



# 2024 South Dakota Legislature

## House Bill 1027

HOUSE HEALTH AND HUMAN SERVICES ENGROSSED

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

- 1 ~~(48)~~(49) 2-(2-(4-ethoxybenzyl)-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine  
 2 (etodesnitazene, etazene);
- 3 ~~(49)~~(50) N,N-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-  
 4 amine) (flunitazene);
- 5 ~~(50)~~(51) N,N-diethyl-2-(2-(4-methoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine  
 6 (metodesnitazene);
- 7 ~~(51)~~(52) N,N-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-  
 8 amine (metonitazene);
- 9 ~~(52)~~(53) 2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1H-benzimidazole (N-  
 10 pyrrolidino etonitazene, etonitazepyne); ~~and~~
- 11 ~~(53)~~(54) N,N-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-  
 12 amine (protonitazene);
- 13 (55) 7-[(10,11-dihydro-5 H -dibenzo[a,d]cyclohepten-5-yl)amino]heptanoic acid)  
 14 (amineptine);
- 15 (56) N -phenyl- N' -(3-(1-phenylpropan-2-yl)-1,2,3-oxadiazol-3-ium-5-  
 16 yl)carbamimidate) (mesocarb); and
- 17 (57) N -methyl-1-(thiophen-2-yl)propan-2-amine (methiopropamine).

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

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

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

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

23 Some trade and other names: N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (acetyl  
24 fentanyl); N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide (furanyl  
25 fentanyl); N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryl fentanyl,  
26 acryloylfentanyl); N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide (ortho-  
27 fluorofentanyl or 2-fluorofentanyl); N-(1-phenethylpiperidin-4-yl)-N-  
28 phenyltetrahydrofuran-2-carboxamide (tetrahydrofuran fentanyl); 2-methoxy-N-(1-  
29 phenethylpiperidin-4-yl)-N-phenylacetamide (methoxyacetyl fentanyl); N-(1-  
30 phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (cyclopropyl fentanyl), N-  
31 phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-pentanamide (valeryl fentanyl); N-(1-  
32 phenethylpiperidin-4-yl)-N-phenylbutyramide (butyrl fentanyl); N-[1-(2-hydroxy-2-  
33 thiophen-2-ylethyl)piperidin-4-yl]-N-phenylpropanamide (Beta-Hydroxythiofentanyl); N-  
34 (4-fluorophenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]butanamide (para-fluorobutyryl  
35 fentanyl); N-(4-methoxyphenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]butanamide (para-

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

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

28 **34-20B-25.** The following are included in Schedule IV:

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

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

- 1       ~~(39)~~(38)   Modafinil, including its salts, isomers, and salts of isomers;
- 2       ~~(40)~~(39)   Sibutramine;
- 3       ~~(41)~~(40)   Zaleplon;
- 4       ~~(42)~~(41)   Dichloralphenazone;
- 5       ~~(43)~~(42)   Zopiclone, also known as eszopiclone, including its salts, isomers, and salts
- 6               of isomers;
- 7       ~~(44)~~(43)   Pregabalin;
- 8       ~~(45)~~(44)   Lacosamide;
- 9       ~~(46)~~(45)   Fospropofol, including its salts, isomers, and salts of isomers;
- 10      ~~(47)~~(46)   Clobazam;
- 11      ~~(48)~~(47)   Carisoprodol, including its salts, isomers, and salts of isomers;
- 12      ~~(49)~~(48)   Ezogabine,[-[2-amino-4-(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl
- 13               ester], including its salts, isomers, and salts of isomers;
- 14      ~~(50)~~(49)   Lorcaserin, any material, compound, mixture, or preparation that contains
- 15               any quantity of the following substances, including its salts, isomers, and salts of
- 16               isomers, whenever the existence of such salts, isomers, and salts of isomers is
- 17               possible;
- 18      ~~(51)~~(50)   Alfaxalone, 5[alpha]-pregnan-3[alpha]-ol-11,20-dione, including its salts,
- 19               isomers, and salts of isomers;
- 20      ~~(52)~~(51)   Tramadol, 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol,
- 21               its salts, optical and geometric isomers and salts of these isomers;
- 22      ~~(53)~~(52)   Suvorexant, including its salts, isomers, and salts of isomers;
- 23      ~~(54)~~(53)   Eluxadoline,(5-[[[(2S)-2-amino-3-[4-aminocarbonyl]-2,6-dimethylphenyl]-
- 24               1-oxopropyl]][(1S)-1-(4-phenyl-1H-imidazol-2-yl)ethyl]amino)methyl]-2-
- 25               methoxybenzoic acid) including its optical isomers and its salts, isomers, and salts
- 26               of isomers;
- 27      ~~(55)~~(54)   Brivaracetam;
- 28      ~~(56)~~(55)   Solriamfetol (2-amino-3-phenylpropyl carbamate; benzenepropanol, beta-
- 29               amino-, carbamate (ester)), including its salts, isomers, and salts of isomers
- 30               whenever the existence of the salts, isomers, and salts of isomers is possible;
- 31      ~~(57)~~(56)   Brexanolone, (3[alpha]-hydroxy-5[alpha]-pregnan-20-one), including its
- 32               salts, isomers, and salts of isomers whenever the existence of the salts, isomers,
- 33               and salts of isomers is possible;

- 1        ~~(58)~~(57)    Cenobamate ([ (1R)-1-(2-chlorophenyl)-2-(tetrazol-2-yl)ethyl] carbamate;  
2                    2H-tetrazole-2-ethanol, alpha-(2-chlorophenyl)-, carbamate (ester), (alphaR)-;  
3                    carbamic acid (R)-(+)-1-(2-chlorophenyl)-2-(2H-tetrazol-2-yl)ethyl ester);  
4        ~~(59)~~(58)    Lasmiditan [2,4,6-trifluoro-N-(6-(1-methylpiperidine-4-carbonyl)pyridine-2-  
5                    yl)-benzamide];  
6        ~~(60)~~(59)    Lemborexant, including its salts, isomers, and salts of isomers;  
7        ~~(61)~~(60)    Remimazolam;  
8        ~~(62)~~(61)    Serdexmethylphenidate, including its salts, isomers, and salts of isomers;  
9        ~~(63)~~(62)    Daridorexant, including its salts, isomers, and salts of isomers; ~~and~~  
10       ~~(64)~~(63)    Ganaxolone, including its salts; ~~and~~  
11       (64)    Zuranolone.

12       **Section 4.** Whereas, this Act is necessary for the immediate preservation of the public peace,  
13       health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force  
14       and effect from and after its passage and approval.