



2026 South Dakota Legislature

Senate Bill 45

SENATE JUDICIARY ENGROSSED

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