



## 2025 South Dakota Legislature

# Senate Bill 83

SENATE JUDICIARY ENGROSSED

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, in addition to any other  
 13 sentence, shall order that the person complete a drug and alcohol evaluation and  
 14 complete supervised probation using evidence-based sentencing practices, which  
 15 may include the HOPE probation program and other programs as established in  
 16 chapter 16-22;

17 (2) A second violation is a Class 1 misdemeanor, and the court, in addition to any other  
 18 sentence, may sentence the person to a period of up to one year in jail, and shall  
 19 sentence the person to a period of supervised probation using evidence-based  
 20 practices, which may include the HOPE probation program and other programs as  
 21 established in chapter 16-22, and order that the person complete a drug and  
 22 alcohol evaluation and complete any other recommended course of treatment; and

23 (3) A third or subsequent violation, occurring within ten years of the person's first  
 24 conviction, is a Class 6 felony.