



2026 South Dakota Legislature

Senate Bill 45

Introduced by: The Chair of the Committee on Judiciary at the request of the Attorney General

1 **An Act to revise a provision regulating delta-8 tetrahydrocannabinol, THC-O acetate,**
 2 **and hexahydrocannabinol for persons under the age of twenty-one and to**
 3 **provide a penalty therefor.**

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

5 **Section 1. That § 34-20B-117 be AMENDED:**

6 **34-20B-117.** The following actions are unlawful:

- 7 (1) To knowingly sell or distribute a product intended for human consumption
 8 containing delta-8 tetrahydrocannabinol, delta-9 tetrahydrocannabinolic acid, THC-
 9 O acetate, or hexahydrocannabinol to a person under the age of twenty-one;
- 10 (2) The purchase or attempt to purchase, the receipt or attempt to receive, the
 11 possession, or the consumption of, a product intended for human consumption
 12 containing delta-8 tetrahydrocannabinol, delta-9 tetrahydrocannabinolic acid, THC-
 13 O acetate, or hexahydrocannabinol ~~to~~ by a person under the age of twenty-one;
 14 ~~and~~
- 15 (3) To purchase a product intended for human consumption containing delta-8
 16 tetrahydrocannabinol, delta-9 tetrahydrocannabinolic acid, THC-O acetate, or
 17 hexahydrocannabinol on behalf of, or to give a product intended for human
 18 consumption containing delta-8 tetrahydrocannabinol, THC-O acetate, or
 19 hexahydrocannabinol to, any person under the age of twenty-one, unless the
 20 purchaser is a parent or guardian of the person under the age of twenty-one.

21 A violation of ~~this section~~ subdivision (1) is a Class 6 felony. A violation of
 22 subdivision (2) or (3) is a Class 2 misdemeanor.