



## 2024 South Dakota Legislature

# House Bill 1028

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

1 **An Act to classify xylazine as a Schedule III controlled substance, establish**  
 2 **permissible uses, and to declare an emergency.**

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

4 **Section 1. That chapter 34-20B be amended with a NEW SECTION:**

5 Any material, compound, mixture, or preparation that contains xylazine is a  
 6 Schedule III controlled drug or substance, except in the following cases:

7 (1) Dispensing, prescribing, or administering, to an animal, a drug containing xylazine  
 8 that has been approved by the United States secretary of health and human  
 9 services under 21 U.S.C. § 360b (January 1, 2024);

10 (2) Dispensing, prescribing, or administering xylazine to an animal that is permissible  
 11 under 21 U.S.C. § 360b(a)(4) (January 1, 2024);

12 (3) Manufacturing, distributing, or using xylazine as an active pharmaceutical  
 13 ingredient for manufacturing an animal drug:

14 (a) Approved under 21 U.S.C. § 360b (January 1, 2024); or

15 (b) Issued an investigation use exemption under 21 U.S.C. § 360b(j) (January  
 16 1, 2024);

17 (4) Manufacturing, distributing, or using a xylazine bulk chemical for pharmaceutical  
 18 compounding by a licensed pharmacist or veterinarian; or

19 (5) Any other use approved or permissible under 21 U.S.C. § 301, et seq. (January 1,  
 20 2024).

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