



## 2026 South Dakota Legislature

# House Bill 1016

*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 provisions related to 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-1 be AMENDED:**

5 **34-20B-1.** Terms as used in this chapter mean:

- 6 (1) "Administer," to deliver a controlled drug or substance to the ultimate user or  
 7 human research subject by injection, inhalation, or ingestion, or by any other  
 8 means;
- 9 (2) "Agent," an authorized person who acts on behalf of or at the direction of a  
 10 manufacturer, distributor, or dispenser and includes a common or contract carrier,  
 11 public warehouseman, or employee thereof;
- 12 (3) "Chemically derived cannabinoid," a chemical substance created by a chemical  
 13 reaction that changes the molecular structure of any chemical substance derived  
 14 from the cannabis plant. The term does not include:
- 15 (a) Cannabinoids produced by decarboxylation from a naturally occurring  
 16 cannabinoid acid without the use of a chemical catalyst;
- 17 (b) Non-psychoactive cannabinoids; or
- 18 (c) Cannabinoids in a topical cream product;
- 19 (4) "Control," to add, remove, or change the placement of a drug, substance, or  
 20 immediate precursor under §§ 34-20B-27 and 34-20B-28;
- 21 (5) "Controlled substance analogue," any of the following:
- 22 (a) A substance that differs in its chemical structure from a controlled substance  
 23 listed in or added to Schedule I or II only by substituting one or more  
 24 hydrogens with halogens, or by substituting one halogen with a different  
 25 halogen;

- 1 (b) A substance that is an alkyl homolog of a controlled substance listed in or
- 2 added to Schedule I or II; or
- 3 (c) A substance intended for human consumption:
- 4 (i) The chemical structure of which is substantially similar to the
- 5 chemical structure of a controlled substance in Schedule I or II;~~or~~
- 6 (ii) That has a stimulant, depressant, or hallucinogenic effect on the
- 7 central nervous system that is substantially similar to, or greater
- 8 than, the stimulant, depressant, or hallucinogenic effect on the
- 9 central nervous system of a controlled substance in Schedule I or II;
- 10 or
- 11 (iii) With respect to a particular person, which the person represents or
- 12 intends to have a stimulant, depressant, or hallucinogenic effect on
- 13 the central nervous system that is substantially similar to or greater
- 14 than the stimulant, depressant, or hallucinogenic effect on the
- 15 central nervous system of a controlled substance in Schedule I or II;

16 The term, controlled substance analogue, does not include a controlled substance or any  
 17 substance for which there is an approved new drug application;

- 18 (6) "Counterfeit substance," a controlled drug or substance that, or the container or
- 19 labeling of a controlled drug or substance that, without authorization, bears the
- 20 trademark, trade name, or other identifying mark, imprint, number, or device, or
- 21 any likeness thereof, of a manufacturer, distributor, or dispenser other than the
- 22 person~~or persons~~ who manufactured, distributed, or dispensed the substance, and
- 23 thereby falsely purports or is represented to be the product of, or to have been
- 24 distributed by, the other manufacturer, distributor, or dispenser;
- 25 (7) "Deliver" or "delivery," the actual, constructive, or attempted transfer of a
- 26 controlled drug, substance, or marijuana, whether or not there exists an agency
- 27 relationship;
- 28 (8) "Department," the Department of Health~~created by chapter 1-43;~~
- 29 (9) "Dispense," to deliver a controlled drug or substance to the ultimate user or human
- 30 research subject by or pursuant to the lawful order of a practitioner, including the
- 31 prescribing, administering, packaging, labeling, or compounding necessary to
- 32 prepare the substance for such delivery;
- 33 (10) "Distribute," to deliver a controlled drug, substance, or marijuana;
- 34 (11) "Hashish," the resin extracted from any part of any plant of the genus cannabis
- 35 ~~that contains a delta-9 tetrahydrocannabinol concentration of more than three-~~

- 1           ~~tenths of one percent on a dry weight basis, except that which occurs in an~~  
 2           ~~industrial hemp product, as defined in § 38-35-1;~~
- 3           (12) "Imprisonment," imprisonment in a state correctional facility unless the penalty  
 4           specifically provides for imprisonment in the county jail;
- 5           (13) "Kratom," any part of the leaf of the plant *Mitragyna speciosa*;
- 6           (14) "Kratom product," a food as defined in § 39-4-1, or dietary ingredient, containing  
 7           kratom;
- 8           (15) "Manufacture," the production, preparation, propagation, compounding, or  
 9           processing of a controlled drug or substance, either directly or indirectly by  
 10           extraction from substances of natural origin, or independently by means of  
 11           chemical synthesis or by a combination of extraction and chemical synthesis. A  
 12           manufacturer does not include a practitioner who dispenses or compounds  
 13           prescription orders for delivery to the ultimate consumer;
- 14           (16) "Marijuana," all parts of any plant of the genus *cannabis*, whether growing or not;  
 15           the seeds thereof; and every compound, manufacture, salt, derivative, mixture, or  
 16           preparation of ~~such~~ the plant or its seeds. The term does not include ~~fiber~~;  
 17           (a) Fiber produced from the mature stalks of the plant, or oil or cake made from  
 18           the seeds of the plant, or the resin when extracted from any part of the  
 19           plant, ~~or a~~;  
 20           (b) A drug product approved by the United States Food and Drug  
 21           Administration. ~~The term does not include the plant *Cannabis sativa* L. and~~  
 22           ~~any part of that plant, including the seeds thereof and all derivatives,~~  
 23           ~~extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether~~  
 24           ~~growing or not, with a delta-9 tetrahydrocannabinol concentration of not~~  
 25           ~~more than three tenths of one percent on a dry weight basis; or~~  
 26           (c) Industrial hemp, as defined in § 38-35-1;
- 27           (17) "Narcotic drug," any of the following, whether produced directly or indirectly by  
 28           extraction from substances of vegetable origin or independently by means of  
 29           chemical synthesis, or by a combination of extraction and chemical synthesis:  
 30           (a) Opium, coca leaves, or opiates;  
 31           (b) A compound, manufacture, salt, derivative, or preparation of opium, coca  
 32           leaves, or opiates; or  
 33           (c) A substance, and any compound, manufacture, salt, derivative, or  
 34           preparation thereof, that is chemically identical to any of the substances  
 35           referred to in subsections (a) and (b) of this subdivision;

- 1 The term, narcotic drug, does not include decocainized coca leaves or extracts of coca  
2 leaves, which extracts do not contain cocaine or ecgonine;
- 3 (18) "Opiate" or "opioid," any controlled drug or substance having an addiction-  
4 sustaining liability similar to morphine or being capable of conversion into a drug  
5 having such addiction-forming or addiction-sustaining liability;
- 6 (19) "Opium poppy," the plant of the species *papaver somniferum* L., except the seeds  
7 thereof;
- 8 (20) ~~"Person," any corporation, association, limited liability company, partnership, or~~  
9 ~~one or more individuals;~~
- 10 ~~(21)~~—"Poppy straw," all parts, except the seeds, of the opium poppy, after mowing;
- 11 ~~(22)~~(21) "Practitioner,":
- 12 (a) A physician licensed pursuant to chapter 36-4, a physician assistant licensed  
13 pursuant to chapter 36-4A, a dentist licensed pursuant to chapter 36-6A,  
14 an optometrist licensed pursuant to chapter 36-7, a podiatrist licensed  
15 pursuant to chapter 36-8, a certified registered nurse anesthetist licensed  
16 pursuant to chapter 36-9, a certified nurse practitioner or certified nurse  
17 midwife licensed pursuant to chapter 36-9A, a pharmacist licensed pursuant  
18 to chapter 36-11, or a veterinarian licensed pursuant to chapter 36-12;
- 19 (b) A government employee acting within the scope of employment; and
- 20 (c) A person permitted by a certificate issued by the department to distribute,  
21 dispense, conduct research with respect to, or administer a substance  
22 controlled by this chapter;
- 23 ~~(23)~~(22) "Prescription," an order of a practitioner for a controlled drug or substance; and  
24 ~~(24)~~—"Production," the manufacture, planting, cultivation, growing, or harvesting of a  
25 controlled drug or substance;
- 26 ~~(25)~~(23) "Ultimate user," a person who lawfully possesses a controlled drug or substance  
27 for personal use or for the use of a member of the person's household, or for  
28 administration to an animal owned by the person or by a member of the person's  
29 household.

30 **Section 2. That § 34-20B-12 be AMENDED:**

31 **34-20B-12.** Any of the following substances, including their isomers, esters,  
32 ethers, salts, and salts of isomers, esters, and ethers, is included in Schedule I, unless  
33 specifically excepted, whenever the existence of ~~such~~ the isomers, esters, ethers, and  
34 salts is possible within the specific chemical designation:

- 1 (1) Acetylmethadol;
- 2 (2) Allylprodine;
- 3 (3) Alphacetylmethadol, except levo-alphacetylmethadol, also known as levo-alpha-
- 4 acetylmethadol, levomethadyl acetate or LAAM;
- 5 (4) Alphameprodine;
- 6 (5) Alphamethadol;
- 7 (6) Benzethidine;
- 8 (7) Betacetylmethadol;
- 9 (8) Betameprodine;
- 10 (9) Betamethadol;
- 11 (10) Betaprodine;
- 12 (11) Clonitazene;
- 13 (12) Dextromoramide;
- 14 (13) Diampromide;
- 15 (14) Diethylambutene;
- 16 (15) Dimenoxadol;
- 17 (16) Dimepheptanol;
- 18 (17) Dimethylambutene;
- 19 (18) Dioxaphetyl butyrate;
- 20 (19) Dipipanone;
- 21 (20) Ethylmethylthiambutene;
- 22 (21) Etonitazene;
- 23 (22) Etoxidine;
- 24 (23) Fenethylamine;
- 25 (24) Furethidine;
- 26 (25) Hydroxypethidine;
- 27 (26) Ketobemidone;
- 28 (27) Levomoramide;
- 29 (28) Levophenacetylmorphine;
- 30 (29) Mecloqualone;
- 31 (30) Morpheridine;
- 32 (31) Noracetylmethadol;
- 33 (32) Norlevorphanol;
- 34 (33) Normethadone;
- 35 (34) Norpipanone;

- 1 (35) Phenadoxone;
- 2 (36) Phenampromide;
- 3 (37) Phenomorphan;
- 4 (38) Phenoperidine;
- 5 (39) Piritramide;
- 6 (40) Proheptazine;
- 7 (41) Properidine;
- 8 (42) Racemoramide;
- 9 (43) Trimeperidine;
- 10 (44) Methaqualone;
- 11 (45) N-benzylpiperazine;
- 12 (46) 4-chloro-N-[1-[2-(4-nitrophenyl)ethyl]-2-piperidinyldene]-benzenesulfonamide,
- 13 W-18;
- 14 (47) N,N-diethyl-2-(2-(4-~~isopropoxy~~isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-
- 15 amine, also known as isotonitazene;
- 16 (48) 2-(2-(4-butoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine
- 17 (butonitazene);
- 18 (49) 2-(2-(4-ethoxybenzyl)-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine
- 19 (etodesnitazene, etazene);
- 20 (50) N,N-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine)
- 21 (flunitazene);
- 22 (51) N,N-diethyl-2-(2-(4-methoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine
- 23 (metodesnitazene);
- 24 (52) N,N-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-
- 25 amine (metonitazene);
- 26 (53) 2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1H-benzimidazole (N-
- 27 pyrrolidino etonitazene, etonitazepyne);
- 28 (54) N,N-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine
- 29 (protonitazene);
- 30 (55) 7-[(10,11-dihydro-5 H -dibenzo[a,d]cyclohepten-5-yl)amino]heptanoic acid)
- 31 (amineptine);
- 32 (56) N -phenyl- N' -(3-(1-phenylpropan-2-yl)-1,2,3-oxadiazol-3-ium-5-
- 33 yl)carbamimidate) (mesocarb); ~~and~~
- 34 (57) N -methyl-1-(thiophen-2-yl)propan-2-amine (methiopropamine);

- 1        (58) N-ethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1H-benzo[d]imidazol-1-yl)ethan-1-  
2            amine (N-Desethyl Isotonitazene); and  
3        (59) Ethyl 2-phenyl-2-(piperidin-2-yl)acetate (ethylphenidate).

4        **Section 3. That § 34-20B-13 be AMENDED:**

5            **34-20B-13.** Any of the following opium derivatives and opiates, their salts,  
6            isomers, esters, ethers, and salts of isomers, esters, and ethers, is included in Schedule  
7            I, unless specifically excepted, whenever the existence of the salts, isomers, esters,  
8            ethers, and salts of isomers, esters, and ethers is possible within the specific chemical  
9            designation:

- 10        (1) Acetylcodeine;  
11        (2) Benzylmorphine;  
12        (3) Codeine methylbromide;  
13        (4) Codeine-N-Oxide;  
14        (5) Desomorphine;  
15        (6) Drotebanol;  
16        (7) Heroin;  
17        (8) Hydromorphenol;  
18        (9) Methyldesorphine;  
19        (10) Methylhydromorphenol;  
20        (11) Morphine methylbromide;  
21        (12) Morphine methylsulfonate;  
22        (13) Morphine-N-Oxide;  
23        (14) Myrophine;  
24        (15) Nicocodeine;  
25        (16) Nicomorphine;  
26        (17) Normorphine;  
27        (18) Thebacon;  
28        (19) 3-Methylfentanyl;  
29        (20) Fentanyl analogs. Any substituted derivatives of fentanyl unless specifically  
30            excepted, listed in another schedule, or contained within a pharmaceutical product  
31            approved by the United States Food and Drug Administration, that is structurally  
32            related to fentanyl by modification in any one or more of the following ways:  
33            (a) By replacement of the phenyl portion of the phenethyl group by any  
34            monocycle whether or not further substituted in or on the monocycle;

- 1 (b) By substitution in or on or replacement of the phenethyl group with alkyl,  
 2 alkenyl, alkoxy, hydroxyl, halo, haloalkyl, amino, or nitro groups;
- 3 (c) By substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy,  
 4 ester, ether, hydroxyl, halo, haloalkyl, amino, phenyl, substituted phenyl,  
 5 or nitro groups;
- 6 (d) By replacement of the aniline ring with any aromatic monocycle whether or  
 7 not further substituted in or on the aromatic monocycle; or
- 8 (e) By the replacement of the N-propionyl group by another acyl group.

9 Some trade and other names: N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (acetyl  
 10 fentanyl); N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide (furanyl  
 11 fentanyl); N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryl fentanyl,  
 12 acryloylfentanyl); N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide (ortho-  
 13 fluorofentanyl or 2-fluorofentanyl); N-(1-phenethylpiperidin-4-yl)-N-  
 14 phenyltetrahydrofuran-2-carboxamide (tetrahydrofuranyl fentanyl); 2-methoxy-N-(1-  
 15 phenethylpiperidin-4-yl)-N-phenylacetamide (methoxyacetyl fentanyl); N-(1-  
 16 phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (cyclopropyl fentanyl), N-  
 17 phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-pentanamide (valeryl fentanyl); N-(1-  
 18 phenethylpiperidin-4-yl)-N-phenylbutyramide (~~butyl~~butyryl fentanyl); N-[1-(2-hydroxy-  
 19 2-thiophen-2-ylethyl)piperidin-4-yl]-N-phenylpropanamide (Beta-Hydroxythiofentanyl);  
 20 N-(4-fluorophenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]butanamide (para-fluorobutyryl  
 21 fentanyl); N-(4-methoxyphenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]butanamide (para-  
 22 methoxybutyryl fentanyl); N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-  
 23 yl)isobutyramide (para-chloroisobutyryl fentanyl); N-(1-phenethylpiperidin-4-yl)-N-  
 24 phenylisobutyramide (isobutyryl fentanyl); N-(1-phenethylpiperidin-4-yl)-N-  
 25 phenylcyclopentanecarboxamide (cyclopentyl fentanyl); N-(2-fluorophenyl)-2-methoxy-  
 26 N-(1-phenethylpiperidin-4-yl)acetamide (ocfentanil); N-(4-fluorophenyl)-N-(1-  
 27 phenethylpiperidin-4-yl)isobutyramide (para-fluoroisobutyryl fentanyl); (E)-N-(1-  
 28 phenethylpiperidin-4-yl)-N-phenylbut-2-enamide (Crotonyl fentanyl);

29 (21) 1-Methyl-4-phenyl-4-propionoxypiperidine;

30 (22) 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine;

31 (23) 3,4-dichloro-N[2-(dimethylamino)cyclohexyl]-N-methylbenzamide (U-47700);

32 (24) 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine (MT-45);

33 (25) 3,4-dichloro-N-[(1dimethylamino)cyclohexylmethyl]benzamide (AH-7921);

34 (26) 2-(2,4-dichlorophenyl)-N-2-(dimethylamino)cyclohexyl)-N-methylacetamide (U-  
 35 48800);

- 1 (27) Trans-3,4-dichloro-N-[2-(diethylamino)cyclohexyl]-N-methyl-benzamide (U-  
2 49900);
- 3 (28) N-[2-(dimethylamino)cyclohexyl]-N-methyl-1,3-benzodioxole-5-carboxamide  
4 (Methylenedioxy-U-47700);
- 5 (29) 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-isopropylbenzamide (Isopropyl-  
6 U-47700);
- 7 (30) 1-(1,2-Diphenylethyl)piperidine (Diphenidine);
- 8 (31) N-Ethyl-1,2-diphenylethylamine (Ephenidine);
- 9 (32) 1-(1-(1-(4-bromophenyl)ethyl)piperidin-4-yl)-1,3-dihydro-2H-benzo[d]imidazol-  
10 2-one (Brorphine);
- 11 (33) 1-methoxy-3-[4-(2-methoxy-2-phenylethyl)piperazin-1-yl]-1-phenylpropan-2-ol)  
12 (Zipeprol); and
- 13 (34) 2-Methyl AP-237—(1Methyl 4(3Phenylprop 2 en 1 yl)Piperizin 1 yl)Butan 1 one)  
14 (1-(2-methyl-4(3phenylprop-2-en-1-yl)piperizin-1-yl)butan-1-one).

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