (24) 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine (MT-45);  
 10 (25) 3,4-dichloro-N-[(1dimethylamino)cyclohexylmethyl]benzamide (AH-7921);  
 11 (26) 2-(2,4-dichlorophenyl)-N-2-(dimethylamino)cyclohexyl)-N-methylacetamide (U-  
 12 48800);  
 13 (27) Trans-3,4-dichloro-N-[2-(diethylamino)cyclohexyl]-N-methyl-benzamide (U-  
 14 49900);  
 15 (28) N-[2-(dimethylamino)cyclohexyl]-N-methyl-1,3-benzodioxole-5-carboxamide  
 16 (Methylenedioxy-U-47700);  
 17 (29) 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-isopropylbenzamide (Isopropyl-  
 18 U-47700);  
 19 (30) 1-(1,2-Diphenylethyl)piperidine (Diphenidine);  
 20 (31) N-Ethyl-1,2-diphenylethylamine (Ephenidine); ~~and~~  
 21 (32) 1-(1-(1-(4-bromophenyl)ethyl)piperidin-4-yl)-1,3-dihydro-2H-benzo[d]imidazol-  
 22 2-one (Brorphine); and  
 23 (33) 1-methoxy-3-[4-(2-methoxy-2-phenylethyl)piperazin-1-yl]-1-phenylpropan-2-ol  
 24 (Zipeprol).

25 **Section 3. That § 34-20B-25 be AMENDED:**

26 **34-20B-25.** The following are included in Schedule IV:

- 27 (1) Chlordiazepoxide, but not including librax (chlordiazepoxide hydrochloride and  
 28 clindinium bromide) or menrium (chlordiazepoxide and water soluble esterified  
 29 estrogens);  
 30 (2) Clonazepam;  
 31 (3) Clorazepate;  
 32 (4) Diazepam;  
 33 (5) Flunitrazepam;  
 34 (6) Flurazepam;

- 1 (7) Mebutamate;
- 2 (8) Oxazepam;
- 3 (9) Prazepam;
- 4 (10) Lorazepam;
- 5 (11) Triazolam;
- 6 (12) Any substance that contains any quantity of a benzodiazepine, or salt of
- 7 benzodiazepine, except substances that are specifically listed in other schedules;
- 8 (13) Alprazolam;
- 9 (14) Midazolam;
- 10 (15) Temazepam;
- 11 (16) Cathine;
- 12 (17) Fencamfamine;
- 13 (18) Fenproporex;
- 14 (19) Mefenorex;
- 15 (20) Pyrovalerone;
- 16 (21) Propoxyphene;
- 17 (22) Pentazocine;
- 18 (23) Diethylpropion;
- 19 (24) Ethchlorvynol;
- 20 (25) Ethinamate;
- 21 (26) Fenfluramine;
- 22 ~~(27)~~ Mazindol;
- 23 ~~(28)~~(27) Mephobarbital;
- 24 ~~(29)~~(28) Methohexitol;
- 25 ~~(30)~~(29) Paraldehyde;
- 26 ~~(31)~~(30) Pemoline;
- 27 ~~(32)~~(31) Petrichloral;
- 28 ~~(33)~~(32) Phentermine;
- 29 ~~(34)~~(33) Barbital;
- 30 ~~(35)~~(34) Phenobarbital;
- 31 ~~(36)~~(35) Meprobamate;
- 32 ~~(37)~~(36) Zolpidem;
- 33 ~~(38)~~(37) Butorphanol;
- 34 ~~(39)~~(38) Modafinil, including its salts, isomers, and salts of isomers;
- 35 ~~(40)~~(39) Sibutramine;

- 1        ~~(41)~~(40)    Zaleplon;
- 2        ~~(42)~~(41)    Dichloralphenazone;
- 3        ~~(43)~~(42)    Zopiclone, also known as eszopiclone, including its salts, isomers, and salts  
4                    of isomers;
- 5        ~~(44)~~(43)    Pregabalin;
- 6        ~~(45)~~(44)    Lacosamide;
- 7        ~~(46)~~(45)    Fospropofol, including its salts, isomers, and salts of isomers;
- 8        ~~(47)~~(46)    Clobazam;
- 9        ~~(48)~~(47)    Carisoprodol, including its salts, isomers, and salts of isomers;
- 10       ~~(49)~~(48)    Ezogabine,[-[2-amino-4-(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl  
11                    ester], including its salts, isomers, and salts of isomers;
- 12       ~~(50)~~(49)    Lorcaseerin, any material, compound, mixture, or preparation that contains  
13                    any quantity of the following substances, including its salts, isomers, and salts of  
14                    isomers, whenever the existence of such salts, isomers, and salts of isomers is  
15                    possible;
- 16       ~~(51)~~(50)    Alfaxalone, 5[alpha]-pregnan-3[alpha]-ol-11,20-dione, including its salts,  
17                    isomers, and salts of isomers;
- 18       ~~(52)~~(51)    Tramadol, 2-[[dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol,  
19                    its salts, optical and geometric isomers and salts of these isomers;
- 20       ~~(53)~~(52)    Suvorexant, including its salts, isomers, and salts of isomers;
- 21       ~~(54)~~(53)    Eluxadoline,(5-[[[(2S)-2-amino-3-[4-aminocarbonyl]-2,6-dimethylphenyl]-  
22                    1-oxopropyl]][(1S)-1-(4-phenyl-1H-imidazol-2-yl)ethyl]amino)methyl]-2-  
23                    methoxybenzoic acid) including its optical isomers and its salts, isomers, and salts  
24                    of isomers;
- 25       ~~(55)~~(54)    Brivaracetam;
- 26       ~~(56)~~(55)    Solriamfetol (2-amino-3-phenylpropyl carbamate; benzenepropanol, beta-  
27                    amino-, carbamate (ester)), including its salts, isomers, and salts of isomers  
28                    whenever the existence of the salts, isomers, and salts of isomers is possible;
- 29       ~~(57)~~(56)    Brexanolone, (3[alpha]-hydroxy-5[alpha]-pregnan-20-one), including its  
30                    salts, isomers, and salts of isomers whenever the existence of the salts, isomers,  
31                    and salts of isomers is possible;
- 32       ~~(58)~~(57)    Cenobamate ([[(1R)-1-(2-chlorophenyl)-2-(tetrazol-2-yl)ethyl] carbamate;  
33                    2H-tetrazole-2-ethanol, alpha-(2-chlorophenyl)-, carbamate (ester), (alphaR)-;  
34                    carbamic acid (R)-(+)-1-(2-chlorophenyl)-2-(2H-tetrazol-2-yl)ethyl ester);

- 1        ~~(59)~~(58)    Lasmiditan [2,4,6-trifluoro-N-(6-(1-methylpiperidine-4-carbonyl)pyridine-2-
- 2                    yl)-benzamide];
- 3        ~~(60)~~(59)    Lemborexant, including its salts, isomers, and salts of isomers;
- 4        ~~(61)~~(60)    Remimazolam;
- 5        ~~(62)~~(61)    Serdexmethylphenidate, including its salts, isomers, and salts of isomers;
- 6        ~~(63)~~(62)    Daridorexant, including its salts, isomers, and salts of isomers; ~~and~~
- 7        ~~(64)~~(63)    Ganaxolone, including its salts; and
- 8        (64)    Zuranolone.

9        **Section 4.** Whereas, this Act is necessary for the immediate preservation of the public peace,

10       health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force

11       and effect from and after its passage and approval.