



2026 South Dakota Legislature

House Bill 1115

Introduced by: **Representative Auch**

1 **An Act to revise a provision related to unauthorized possession of a controlled drug**
2 **or substance.**

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

4 **Section 1. That § 22-42-5 be AMENDED:**

5 **22-42-5.** No person may knowingly possess a controlled drug or substance unless
6 the substance was obtained directly or pursuant to a valid prescription or order from a
7 practitioner, while acting in the course of the practitioner's professional practice or except
8 as otherwise authorized by chapter 34-20B. ~~A charge for unauthorized possession of~~
9 ~~controlled substance when absorbed into the human body as set forth in subdivision 22-~~
10 ~~42-1(1) shall only be charged under the provisions of § 22-42-5.1.~~ A violation of this
11 section for a substance in Schedules I or II is a Class 5 felony. A violation of this section
12 for a substance in Schedule III and IV is a Class 6 felony.