



2026 South Dakota Legislature
Senate Bill 45
ENROLLED

AN ACT

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

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

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

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

- (1) To knowingly sell or distribute a product intended for human consumption containing delta-8 tetrahydrocannabinol, delta-9 tetrahydrocannabinolic acid, THC-O acetate, or hexahydrocannabinol to a person under the age of twenty-one, unless the substance was obtained directly or pursuant to a valid prescription or order from a practitioner, acting in the course of the practitioner's professional practice;
- (2) The purchase or attempt to purchase, the receipt or attempt to receive, the possession, or the consumption of, a product intended for human consumption containing delta-8 tetrahydrocannabinol, delta-9 tetrahydrocannabinolic acid, THC-O acetate, or hexahydrocannabinol by a person under the age of twenty-one, unless the substance was obtained directly or pursuant to a valid prescription or order from a practitioner, acting in the course of the practitioner's professional practice; and
- (3) To purchase a product intended for human consumption containing delta-8 tetrahydrocannabinol, delta-9 tetrahydrocannabinolic acid, THC-O acetate, or hexahydrocannabinol on behalf of, or to give a product intended for human consumption containing delta-8 tetrahydrocannabinol, delta-9 tetrahydrocannabinolic acid, THC-O acetate, or hexahydrocannabinol to, any person under the age of twenty-one, unless:
 - (a) The purchaser is a parent or guardian of the person under the age of twenty-one; and

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

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

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

I certify that the attached Act originated in the:

Received at this Executive Office this ____ day of _____,

Senate as Bill No. 45

2026 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

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

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

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

Attest:

Chief Clerk of the House

Secretary of State

Senate Bill No. 45
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State