



2025 South Dakota Legislature
Senate Bill 83
ENROLLED

AN ACT

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

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

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

22-42-5.1. No person may knowingly ingest a controlled drug or substance or have a controlled drug or substance in an altered state in the body unless the substance was obtained directly or pursuant to a valid prescription or order from a practitioner, acting in the course of the practitioner's professional practice, or except as otherwise authorized by chapter 34-20B. The following penalties apply to a violation of this section:

- (1) A first violation is a Class 1 misdemeanor, and the court, in addition to any other sentence, shall order that the person complete a drug and alcohol evaluation and complete supervised probation using evidence-based sentencing practices, which may include the HOPE probation program and other programs as established in chapter 16-22;
- (2) A second violation is a Class 1 misdemeanor, and the court, in addition to any other sentence, may sentence the person to a period of up to one year in jail, and shall sentence the person to a period of supervised probation using evidence-based practices, which may include the HOPE probation program and other programs as established in chapter 16-22, and order that the person complete a drug and alcohol evaluation and complete any other recommended course of treatment; and
- (3) A third or subsequent violation, occurring within ten years of the person's first conviction, is a Class 6 felony.

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

I certify that the attached Act originated in
the:
Senate as Bill No. 83

Received at this Executive Office
this ____ day of _____,
2025 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby
approved this _____ day of
_____, A.D., 2025

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2025
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 83
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State