

AN ACT

ENTITLED, An Act to place certain substances on 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-12 be amended to read:

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 such 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) Furethidine;
- (24) Hydroxypethidine;
- (25) Ketobemidone;
- (26) Levomoramide;
- (27) Levophenacymorphan;
- (28) Mecloqualone;
- (29) Morpheridine;
- (30) Noracymethadol;
- (31) Norlevorphanol;
- (32) Normethadone;
- (33) Norpipanone;
- (34) Phenadoxone;
- (35) Phenampromide;
- (36) Phenomorphan;
- (37) Phenoperidine;
- (38) Piritramide;

- (39) Proheptazine;
- (40) Properidine;
- (41) Racemoramide;
- (42) Trimeperidine;
- (43) Methaqualone;
- (44) N-benzylpiperazine; and
- (45) 4-chloro-N-[1-[2-(4-nitrophenyl)ethyl]-2-piperidinylidene]-benzenesulfonamide, W-18.

Section 2. That § 34-20B-13 be amended to read:

34-20B-13. Any of the following opium derivatives, their salts, isomers, esters, ethers, and salts of isomers, esters, and ethers, is included in Schedule I, unless specifically excepted, whenever the existence of such 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) Methydesorphine;
- (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, alkoxyl, hydroxyl, halo, haloalkyl, amino, or nitro groups;
 - (c) By substitution in or on the piperadine ring with alkyl, alkenyl, alkoxyl, 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 (t e t r a h y d r o f u r a n y l f e n t a n y l) ;
2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (methoxyacetyl fentanyl);
and N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (cyclopropyl 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); and
- (25) 3,4-dichloro-N-[(1dimethylamino)cyclohexylmethyl]benzamide (AH-7921).

Section 3. That § 34-20B-16 be amended to read:

34-20B-16. Any of the following substances including their salts, isomers, and salts of isomers is included in Schedule II except those narcotic drugs listed in other schedules whether produced directly or indirectly by extraction from substances of vegetable origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

- (1) Opium (except when it meets the requirements of subdivision 34-20B-23(7) or 34-20B-26(5)), coca leaves, and opiate;
- (2) Any salt, compound, derivative, or preparation of opium, coca leaves (including cocaine), or opiate, excluding apomorphine, dextrorphan, naloxone, naloxegol, and naldemedine;
- (3) Any salt, compound, derivative, or preparation thereof that is chemically equivalent or identical with any of the substances referred to in subdivisions (1) and (2), except that these substances may not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine; and may not include the isoquinoline alkaloids of opium;

- (4) Opium poppy and poppy straw;
- (5) Amphetamine;
- (6) Methamphetamine;
- (7) Amobarbital;
- (8) Pentobarbital;
- (9) Secobarbital;
- (10) Methylphenidate;
- (11) Phenmetrazine;
- (12) Etorphine;
- (13) Diprenorphine;
- (14) Deleted by SL 2000, ch 170, § 1;
- (15) Nabilone;
- (16) Glutethimide;
- (17) Phencyclidine immediate precursors:
 - (a) 1-phenylcyclohexylamine;
 - (b) 1-piperidinocyclohexanecarbonitrile (PCC);
- (18) Lisdexamfetamine, its salts, isomers, and salts of its isomers;
- (19) Tapentadol; and
- (20) Dronabinol [(-)-delta-9-trans tetrahydrocannabinol] in an oral solution in a drug product approved for marketing by the United States Food and Drug Administration.

Section 4. That § 34-20B-20 be amended to read:

34-20B-20. Any material, compound, mixture, or preparation is included in Schedule III that contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

- (1) Any substance that contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances that are specifically listed in other schedules;
- (2) Chloral betaine;
- (3) Chloral hydrate;
- (4) Chlorhexadol;
- (5) Lysergic acid;
- (6) Lysergic acid amide;
- (7) Methypylon;
- (8) Sulfondiethylmethane;
- (9) Sulfonethylmethane;
- (10) Sulfonmethane;
- (11) Amobarbital, pentobarbital, and secobarbital in suppository dosage form;
- (12) Gamma hydroxy butyrate;
- (13) Dronabinol in sesame oil and encapsulated in a gelatin capsule in a drug product approved for marketing by the United States Food and Drug Administration;
- (14) Buprenorphine;
- (15) Embutramide;
- (16) Perampanel [2-(2-oxo-1-phenyl-5-pyridin-2-yl-1,2-dihydropyridin-3-yl) benzonitrile], including its salts, isomers, and salts of isomers.

Section 5. 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 place certain substances on the controlled substances schedule and to declare an emergency.

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I certify that the attached Act
originated in the

SENATE as Bill No. 32

Secretary of the Senate
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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 32
File No. _____
Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
=====

The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor
=====

STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State