

2026 South Dakota Legislature

Senate Bill 45**AMENDMENT 45A
FOR THE INTRODUCED BILL**

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, unless
10 the substance was obtained directly or pursuant to a valid prescription or order
11 from a practitioner, acting in the course of the practitioner's professional practice;
12 (2) The purchase or attempt to purchase, the receipt or attempt to receive, the
13 possession, or the consumption of, a product intended for human consumption
14 containing delta-8 tetrahydrocannabinol, delta-9 tetrahydrocannabinolic acid, THC-
15 O acetate, or hexahydrocannabinol ~~to~~ by a person under the age of twenty-one,
16 unless the substance was obtained directly or pursuant to a valid prescription or
17 order from a practitioner, acting in the course of the practitioner's professional
18 practice; and
19 (3) To purchase a product intended for human consumption containing delta-8
20 tetrahydrocannabinol, delta-9 tetrahydrocannabinolic acid, THC-O acetate, or
21 hexahydrocannabinol on behalf of, or to give a product intended for human
22 consumption containing delta-8 tetrahydrocannabinol, delta-9
23 tetrahydrocannabinolic acid, THC-O acetate, or hexahydrocannabinol to, any
24 person under the age of twenty-one, ~~unless the:~~
25 (a) The purchaser is a parent or guardian of the person under the age of
26 twenty-one; and

1 (b) The substance was obtained directly or pursuant to a valid prescription or
2 order from a practitioner, acting in the course of the practitioner's
3 professional practice.

4 A violation of ~~this section~~ subdivision (1) is a ~~Class 6 felony~~ Class 1 misdemeanor.

5 A violation of subdivision (2) or (3) is a Class 2 misdemeanor.

AMENDED