



2026 South Dakota Legislature
House Bill 1016
ENROLLED

AN ACT

ENTITLED An Act to modify provisions related to the controlled substances schedule and to declare an emergency.

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

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

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

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

- (b) A substance that is an alkyl homolog of a controlled substance listed in or added to Schedule I or II; or
- (c) A substance intended for human consumption:
 - (i) The chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II;
 - (ii) That has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to, or greater than, the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II; or
 - (iii) With respect to a particular person, which the person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II;

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

- (6) "Counterfeit substance," a controlled drug or substance that, or the container or labeling of a controlled drug or substance that, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number, or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who manufactured, distributed, or dispensed the substance, and thereby falsely purports or is represented to be the product of, or to have been distributed by, the other manufacturer, distributor, or dispenser;
- (7) "Deliver" or "delivery," the actual, constructive, or attempted transfer of a controlled drug, substance, or marijuana, whether or not there exists an agency relationship;
- (8) "Department," the Department of Health;
- (9) "Dispense," to deliver a controlled drug or substance to the ultimate user or human research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for such delivery;
- (10) "Distribute," to deliver a controlled drug, substance, or marijuana;
- (11) "Hashish," the resin extracted from any part of any plant of the genus cannabis, except that which occurs in an industrial hemp product, as defined in § 38-35-1;

- (12) "Imprisonment," imprisonment in a state correctional facility unless the penalty specifically provides for imprisonment in the county jail;
- (13) "Kratom," any part of the leaf of the plant *Mitragyna speciosa*;
- (14) "Kratom product," a food as defined in § 39-4-1, or dietary ingredient, containing kratom;
- (15) "Manufacture," the production, preparation, propagation, compounding, or processing of a controlled drug or substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis. A manufacturer does not include a practitioner who dispenses or compounds prescription orders for delivery to the ultimate consumer;
- (16) "Marijuana," all parts of any plant of the genus *cannabis*, whether growing or not; the seeds thereof; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds. The term does not include:
 - (a) Fiber produced from the mature stalks of the plant, or oil or cake made from the seeds of the plant, or the resin when extracted from any part of the plant;
 - (b) A drug product approved by the United States Food and Drug Administration; or
 - (c) Industrial hemp, as defined in § 38-35-1;
- (17) "Narcotic drug," any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:
 - (a) Opium, coca leaves, or opiates;
 - (b) A compound, manufacture, salt, derivative, or preparation of opium, coca leaves, or opiates; or
 - (c) A substance, and any compound, manufacture, salt, derivative, or preparation thereof, that is chemically identical to any of the substances referred to in subsections (a) and (b) of this subdivision;

The term, narcotic drug, does not include decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecgonine;
- (18) "Opiate" or "opioid," any controlled drug or substance having an addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability;

- (19) "Opium poppy," the plant of the species *papaver somniferum* L., except the seeds thereof;
- (20) "Poppy straw," all parts, except the seeds, of the opium poppy, after mowing;
- (21) "Practitioner,":
 - (a) A physician licensed pursuant to chapter 36-4, a physician assistant licensed pursuant to chapter 36-4A, a dentist licensed pursuant to chapter 36-6A, an optometrist licensed pursuant to chapter 36-7, a podiatrist licensed pursuant to chapter 36-8, a certified registered nurse anesthetist licensed pursuant to chapter 36-9, a certified nurse practitioner or certified nurse midwife licensed pursuant to chapter 36-9A, a pharmacist licensed pursuant to chapter 36-11, or a veterinarian licensed pursuant to chapter 36-12;
 - (b) A government employee acting within the scope of employment; and
 - (c) A person permitted by a certificate issued by the department to distribute, dispense, conduct research with respect to, or administer a substance controlled by this chapter;
- (22) "Prescription," an order of a practitioner for a controlled drug or substance; and
- (23) "Ultimate user," a person who lawfully possesses a controlled drug or substance for personal use or for the use of a member of the person's household, or for administration to an animal owned by the person or by a member of the person's household.

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

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

- (1) Acetylmethadol;
- (2) Allylprodine;
- (3) Alphacetylmethadol, except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate or LAAM;
- (4) Alphameprodine;
- (5) Alphamethadol;
- (6) Benzethidine;
- (7) Betacetylmethadol;
- (8) Betameprodine;

- (9) Betamethadol;
- (10) Betaprodine;
- (11) Clonitazene;
- (12) Dextromoramide;
- (13) Diampromide;
- (14) Diethylambutene;
- (15) Dimenoxadol;
- (16) Dimepheptanol;
- (17) Dimethylambutene;
- (18) Dioxaphetyl butyrate;
- (19) Dipipanone;
- (20) Ethylmethylthiambutene;
- (21) Etonitazene;
- (22) Etoxidine;
- (23) Fenethylamine;
- (24) Furethidine;
- (25) Hydroxypethidine;
- (26) Ketobemidone;
- (27) Levomoramide;
- (28) Levophenacymorphan;
- (29) Mecloqualone;
- (30) Morpheridine;
- (31) Noracymethadol;
- (32) Norlevorphanol;
- (33) Normethadone;
- (34) Norpiperone;
- (35) Phenadoxone;
- (36) Phenampromide;
- (37) Phenomorphan;
- (38) Phenoperidine;
- (39) Piritramide;
- (40) Proheptazine;
- (41) Properidine;
- (42) Racemoramide;
- (43) Trimeperidine;

- (44) Methaqualone;
- (45) N-benzylpiperazine;
- (46) 4-chloro-N-[1-[2-(4-nitrophenyl)ethyl]-2-piperidinylidene]-benzenesulfonamide, W-18;
- (47) N,N-diethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine, also known as isotonitazene;
- (48) 2-(2-(4-butoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine (butonitazene);
- (49) 2-(2-(4-ethoxybenzyl)-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine (etodesnitazene, etazene);
- (50) N,N-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine (flunitazene);
- (51) N,N-diethyl-2-(2-(4-methoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine (metodesnitazene);
- (52) N,N-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine (metonitazene);
- (53) 2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1H-benzimidazole (N-pyrrolidino etonitazene, etonitazepyne);
- (54) N,N-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine (protonitazene);
- (55) 7-[(10,11-dihydro-5 H -dibenzo[a,d]cyclohepten-5-yl)amino]heptanoic acid (amineptine);
- (56) N -phenyl- N' -(3-(1-phenylpropan-2-yl)-1,2,3-oxadiazol-3-ium-5-yl)carbamimidate (mesocarb);
- (57) N -methyl-1-(thiophen-2-yl)propan-2-amine (methiopropamine);
- (58) N-ethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1H-benzo[d]imidazol-1-yl)ethan-1-amine (N-Desethyl Isotonitazene); and
- (59) Ethyl 2-phenyl-2-(piperidin-2-yl)acetate (ethylphenidate).

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

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

- (1) Acetylcodone;
- (2) Benzylmorphine;
- (3) Codeine methylbromide;
- (4) Codeine-N-Oxide;
- (5) Desomorphine;
- (6) Drotebanol;
- (7) Heroin;
- (8) Hydromorphenol;
- (9) Methyldesorphine;
- (10) Methylhydromorphine;
- (11) Morphine methylbromide;
- (12) Morphine methylsulfonate;
- (13) Morphine-N-Oxide;
- (14) Myrophine;
- (15) Nicocodeine;
- (16) Nicomorphine;
- (17) Normorphine;
- (18) Thebacon;
- (19) 3-Methylfentanyl;
- (20) Fentanyl analogs. Any substituted derivatives of fentanyl unless specifically excepted, listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, that is structurally related to fentanyl by modification in any one or more of the following ways:
 - (a) By replacement of the phenyl portion of the phenethyl group by any monocycle whether or not further substituted in or on the monocycle;
 - (b) By substitution in or on or replacement of the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl, halo, haloalkyl, amino, or nitro groups;
 - (c) By substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether, hydroxyl, halo, haloalkyl, amino, phenyl, substituted phenyl, or nitro groups;
 - (d) By replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle; or
 - (e) By the replacement of the N-propionyl group by another acyl group.

Some trade and other names: N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (acetyl fentanyl); N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide (furanyl

fentanyl); N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryl fentanyl, acryloylfentanyl); N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide (ortho-fluorofentanyl or 2-fluorofentanyl); N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide (tetrahydrofuranyl fentanyl); 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (methoxyacetyl fentanyl); N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (cyclopropyl fentanyl), N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny]-pentanamide (valeryl fentanyl); N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide (butyryl fentanyl); N-[1-(2-hydroxy-2-thiophen-2-ylethyl)piperidin-4-yl]-N-phenylpropanamide (Beta-Hydroxythiofentanyl); N-(4-fluorophenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]butanamide (para-fluorobutyryl fentanyl); N-(4-methoxyphenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]butanamide (para-methoxybutyryl fentanyl); N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (para-chloroisobutyryl fentanyl); N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide (isobutyryl fentanyl); N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide (cyclopentyl fentanyl); N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide (ocfentanyl); N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (para-fluoroisobutyryl fentanyl); (E)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide (Crotonyl fentanyl);

- (21) 1-Methyl-4-phenyl-4-propionoxypiperidine;
- (22) 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine;
- (23) 3,4-dichloro-N[2-(dimethylamino)cyclohexyl]-N-methylbenzamide (U-47700);
- (24) 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine (MT-45);
- (25) 3,4-dichloro-N-[(1dimethylamino)cyclohexylmethyl]benzamide (AH-7921);
- (26) 2-(2,4-dichlorophenyl)-N-2-(dimethylamino)cyclohexyl)-N-methylacetamide (U-48800);
- (27) Trans-3,4-dichloro-N-[2-(diethylamino)cyclohexyl]-N-methyl-benzamide (U-49900);
- (28) N-[2-(dimethylamino)cyclohexyl]-N-methyl-1,3-benzodioxole-5-carboxamide (Methylenedioxy-U-47700);
- (29) 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-isopropylbenzamide (Isopropyl-U-47700);
- (30) 1-(1,2-Diphenylethyl)piperidine (Diphenidine);
- (31) N-Ethyl-1,2-diphenylethylamine (Ephenidine);
- (32) 1-(1-(1-(4-bromophenyl)ethyl)piperidin-4-yl)-1,3-dihydro-2H-benzo[d]imidazol-2-one (Borphine);

- (33) 1-methoxy-3-[4-(2-methoxy-2-phenylethyl)piperazin-1-yl]-1-phenylpropan-2-ol)
(Zipeprol); and
- (34) 2-Methyl AP-237 (1-(2-methyl-4(3phenylprop-2-en-1-yl)piperizin-1-yl)butan-1-one).

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

An Act to modify provisions related to the controlled substances schedule and to declare an emergency.

I certify that the attached Act originated in
the:
House as Bill No. 1016

Received at this Executive Office
this ____ day of _____,
2026 at _____ M.

Chief Clerk of the House

By _____
for the Governor

Speaker of the House

The attached Act is hereby
approved this ____ day of
_____, A.D., 2026

Attest:

Chief Clerk of the House

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2026
at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1016
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State