



2025 South Dakota Legislature

Senate Bill 83

Introduced by: **Senator Grove**

1 **An Act to revise the penalty and provide treatment for the ingestion of certain**
 2 **controlled substances.**

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

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

5 **22-42-5.1.** No person may knowingly ingest a controlled drug or substance or
 6 have a controlled drug or substance in an altered state in the body unless the substance
 7 was obtained directly or pursuant to a valid prescription or order from a practitioner, ~~while~~
 8 acting in the course of the practitioner's professional practice, or except as otherwise
 9 authorized by chapter 34-20B. ~~A The following penalties apply to a violation of this section~~
 10 ~~for a substance in Schedules I or II is a Class 5 felony. A violation of this section for a~~
 11 ~~substance in Schedules III or IV is a Class 6 felony.~~

12 (1) A first violation is a Class 1 misdemeanor, and the court may sentence the person
 13 to a period of probation that the court deems best. If probation is ordered, the
 14 court must, as a condition of probation, include that the person complete a drug
 15 and alcohol evaluation and complete any recommended course of treatment. The
 16 court may impose other terms and conditions of probation as the court deems best;

17 (2) A second violation is a Class 1 misdemeanor, and the court shall sentence the
 18 person to a period of probation that the court deems best. As a condition of
 19 probation, the court shall include that the person complete a drug and alcohol
 20 evaluation and complete any recommended course of treatment. The court may
 21 impose other terms and conditions of probation as the court deems best;

22 (3) A third or subsequent violation, occurring within five years of the person's first
 23 conviction, is a Class 6 felony; and

24 (4) If the person is an inmate of a state correctional facility, a violation is Class 6
 25 felony.