

2020 South Dakota Legislature

House Bill 1008

AMENDMENT 1008B FOR THE INTRODUCED BILL

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

1 An Act to legalize the growth ~~and,~~ production, and transportation of industrial hemp
2 ~~and derivative products~~ in the state, and to declare an emergency.

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

4 **Section 1.** That a NEW SECTION be added:

5 **38-35-1. Definitions.**

6 Terms used in this chapter mean:

- 7 (1) "Department," the Department of Agriculture;
8 (2) "Hemp" or "industrial hemp," the plant Cannabis sativa L. and any part of that
9 plant, including the seeds thereof and all derivatives, extracts, cannabinoids,
10 isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9
11 tetrahydrocannabinol concentration of not more than three-tenths of one percent
12 on a dry weight basis;
13 (3) "Key participant," a sole proprietor, a partner in a partnership, or a person with
14 executive managerial control in a corporation or limited liability company;
15 (4) "Industrial hemp product," a finished manufactured product, or consumer product
16 containing cannabidiol that is packaged for individual sale, with a delta-9
17 tetrahydrocannabinol concentration of not more than three-tenths of one percent,
18 derived from or made by processing industrial hemp;
19 (5) "Lot," a contiguous area in a field containing the same variety or strain of hemp
20 throughout the area;
21 (6) "Process" or "processing," to convert or converting industrial hemp into industrial
22 hemp product;
23 (7) "Processor," a person who processes industrial hemp;

- 1 (8) "Produce" or "producing," to grow or growing hemp plants in the field for
2 processing;
3 (9) "Secretary," the secretary of the Department of Agriculture; and
4 (10) "Transporter," any person transporting, hauling, or delivering hemp, but not
5 industrial hemp product or sterilized seeds that are incapable of beginning
6 germination.

7 **Section 2.** That a NEW SECTION be added:

8 **38-35-2. Purchasing, receiving, or obtaining industrial hemp--License**
9 **required--Penalty.**

10 No person may purchase, receive, or obtain industrial hemp, other than industrial
11 hemp product, for planting, storing, propagating, producing, or processing unless the
12 person has a license as provided by this chapter or is working under contract with or under
13 the direction of a licensee. The licensee is responsible, either civilly or criminally, for any
14 person working under contract with or under the direction of a licensee for all sections of
15 this chapter.

16 It shall be a Class 2 misdemeanor to purchase, receive, or obtain industrial hemp,
17 other than industrial hemp product, for planting, storing, propagating, producing, or
18 processing without a license. No unlicensed person is subject to criminal penalties for
19 possession or distribution of hemp seed.

20 A person, whether or not licensed, who possesses or distributes a product
21 determined to meet the definition of marijuana is subject to prosecution and penalties for
22 possession or distribution of marijuana under chapter 22-42.

23 **Section 3.** That a NEW SECTION be added:

24 **38-35-3. Application for grower license.**

25 After the department receives approval by the United States Secretary of
26 Agriculture for the state plan submitted pursuant to § 38-35-15, any person seeking to
27 purchase, receive, or obtain industrial hemp, other than industrial hemp product, for
28 planting, storing, propagating, or producing shall apply to the secretary for a grower
29 license on an application form prescribed by the department and submit a nonrefundable
30 annual application fee. The department shall establish a sixty-day period in which an
31 application must be received. The secretary shall deposit fees collected under this chapter
32 in the hemp regulatory program fund.

1 No application for licensure to plant, grow, or produce industrial hemp may be for
2 less than five contiguous outdoor acres.

3 **Section 4.** That a NEW SECTION be added:

4 **38-35-4. Application for processor license--Fee--Location notice.**

5 After the department receives approval by the United States Secretary of
6 Agriculture for the state plan submitted pursuant to § 38-35-15, any person seeking to
7 purchase, receive, or obtain industrial hemp, other than industrial hemp product, for
8 processing shall apply to the secretary for a processor license on an application form
9 prescribed by the department and submit a nonrefundable annual application fee. The
10 applicant may submit an application form for a processor license at any time. The
11 secretary shall deposit fees collected under this chapter in the hemp regulatory program
12 fund.

13 The applicant shall provide to the department the street address, legal description,
14 and global positioning system coordinates for any location where hemp will be processed
15 under the processor's license and certify that any location where hemp is to be processed
16 is under the control of the applicant. A processor licensee shall provide notice of any
17 change in ownership or location to the department within two days of a change. A change
18 of ownership or location automatically invalidates the license, and a new license must be
19 obtained.

20 **Section 5.** That a NEW SECTION be added:

21 **38-35-5. Criminal background check--Denial of license for conviction--**
22 **Licensure exemption.**

23 Each applicant for any license under this chapter, key participant, and landowner,
24 if the applicant is the lessee, shall submit to a state and federal criminal background
25 investigation by means of fingerprint checks by the Division of Criminal Investigation and
26 the Federal Bureau of Investigation. Upon application for a license, the department shall
27 submit the completed fingerprint cards to the division. Upon completion of the criminal
28 background check, the division shall forward to the department all information obtained
29 as a result of the criminal background check. This information shall be obtained prior to
30 licensure of the applicant. All costs or fees associated with the criminal background checks
31 are the responsibility of the applicant. Information provided to the department under this
32 section is confidential, is not public record, and is exempt from the provisions of chapter
33 1-27. However, the department may share this information with law enforcement and the

1 Department of Public Safety. Failure to submit to or cooperate with a criminal background
2 check is grounds for denial or revocation of a license. The secretary may deny licensure if
3 any applicant, key participant, or landowner has been convicted of a misdemeanor or
4 felony relating to a controlled substance or marijuana under state or federal law within
5 the previous ten years. Licensure under this chapter is not required for employees of the
6 state of South Dakota when performing official duties.

7 **Section 6.** That a NEW SECTION be added:

8 **38-35-6. Hemp regulatory program fund--Purpose--Expenditures.**

9 There is hereby created within the state treasury the hemp regulatory program
10 fund, into which all application fees, license fees, inspection fees, and other fees or
11 revenue paid to the state from the operation of the hemp regulatory program shall be
12 deposited. All moneys in the fund created in this section shall be used for the purpose of
13 administering the hemp regulatory program. Interest earned on money in the fund shall
14 be deposited into the fund. Expenditures from the fund shall be appropriated through the
15 normal budget process.

16 **Section 7.** That a NEW SECTION be added:

17 **38-35-7. License issuance--Denial, revocation, or suspension--Contested**
18 **case.**

19 If the applicant has completed the application to the satisfaction of the secretary,
20 paid the application fee, returned a criminal background check compliant with § 38-35-5,
21 and is eligible for a license under this chapter, the secretary shall issue the license upon
22 receipt of an annual license fee and upon the licensee's agreement and affirmance that as
23 a continuing condition of licensure, the department shall have unlimited access to all lots
24 or licensed locations processing hemp without prior notice to the licensee or the need to
25 obtain a search warrant or court order for access to enforce the provisions of this chapter.

26 A grower license issued under this chapter is valid for fifteen months from the date
27 of issuance. A processor license issued under this chapter expires on December thirty-first
28 in the calendar year for which it was issued.

29 The department may deny, revoke, or suspend a license of any person who:

30 (1) Violates any provision of this chapter or administrative rule promulgated under the
31 authority of this chapter;

32 (2) Violates any rule set forth by the United States Department of Agriculture regarding
33 industrial hemp;

1 (3) Provides false or misleading information in connection with any application required
2 by this chapter;

3 (4) Has been convicted of a misdemeanor or felony relating to a controlled substance
4 or marijuana under state or federal law within the previous ten years; or

5 (5) Has been charged with or convicted of a misdemeanor or felony relating to a
6 controlled substance or marijuana under state or federal law since the most recent
7 criminal background check.

8 Any person whose license is denied, revoked, or suspended under this section may
9 request a hearing pursuant to chapter 1-26.

10 **Section 8.** That a NEW SECTION be added:

11 **38-35-8. Planting--Documentation to be filed--Contents.**

12 Within thirty days of planting, each grower licensee under this chapter shall file
13 with the department documentation as required by the secretary in order to identify the
14 type and variety of each hemp seed planted with its corresponding lot. Any documentation
15 provided under this section is not an open record pursuant to chapter 1-27 and may not
16 be disclosed except to the Department of Public Safety or law enforcement. The
17 department may make publicly available a list of all types and varieties of planted hemp
18 seed submitted to the department.

19 **Section 9.** That a NEW SECTION be added:

20 **38-35-9. Entrance by department--Consent--Fee--Inspection, confiscation,**
21 **and disposal--Costs--Liability for destruction--Records.**

22 The secretary shall contract with the Department of Public Safety to conduct
23 inspections and sampling of each lot and any processor location. The department and the
24 Department of Public Safety may enter on any land or other property where hemp is
25 grown, produced, stored, or processed for the purpose of inspections, sample collection,
26 testing, or investigation while enforcing this chapter. Any person who holds a license under
27 this chapter is deemed to have given consent to the reasonable search and seizure of any
28 hemp without a warrant to determine the lawful amount of delta-9 tetrahydrocannabinol
29 concentration and for enforcement of the provisions of this chapter.

30 The secretary shall assess a grower inspection fee per lot for grower licensees and
31 shall assess a processor inspection fee per location for processor licensees.

32 Any substance found to be in violation of this chapter is subject to confiscation and
33 disposal at the direction of the Department of Public Safety. Any costs arising from the

1 destruction, confiscation, or disposal are the responsibility of the grower, producer,
2 processor, or owner of the substance. The state is not liable for any confiscation, seizure,
3 disposal, or destruction of any substance carried out under this chapter. Any testing,
4 inspection, and investigation results shall be provided to the licensee. Notice of any
5 violation shall be provided to the licensee in writing. Inspection and investigation records
6 are not open records pursuant to chapter 1-27.

7 **Section 10.** That a NEW SECTION be added:

8 **38-35-10. Inspection timing and procedure--Disclose information.**

9 Every lot of a grower licensee shall be inspected and samples collected no more
10 than fifteen days before the hemp is harvested. The grower licensee shall contact the
11 Department of Public Safety prior to harvest in order to ensure a reasonable amount of
12 time to schedule an inspection. The grower licensee shall be present during the inspection.
13 No harvested lot of hemp shall be commingled with another harvested lot of hemp or other
14 material except with documented prior written permission by the department or the United
15 States Department of Agriculture. No hemp may leave the dominion of control of the
16 grower licensee until the grower licensee receives a laboratory result from the department
17 that confirms each lot complies with 7 U.S.C. Chapter 38, Subchapter VII, as provided in
18 7 C.F.R 990.70(d) and 990.71(d) in effect as of January 1, 2020.

19 Any location of the processor licensee may be subject to random inspection. The
20 processor licensee shall be present during the inspection.

21 **Section 11.** That a NEW SECTION be added:

22 **38-35-11. Promulgation of rules--Fees.**

23 The department shall promulgate rules, pursuant to chapter 1-26, to:
24 (1) Establish application, application form, licensure, and renewal procedures;
25 (2) Establish requirements to prevent the spread of hemp and hemp seeds from
26 licensed land areas and provide for the assessment of costs for the remediation
27 thereof;
28 (3) Establish criteria and procedures for denial, revocation, or suspension of a license
29 under this chapter;
30 (4) Make any modification or addition to the hemp regulatory program in order to
31 comply with any federal statutes or any rules and regulations regarding hemp
32 enacted or implemented by the United States Department of Agriculture;

- 1 (5) Establish a nonrefundable annual license application fee not to exceed fifty dollars,
2 an annual grower license fee not to exceed five hundred dollars, and an annual
3 processor license fee not to exceed two thousand dollars;
4 (6) Establish procedures for the collection of planting and harvest data for each lot;
5 (7) Establish labeling requirements for hemp; and
6 (8) Establish rules for corrective action for negligent and culpable violations of this
7 chapter.

8 **Section 12.** That a NEW SECTION be added:

9 **38-35-12. Department of Health--Promulgation of rules.**

10 The Department of Health shall promulgate rules, pursuant to chapter 1-26, to:

- 11 (1) Make any modification or addition to the hemp regulatory program in order to
12 comply with any federal statutes or any rules and regulations regarding hemp
13 enacted or implemented by the United States Department of Agriculture; and
14 (2) Establish testing procedures to determine the lawful amount of delta-9
15 tetrahydrocannabinol concentration in hemp and certifying results.

16 **Section 13.** That a NEW SECTION be added:

17 **38-35-13. Department of Public Safety--Promulgation of rules.**

18 The Department of Public Safety shall promulgate rules, pursuant to chapter 1-26,
19 to:

- 20 (1) Make any modification or addition to the hemp regulatory program in order to
21 comply with any federal statutes or any rules and regulations regarding hemp
22 enacted or implemented by the United States Department of Agriculture;
23 (2) Establish inspection procedures and requirements, a grower inspection fee per lot
24 not to exceed two hundred fifty dollars, and a processor inspection fee per any
25 processor location not to exceed five hundred dollars;
26 (3) Establish transportation and permit requirements including assessment of a permit
27 fee not to exceed twenty-five dollars;
28 (4) Establish sampling and testing procedures to determine the lawful amount of delta-
29 9 tetrahydrocannabinol concentration in hemp; and
30 (5) Establish rules for corrective action for negligent and culpable violations of this
31 chapter.

32 **Section 14.** That a NEW SECTION be added:

1 **38-35-14. Testing samples--Exceeding concentration--Destruction of lot.**

2 All testing shall be conducted by a laboratory approved by the Drug Enforcement
3 Administration. If a test reveals a delta-9 tetrahydrocannabinol concentration of more
4 than three-tenths of one percent but not more than five-tenths of one percent, the licensee
5 may request a retest at the licensee's expense. If, upon the retesting, the delta-9
6 tetrahydrocannabinol concentration exceeds three-tenths of one percent, the entire lot
7 from which the noncompliant sample was collected shall be destroyed as provided by § 38-
8 35-9.

9 **Section 15.** That a NEW SECTION be added:

10 **38-35-15. State hemp production plan--Submission to United States**
11 **Department of Agriculture--Establishment of program.**

12 The department shall work with the attorney general to develop a state hemp
13 production plan and submit the plan to the United States Department of Agriculture for
14 approval of a program to license the growth, production, storage, processing, and
15 transportation of industrial hemp in South Dakota. The department shall establish a
16 program once approval is received by the United States Department of Agriculture.

17 **Section 16.** That a NEW SECTION be added:

18 **38-35-16. Transportation--Consent to search and seizure--Inspection by law**
19 **enforcement--Penalty.**

20 Any transporter is deemed to have given consent to the reasonable search and
21 seizure by law enforcement of any hemp without a warrant to determine the lawful amount
22 of delta-9 tetrahydrocannabinol concentration. Any law enforcement officer may require
23 any transporter to stop for the purposes of inspection. During a stop, a law enforcement
24 officer may collect a sample of any hemp for the purpose of testing for any concentration
25 of delta-9 tetrahydrocannabinol that exceeds three-tenths of one percent on a dry weight
26 basis. Each sample collected by law enforcement may not exceed eight ounces.

27 It is a Class 2 misdemeanor to transport industrial hemp, but not industrial hemp
28 product, without appropriate documentation demonstrating compliance with an industrial
29 hemp program of a federal, state, or tribal authority, in addition to any permit or
30 documentation required by § 38-35-17.

31 **Section 17.** That a NEW SECTION be added:

1 **38-35-17. Transportation permit requirements--Two types of transportation**
2 **permits--Required documentsion.**

3 An industrial hemp transportation permit is required for any transporter traveling
4 within or through the state. No person shall transport hemp in this state concurrently with
5 any other plant material that is not hemp. During transportation, a transporter shall have
6 the permit in the transporter's physical possession. The Department of Public Safety shall
7 assess an industrial hemp transportation permit fee and the fee shall be deposited in the
8 state highway fund. A transporter shall apply for an industrial hemp transportation permit
9 on a form provided by the Department of Public Safety. The Department of Public Safety
10 shall make available two types of an industrial hemp transportation permit.

11 Grower licensees pursuant to § 38-35-3 may apply for the grower licensee
12 transportation permit that shall be exclusively for the transportation of the grower
13 licensee's industrial hemp from the land as described in the licensee's application to the
14 storage location as described in the licensee's application. The grower licensee shall
15 exercise dominion of control over the means of transportation and the storage location at
16 all times. The grower licensee transportation permit is valid for the length of the grower
17 license. During transportation pursuant to the grower licensee transportation permit, the
18 transporter may only be the grower licensee, a key participant, or a person working under
19 contract with or under the direction of the grower licensee. The transporter shall have in
20 the transporter's physical possession a copy of the grower license under which the
21 industrial hemp was grown or produced and a manifest that includes the following
22 information about the industrial hemp being transported: the specific name and address
23 of the transporter, the specific lot from which the hemp was harvested, the destination
24 storage location for the hemp, and the type of vehicle being used.

25 All other transporters shall obtain the general hemp transportation permit. During
26 transportation pursuant to the general hemp transportation permit, the transporter shall
27 have in the transporter's physical possession the following documentation:

- 28 (1) A copy of the license under which the industrial hemp was grown or produced;
29 (2) A laboratory report produced by a Drug Enforcement Administration-registered
30 laboratory that confirms the lot of origin of all hemp being transported complies
31 with 7 U.S.C. Chapter 38, Subchapter VII, as provided in 7 C.F.R 990.70(d) and
32 990.71(d) in effect as of January 1, 2020;
33 (3) A signed affirmation from the licensee and the transporter that no illicit drugs or
34 variations of hemp not explicitly authorized by 7 U.S.C. Chapter 38, Subchapter
35 VII will be transported; and

1 (4) A bill of lading or manifest that includes the shipment contents, the specific name
2 and address of the transporter, the specific name and address of the origin and lot
3 of origin, the destination of the shipment, the total weight of the load, and the type
4 of vehicle being used.

5 A transporter, applying for either type of permit, shall submit a permit form to the
6 Department of Public Safety at least five business days before the trip. A transporter who
7 falsifies any information contained on a permit form submitted to the Department of Public
8 Safety shall be reported to the hemp program under which the industrial hemp being
9 transported was grown, in addition to any other sanction or criminal charge allowed under
10 this chapter or title 22. Failure to physically possess an appropriate permit and all proper
11 documentation is probable cause to believe that the substance being transported is subject
12 to the provisions of § 38-35-9 and is probable cause to believe that the transporter is
13 subject to the provisions of chapter 22-42. No political subdivision, agency, law
14 enforcement officer, or the state is liable for the seizure, spoilage, or destruction of any
15 hemp shipment that does not meet the requirements of this chapter, regardless of whether
16 the shipment is later established to be industrial hemp.

17 **Section 18.** That a NEW SECTION be added:

18 **38-35-18. Rules of United States Department of Agriculture.**

19 Each applicant, licensee, key participant, and transporter of industrial hemp, other
20 than industrial hemp product, shall abide by any rules set forth by the United States
21 Department of Agriculture.

22 **Section 19.** That a NEW SECTION be added:

23 **38-35-19. Reporting to attorney general.**

24 The attorney general shall annually collect and compile information, statistical and
25 otherwise, which will, as far as practicable, present an accurate survey and may be useful
26 in the study of the effect legalizing industrial hemp has had on controlled substance and
27 marijuana prosecutions in this state, including the extent and character of alleged crimes
28 not prosecuted or dismissed, the operations of police in drug investigations, the charging
29 discretion of prosecuting attorneys, and the administration of criminal justice due to the
30 legalization of industrial hemp. All information collected under this section shall be
31 reported annually to the Governor and Legislature by December first each year.

32 **Section 20.** That a NEW SECTION be added:

1 **38-35-20. Coordination with other government entities.**

2 The department, Department of Health, and Department of Public Safety may
3 provide to another state, local, tribal, or federal government entity, any specific licensee
4 or permittee information as may be necessary to verify the legality or compliance of any
5 licensee or permittee under this chapter. Application for, and receipt of, a license or permit
6 under this chapter serves as the applicant's consent to provide information without prior
7 notice or disclosure to the applicant that the information will be or has been shared.

8 **Section 21.** That a NEW SECTION be added:

9 **38-35-21. Industrial hemp for smoking prohibited--Penalty.**

10 The sale or use of industrial hemp for smoking or inhaling is prohibited. A violation
11 of this section is a Class 1 misdemeanor.

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

13 **22-42-1. Definition of terms.**

14 Terms used in this chapter mean:

- 15 (1) "Controlled drug or substance," a drug or substance, or an immediate precursor of
16 a drug or substance, listed in Schedules I through IV. The term includes an altered
17 state of a drug or substance listed in Schedules I through IV absorbed into the
18 human body;
- 19 (2) "Counterfeit substance," a controlled drug or substance which, or the container of
20 labeling of which, without authorization, bears the trade-mark, trade name, or other
21 identifying mark, imprint, number, or device, or any likeness thereof, of a
22 manufacturer, distributor, or dispenser other than the person or persons who
23 manufactured, distributed, or dispensed such substance and which thereby falsely
24 purports or is represented to be the product of, or to have been distributed by, such
25 other manufacturer, distributor, or dispenser;
- 26 (3) "Deliver" or "delivery," the actual or constructive transfer of a controlled drug,
27 substance, or marijuana whether or not there exists an agency relationship;
- 28 (4) "Dispense," to deliver a controlled drug or substance to the ultimate user or human
29 research subject by or pursuant to the lawful order of a practitioner, including the
30 prescribing, administering, packaging, labeling, or compounding necessary to
31 prepare the substance for such delivery, and a dispenser is one who dispenses;
- 32 (5) "Distribute," to deliver a controlled drug, substance, or marijuana. Distribution
33 means the delivery of a controlled drug, substance, or marijuana;

- 1 (6) "Manufacture," the production, preparation, propagation, compounding, or
2 processing of a controlled drug or substance, either directly or indirectly by
3 extraction from substances of natural origin, or independently by means of chemical
4 synthesis or by a combination of extraction and chemical synthesis. A manufacturer
5 includes any person who packages, repackages, or labels any container of any
6 controlled drug or substance, except practitioners who dispense or compound
7 prescription orders for delivery to the ultimate user;
- 8 (7) "Marijuana," all parts of any plant of the genus cannabis, whether growing or not,
9 in its natural and unaltered state, except for drying or curing and crushing or
10 crumbling. The term includes an altered state of marijuana absorbed into the human
11 body. The term does not include fiber produced from the mature stalks of such
12 plant, or oil or cake made from the seeds of such plant. The term does not include
13 the plant Cannabis sativa L. and any part of that plant, including the seeds thereof
14 and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of
15 isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration
16 of not more than three-tenths of one percent on a dry weight basis;
- 17 (8) "Practitioner," a doctor of medicine, osteopathy, podiatry, dentistry, optometry, or
18 veterinary medicine licensed to practice his profession, or pharmacists licensed to
19 practice their profession; physician's assistants certified to practice their profession;
20 government employees acting within the scope of their employment; and persons
21 permitted by certificates issued by the Department of Health to distribute, dispense,
22 conduct research with respect to, or administer a substance controlled by chapter
23 34-20B;
- 24 (9) "Precursor" or "immediate precursor," a substance which the Department of Health
25 has found to be and by rule designates as being a principal compound commonly
26 used or produced primarily for use, and which is an immediate chemical
27 intermediary used or likely to be used, in the manufacture of a controlled drug or
28 substance, the control of which is necessary to prevent, curtail, or limit such
29 manufacture;
- 30 (10) "Schedule I," "Schedule II," "Schedule III," and "Schedule IV," those schedules of
31 drugs, substances, and immediate precursors listed in chapter 34-20B;
- 32 (11) "Ultimate user," a person who lawfully possesses a controlled drug or substance for
33 that person's own use or for the use of a member of that person's household or for
34 administration to an animal owned by that person or by a member of that person's
35 household.

1 **Section 23.** That § 34-20B-1 be AMENDED:

2 **34-20B-1. Definitions.**

3 Terms as used in this chapter mean:

- 4 (1) "Administer," to deliver a controlled drug or substance to the ultimate user or
5 human research subject by injection, inhalation, or ingestion, or by any other
6 means;
- 7 (2) "Agent," an authorized person who acts on behalf of or at the direction of a
8 manufacturer, distributor, or dispenser and includes a common or contract carrier,
9 public warehouseman, or employee thereof;
- 10 (3) "Control," to add, remove, or change the placement of a drug, substance, or
11 immediate precursor under §§ 34-20B-27 and 34-20B-28;
- 12 (4) "Counterfeit substance," a controlled drug or substance which, or the container or
13 labeling of which, without authorization, bears the trademark, trade name, or other
14 identifying mark, imprint, number, or device, or any likeness thereof, of a
15 manufacturer, distributor, or dispenser other than the person or persons who
16 manufactured, distributed, or dispensed such substance and which thereby falsely
17 purports or is represented to be the product of, or to have been distributed by, such
18 other manufacturer, distributor, or dispenser;
- 19 (5) "Deliver" or "delivery," the actual, constructive, or attempted transfer of a
20 controlled drug, substance, or marijuana whether or not there exists an agency
21 relationship;
- 22 (6) "Department," the Department of Health created by chapter 1-43;
- 23 (7) "Dispense," to deliver a controlled drug or substance to the ultimate user or human
24 research subject by or pursuant to the lawful order of a practitioner, including the
25 prescribing, administering, packaging, labeling, or compounding necessary to
26 prepare the substance for such delivery, and a dispenser is one who dispenses;
- 27 (8) "Distribute," to deliver a controlled drug, substance, or marijuana. A distributor is
28 a person who delivers a controlled drug, substance, or marijuana;
- 29 (9) "Hashish," the resin extracted from any part of any plant of the genus cannabis,
30 ~~commonly known as the marijuana plant~~ that contains a delta-9
31 tetrahydrocannabinol concentration of more than three-tenths of one percent on a
32 dry weight basis;
- 33 (10) "Imprisonment," imprisonment in the state penitentiary unless the penalty
34 specifically provides for imprisonment in the county jail;

- 1 (11) "Manufacture," the production, preparation, propagation, compounding, or
2 processing of a controlled drug or substance, either directly or indirectly by
3 extraction from substances of natural origin, or independently by means of chemical
4 synthesis or by a combination of extraction and chemical synthesis. A manufacturer
5 includes any person who packages, repackages, or labels any container of any
6 controlled drug or substance, except practitioners who dispense or compound
7 prescription orders for delivery to the ultimate consumer;
- 8 (12) "Marijuana," all parts of any plant of the genus cannabis, whether growing or not;
9 the seeds thereof; and every compound, manufacture, salt, derivative, mixture, or
10 preparation of such plant or its seeds. The term does not include fiber produced
11 from the mature stalks of the plant, or oil or cake made from the seeds of the plant,
12 or the resin when extracted from any part of the plant, ~~or cannabidiol,~~ in a drug
13 product approved by the United States Food and Drug Administration. The term
14 does not include the plant Cannabis sativa L. and any part of that plant, including
15 the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts,
16 and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol
17 concentration of not more than three-tenths of one percent on a dry weight basis;
- 18 (13) "Narcotic drug," any of the following, whether produced directly or indirectly by
19 extraction from substances of vegetable origin or independently by means of
20 chemical synthesis, or by a combination of extraction and chemical synthesis:
21 (a) Opium, coca leaves, and opiates;
22 (b) A compound, manufacture, salt, derivative, or preparation of opium, coca
23 leaves, or opiates;
24 (c) A substance (and any compound, manufacture, salt, derivative, or
25 preparation thereof) which is chemically identical with any of the substances
26 referred to in subsections (a) and (b) of this subdivision;
27 except that the term, narcotic drug, as used in this chapter does not include
28 decocainized coca leaves or extracts of coca leaves, which extracts do not contain
29 cocaine or ecgonine;
- 30 (14) "Opiate" or "Opioid," any controlled drug or substance having an addiction-
31 sustaining liability similar to morphine or being capable of conversion into a drug
32 having such addiction-forming or addiction-sustaining liability;
- 33 (15) "Opium poppy," the plant of the species papaver somniferum L., except the seeds
34 thereof;

- 1 (16) "Person," any corporation, association, limited liability company, partnership or one
2 or more individuals;
- 3 (17) "Poppy straw," all parts, except the seeds, of the opium poppy, after mowing;
- 4 (18) "Practitioner," a doctor of medicine, osteopathy, podiatry, optometry, dentistry, or
5 veterinary medicine licensed to practice their profession, or pharmacists licensed to
6 practice their profession; physician assistants certified to practice their profession;
7 certified nurse practitioners and certified nurse midwives to practice their
8 profession; government employees acting within the scope of their employment;
9 and persons permitted by certificates issued by the department to distribute,
10 dispense, conduct research with respect to, or administer a substance controlled by
11 this chapter;
- 12 ~~(18A)~~(19) "Prescribe," an order of a practitioner for a controlled drug or substance.
- 13 ~~(19)~~(20) "Production," the manufacture, planting, cultivation, growing, or harvesting
14 of a controlled drug or substance;
- 15 ~~(20)~~(21) "State," the State of South Dakota;
- 16 ~~(21)~~(22) "Ultimate user," a person who lawfully possesses a controlled drug or
17 substance for personal use or for the use of a member of the person's household or
18 for administration to an animal owned by the person or by a member of the person's
19 household;
- 20 ~~(22)~~(23) "Controlled substance analogue," any of the following:
- 21 (a) A substance that differs in its chemical structure to a controlled substance
22 listed in or added to the schedule designated in schedule I or II only by
23 substituting one or more hydrogens with halogens or by substituting one
24 halogen with a different halogen; or
- 25 (b) A substance that is an alkyl homolog of a controlled substance listed in or
26 added to schedule I or II; or
- 27 (c) A substance intended for human consumption; and
- 28 (i) The chemical structure of which is substantially similar to the chemical
29 structure of a controlled substance in schedule I or II;
- 30 (ii) Which has a stimulant, depressant, or hallucinogenic effect on the
31 central nervous system that is substantially similar to or greater than
32 the stimulant, depressant, or hallucinogenic effect on the central
33 nervous system of a controlled substance in schedule I or II; or
- 34 (iii) With respect to a particular person, which such person represents or
35 intends to have a stimulant, depressant, or hallucinogenic effect on the

1 central nervous system that is substantially similar to or greater than
2 the stimulant, depressant, or hallucinogenic effect on the central
3 nervous system of a controlled substance in schedule I or II;

4 However, the term, controlled substance analogue, does not include a controlled
5 substance or any substance for which there is an approved new drug application.

6 **Section 24.** That § 34-20B-14 be AMENDED:

7 **34-20B-14. Hallucinogenic substances specifically included in Schedule I.**

8 Any material, compound, mixture, or preparation which contains any quantity of
9 the following hallucinogenic substances, their salts, isomers, and salts of isomers, is
10 included in Schedule I, unless specifically excepted, whenever the existence of such salts,
11 isomers, and salts of isomers is possible within the specific chemical designation:

- 12 (1) Bufotenine;
- 13 (2) Diethyltryptamine (DET);
- 14 (3) Dimethyltryptamine (DMT);
- 15 (4) 5-methoxy-N, N-Dimethyltryptamine (5-MeO-DMT);
- 16 (5) 5-methoxy-3, 4-methylenedioxy amphetamine;
- 17 (6) 4-bromo-2, 5-dimethoxyamphetamine;
- 18 (7) 4-methoxyamphetamine;
- 19 (8) 4-methoxymethamphetamine;
- 20 (9) 4-methyl-2, 5-dimethoxyamphetamine;
- 21 (10) Hashish and hash oil;
- 22 (11) Ibogaine;
- 23 (12) Lysergic acid diethylamide;
- 24 (13) Mescaline;
- 25 (14) N-ethyl-3-piperidyl benzilate;
- 26 (15) N-methyl-3-piperidyl benzilate;
- 27 (16) 1-(-(2-thienyl)cyclohexyl) piperidine (TCP);
- 28 (17) Peyote, except that when used as a sacramental in services of the Native American
29 church in a natural state which is unaltered except for drying or curing and cutting
30 or slicing, it is hereby excepted;
- 31 (18) Psilocybin;
- 32 (19) Psilocyn;
- 33 (20) Tetrahydrocannabinol, other than that which occurs in industrial hemp as defined
34 in § 38-35-1 or marijuana in its natural and unaltered state, including any

1 compound, except nabilone or compounds listed under a different schedule,
2 structurally derived from 6,6N dimethyl-benzo[c]chromene by substitution at the
3 3-position with either alkyl (C3 to C8), methyl cycloalkyl, or adamantyl groups,
4 whether or not the compound is further modified in any of the following ways:

- 5 (a) By partial to complete saturation of the C-ring; or
6 (b) By substitution at the 1-position with a hydroxyl or methoxy group; or
7 (c) By substitution at the 9-position with a hydroxyl, methyl, or methylhydroxyl
8 group; or
9 (d) By modification of the possible 3-alkyl group with a 1,1N dimethyl moiety, a
10 1,1N cyclic moiety, an internal methylene group, an internal acetylene group,
11 or a terminal halide, cyano, azido, or dimethylcarboxamido group.

12 Some trade and other names: JWH-051; JWH-057; JWH-133; JWH-359; HHC; AM-
13 087; AM-411; AM-855, AM-905; AM-906; AM-2389; HU-210; HU-211; HU-243;
14 HU-336;

- 15 (21) 3, 4, 5-trimethoxy amphetamine;
16 (22) 3, 4-methylenedioxy amphetamine;
17 (23) 3-methoxyamphetamine;
18 (24) 2, 5-dimethoxyamphetamine;
19 (25) 2-methoxyamphetamine;
20 (26) 2-methoxymethamphetamine;
21 (27) 3-methoxymethamphetamine;
22 (28) Phencyclidine;
23 (29) 3, 4-methylenedioxy methamphetamine (MDMA);
24 (30) 3, 4-methylenedioxy-N-ethylamphetamine;
25 (31) N-hydroxy-3, 4-methylenedioxyamphetamine;
26 (32) 4-methylaminorex (also known as 2-Amino-4-methyl/x-5-phenyl-2-oxazoline);
27 (33) 2,5 Dimethoxy-4-ethylamphetamine;
28 (34) N,N-Dimethylamphetamine;
29 (35) 1-(1-(2-thienyl)cyclohexyl)pyrrolidine;
30 (36) Aminorex;
31 (37) Cathinone and other variations, defined as any compound, material, mixture,
32 preparation or other product unless listed in another schedule or an approved FDA
33 drug (e.g. bupropion, pyrovalerone), structurally derived from 2-aminopropan-1-
34 one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring

1 systems, whether or not the compound is further modified in any of the following
2 ways:

- 3 (a) By substitution in the ring system to any extent with alkyl, alkylendioxy,
4 alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further
5 substituted in the ring system by one or more other univalent substituents;
6 (b) By substitution at the 3-position with an acyclic alkyl substituent;
7 (c) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or
8 methoxybenzyl groups or by inclusion of the 2-amino nitrogen atom in a cyclic
9 structure.

10 Some trade or other names: methcathinone, 4-methyl-N-methylcathinone
11 (mephedrone); 3,4-methylenedioxy-N-methylcathinone (methydone); 3,4-
12 methylenedioxypropylvalerone (MDPV); Naphthylpropylvalerone (naphyrone); 4-
13 fluoromethcathinone (flephedrone); 4-methoxymethcathinone (methedrone; Bk-
14 PMMA); Ethcathinone (N-Ethylcathinone); 3,4-methylenedioxyethcathinone
15 (ethylone); Beta-keto-N-methyl-3,4-benzodioxolylbutanamine (butylone); N,N-
16 dimethylcathinone (metamfepramone); Alpha-pyrrolidinopropiophenone (alpha-
17 PPP); 4-methoxy-alpha-pyrrolidinopropiophenone (MOPPP); 3,4-
18 methylenedioxyalphapyrrolidinopropiophenone (MDPPP); Alpha-
19 pyrrolidinovalerophenone (alpha-PVP); 3-fluoromethcathinone; 4N-Methyl-alpha-
20 pyrrolidinobutiophenone (MPBP); Methyl- α -pyrrolidinopropiophenone
21 (MPPP); Methyl- α -pyrrolidino-hexanophenone (MPHP); Buphedrone; Methyl-
22 N-ethylcathinone; Pentedrone; Dimethylmethcathinone (DMMC);
23 Dimethylethcathinone (DMEC); Methylenedioxyethcathinone (MDMC); Pentylone;
24 Ethylethcathinone; Ethylmethcathinone; Fluoroethcathinone; methyl-alpha-
25 pyrrolidinobutiophenone (MPBP); Methylecathinone (MEC); Methylenedioxy-alpha-
26 pyrrolidinobutiophenone (MDPBP); Methoxymethcathinone (MOMC);
27 Methylbuphedrone (MBP); Benzedrone (4-MBC); Dibutylone (DMBDB);
28 Dimethylone (MDDMA); Diethylcathinone; Eutylone (EBDB); N-ethyl-N-
29 Methylcathinone; N-ethylbuphedrone, 1-(1,3-benzodioxol-5-yl)2-
30 (ethylamino)pentan-1-one (N-Ethylpentylone); 4'-Methyl-alpha-
31 pyrrolidinopropiophenone (4-MEPPP, MPPP or MaPPP); alpha-
32 Pyrrolidinobutiophenone (α ;PBP); 1-(1,3-benzodioxol-5-yl)-2-(tert-
33 butylamino)propan-1-one (Tertylone); 1-(1,3-benzodioxol-5-yl)-2-
34 (ethylamino)hexan-1-one (N-ethyl Hexylone);

35 (38) 2,5-Dimethoxy-4-ethylamphetamine (DOET);

- 1 (39) Alpha-ethyltryptamine;
- 2 (40) 4-Bromo-2,5-dimethoxy phenethylamine;
- 3 (41) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7);
- 4 (42) 1-(3-trifluoromethylphenyl) piperazine (TFMPP);
- 5 (43) Alpha-methyltryptamine (AMT);
- 6 (44) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);
- 7 (45) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);
- 8 (46) Synthetic cannabinoids. Any material, compound, mixture, or preparation that is
- 9 not listed as a controlled substance in another schedule, is not an FDA-approved
- 10 drug, and contains any quantity of the following substances, their salts, isomers
- 11 (whether optical, positional, or geometric), homologues, modifications of the indole
- 12 ring by nitrogen heterocyclic analog substitution or nitrogen heterocyclic analog
- 13 substitution of the phenyl, benzyl, naphthyl, adamantyl, cyclopropyl, cumyl, or
- 14 propionaldehyde structure, and salts of isomers, homologues, and modifications,
- 15 unless specifically excepted, whenever the existence of these salts, isomers,
- 16 homologues, modifications, and salts of isomers, homologues, and modifications is
- 17 possible within the specific chemical designation:
- 18 (a) Naphthoylindoles. Any compound containing a 2-(1-naphthoyl)indole or 3-
- 19 (1-naphthoyl)indole structure with substitution at the nitrogen atom of the
- 20 indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
- 21 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-
- 22 (N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl,
- 23 (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group, whether or not
- 24 further substituted on the indole ring to any extent and whether or not
- 25 substituted on the naphthyl ring to any extent.
- 26 Some trade or other names: JWH-015; 1-pentyl-3-(1-naphthoyl)indole
- 27 (JWH-018); 1-hexyl-3-(1-naphthoyl)indole (JWH-019); 1-butyl-3-(1-
- 28 naphthoyl)indole (JWH-073); 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole
- 29 (JWH-081); 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122); 1-[2-(4-
- 30 morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200); JWH-210; JWH-398;
- 31 1-pentyl-3-(1-naphthoyl)indole (AM-678); 1-(5-fluoropentyl)-3-(1-
- 32 naphthoyl)indole (AM-2201); WIN 55-212; JWH-004; JWH-007; JWH-009;
- 33 JWH-011; JWH-016; JWH-020; JWH-022; JWH-046; JWH-047; JWH-048;
- 34 JWH-049; JWH-050; JWH-070; JWH-071; JWH-072; JWH-076; JWH-079;
- 35 JWH-080; JWH-082; JWH-094; JWH-096; JWH-098; JWH-116; JWH-120;

1 JWH-148; JWH-149; JWH-164; JWH-166; JWH-180; JWH-181; JWH-182;
2 JWH-189; JWH-193; JWH-198; JWH-211; JWH-212; JWH-213; JWH-234;
3 JWH-235; JWH-236; JWH-239; JWH-240; JWH-241; JWH-258; JWH-262;
4 JWH-386; JWH-387; JWH-394; JWH-395; JWH-397; JWH-399; JWH-400;
5 JWH-412; JWH-413; JWH-414; JWH-415; JWH-424; AM-678; AM-1220; AM-
6 1221; AM-1235; AM-2232, THJ-2201;

7 (b) Naphthylmethyloindoles. Any compound containing a 1H-indol-2-yl-(1-
8 naphthyl)methane or 1H-indol-3-yl-(1-naphthyl)methane structure with
9 substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
10 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl,
11 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-
12 methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or
13 halobenzyl group, whether or not further substituted on the indole ring to any
14 extent and whether or not substituted on the naphthyl ring to any extent.
15 Some trade or other names: JWH-175; JWH-184; JWH-185; JWH-192; JWH-
16 194; JWH-195; JWH-196; JWH-197; JWH-199;

17 (c) Phenylacetyloindoles. Any compound containing a 2-phenylacetylindole or 3-
18 phenylacetylindole structure with substitution at the nitrogen atom of the
19 indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
20 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-
21 (N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl,
22 (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group, whether or not
23 further substituted on the indole ring to any extent and whether or not
24 substituted on the phenyl ring to any extent.

25 Some trade or other names: 1-cyclohexylethyl-3-(2-
26 methoxyphenylacetyl)indole (SR-18); 1-cyclohexylethyl-3-(2-
27 methoxyphenylacetyl)indole (RCS-8); 1-pentyl-3-(2-
28 methoxyphenylacetyl)indole (JWH-250); 1-pentyl-3-(2-
29 chlorophenylacetyl)indole (JWH-203); JWH-167; JWH-201; JWH-202; JWH-
30 204; JWH-205; JWH-206; JWH-207; JWH-208; JWH-209; JWH-237; JWH-
31 248; JWH-249; JWH-251; JWH-253; JWH-302; JWH-303; JWH-304; JWH-
32 305; JWH-306; JWH-311; JWH-312; JWH-313; JWH-314; JWH-315; JWH-
33 316; Cannabipiperidiethanone;

34 (d) Benzoyloindoles. Any compound containing a 2-(benzoyl)indole or 3-
35 (benzoyl)indole structure with substitution at the nitrogen atom of the indole

1 ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-
2 methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-(N-
3 methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl,
4 (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group, whether or not
5 further substituted on the indole ring to any extent and whether or not
6 substituted on the phenyl ring to any extent.

7 Some trade or other names: 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-
8 694); 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19); Pravadoline (WIN
9 48,098); 1-pentyl-3-[(4-methoxy)-benzoyl]indole (RCS-4); AM-630; AM-
10 661; AM-2233; AM-1241;

- 11 (e) Naphthoylpyrroles. Any compound containing a 2-(1-naphthoyl)pyrrole or 3-
12 (1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the
13 pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
14 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-(N-
15 methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl,
16 (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group, whether or not
17 further substituted on the pyrrole ring to any extent and whether or not
18 substituted on the naphthyl ring to any extent.

19 Some trade or other names: JWH-307; JWH-030; JWH-031; JWH-145; JWH-
20 146; JWH-147; JWH-150; JWH-156; JWH-242; JWH-243; JWH-244; JWH-
21 245; JWH-246; JWH-292; JWH-293; JWH-308; JWH-309; JWH-346; JWH-
22 348; JWH-363; JWH-364; JWH-365; JWH-367; JWH-368; JWH-369; JWH-
23 370; JWH-371; JWH-373; JWH-392;

- 24 (f) Naphthylmethylindenes. Any compound containing a naphthylideneindene
25 structure with substitution at the 3-position of the indene ring by an alkyl,
26 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
27 piperidinyl)methyl, 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-(N-methyl-2-
28 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-
29 yl)methyl, benzyl, or halobenzyl group, whether or not further substituted on
30 the indene ring to any extent and whether or not substituted on the naphthyl
31 ring to any extent.

32 Some trade or other names: JWH-171; JWH-176; JWH-220;

- 33 (g) Cyclohexylphenols. Any compound containing a 2-(3-
34 hydroxycyclohexyl)phenol structure with substitution at the 5-position of the
35 phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,

- 1 1-(N-methyl-2-piperidiny)methyl, or 2-(4-morpholinyl)ethyl, 1-(N-methyl-
2 2-pyrrolidiny)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-
3 4-yl)methyl, benzyl, or halobenzyl group, whether or not substituted on the
4 cyclohexyl ring to any extent.
- 5 Some trade or other names: 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-
6 hydroxycyclohexyl]-phenol (CP 47, 497 and homologues, which includes C8);
7 cannabicyclohexanol; CP-55,490; CP-55,940; CP-56,667
- 8 (h) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
9 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol. Some trade or other names:
10 HU-210;
- 11 (i) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-
12 benzoxazin-6-yl]-1-naphthalenyl. Some trade or other names: WIN 55, 212-
13 2;
- 14 (j) Substituted Acetylindoles. Any compound containing a 2-acetyl indole or 3-
15 acetyl indole structure substituted at the acetyl by replacement of the methyl
16 group with a tetramethylcyclopropyl, adamantyl, benzyl, cumyl, or
17 propionaldehyde substituent whether or not further substituted on the
18 tetramethylcyclopropyl, adamantyl, benzyl, cumyl, or propionaldehyde
19 substituent to any extent and whether or not further substituted at the
20 nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl,
21 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl, 2-(4-
22 morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidiny)methyl, 1-(N-methyl-3-
23 morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl
24 group whether or not further substituted on the indole ring to any extent.
25 Some trade and or names: (1-Pentylindol-3-yl)-(2,2,3,3-
26 tetramethylcyclopropyl)methanone (UR-144); (1-(5-fluoropentyl)indol-3-
27 yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (XLR-11); (1-(2-morpholin-
28 4-ylethyl)-1H-indol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (A-
29 796,260); 1-[(N-methylpiperidin-2-yl)methyl]-3-(adamant-1-oyl)indole
30 (AM-1248); 1-Pentyl-3-(1-adamantoyl)indole (AB-001 and JWH-018
31 adamantyl analog); AM-679;
- 32 (k) Substituted Carboxamide Indole. Any compound containing a 2-carboxamide
33 indole or 3-carboxamide indole structure substituted at the nitrogen of the
34 carboxamide with a tetramethylcyclopropyl, naphthyl, adamantyl, cumyl,
35 phenyl, or propionaldehyde substituent, whether or not further substituted

1 on the tetramethylcyclopropyl, adamantyl, cumyl, naphthyl, phenyl, or
2 propionaldehyde substituent to any extent and whether or not further
3 substituted at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
4 cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
5 piperidiny) methyl, 2-(4-morpholinyl) ethyl, 1-(N-methyl-2-
6 pyrrolidiny) methyl, 1-(N-methyl-3-morpholinyl) methyl, (tetrahydropyran-4-
7 yl) methyl, benzyl, or halobenzyl group whether or not further substituted on
8 the indole ring to any extent.

9 Some trade and other names: JWH-018 adamantyl carboxamide; STS-135;
10 MN-18; 5-Fluoro-MN-18, 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-
11 pyrrolo[2,3-b]pyridine-3-carboxamide (5F-CUMYL-P7AICA); N-(Adamantan-
12 1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (5F-APINACA); methyl
13 (2R)-2-[[1-(5-fluoropentyl)indazole-3-carbonyl]amino]-3,3-
14 dimethylbutanoate (5F-ADB); N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-
15 (cyclohexylmethyl)indazole-3-carboxamide (AB-CHMINACA); 1-(4-
16 cyanobutyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (4-CN-
17 CUMYL-BUTINACA); methyl (2R)-2-[[1-(5-fluoropentyl)indazole-3-
18 carbonyl]amino]-3,3-dimethylbutanoate (5F-ADB); N-(1-amino-3,3-
19 dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide
20 (ADB-CHMINACA or MAB-CHMINACA); methyl (2S)-2-[[1-[4-
21 fluorophenyl)methyl]indazole-3-carbonyl]amino]-3,3-dimethylbutanoate
22 (MDMB-FUBINACA); methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-
23 carboxamido)-3-methylbutanoate (MMB-CHMICA); methyl (2S)-2-[[1-[4-
24 fluorophenyl)methyl]indazole-3-carbonyl]amino]-3-methylbutanoate (AMB-
25 FUBINACA); Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-
26 methylbutanoate (5F-AMB);

- 27 (I) Substituted Carboxylic Acid Indole. Any compound containing a 1H-indole-2-
28 carboxylic acid or 1H-indole-3-carboxylic acid substituted at the hydroxyl
29 group of the carboxylic acid with a phenyl, benzyl, naphthyl, adamantyl,
30 cyclopropyl, quinolinyl, isquinolinyl, cumyl, or propionaldehyde substituent
31 whether or not further substituted on the phenyl, benzyl, naphthyl,
32 adamantyl, cyclopropyl, cumyl, quinolinyl, isquinolinyl, or propionaldehyde
33 substituent to any extent and whether or not further substituted at the
34 nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl,
35 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny) methyl, 2-(4-

1 morpholiny)ethyl, 1-(N-methyl-2-pyrrolidiny)methyl, 1-(N-methyl-3-
2 morpholiny)methyl, tetrahydropyranylmethyl, benzyl, or halo benzyl group
3 whether or not further substituted on the indole ring to any extent.

4 Some trade and other names: Naphthalen-1-yl 1-(5-fluoropntyl)-1H-indole-
5 3-carboxylate (NM2201);

6 (47) 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine) (MDAI);

7 (48) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);

8 (49) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);

9 (50) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);

10 (51) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);

11 (52) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);

12 (53) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);

13 (54) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);

14 (55) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);

15 (56) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);

16 (57) Substituted phenethylamine. Any compound, unless specifically exempt, listed as a
17 controlled substance in another schedule or an approved FDA drug, structurally
18 derived from phenylethan-2-amine by substitution on the phenyl ring in any of the
19 following ways, that is to say--by substitution with a fused methylenedioxy, fused
20 furan, or fused tetrahydrofuran ring system; by substitution with two alkoxy
21 groups; by substitution with one alkoxy and either one fused furan,
22 tetrahydrofuran, or tetrahydropyran ring system; by substitution with two fused
23 ring systems from any combination of the furan, tetrahydrofuran, or
24 tetrahydropyran ring systems; whether or not the compound is further modified in
25 any of the following ways:

26 (a) By substitution on the phenyl ring by any halo, hydroxyl, alkyl,
27 trifluoromethyl, alkoxy, or alkylthio groups;

28 (b) By substitution on the 2-position by any alkyl groups; or

29 (c) By substitution on the 2-amino nitrogen atom with acetyl, alkyl, dialkyl,
30 benzyl, methoxybenzyl, or hydroxybenzyl groups.

31 Some trade and other names: 2-(2,5-dimethoxy-4-(methylthio)phenyl)ethanamine
32 (2C-T or 4-methylthio-2,5-dimethoxyphenethylamine); 1-(2,5-dimethoxy-4-
33 iodophenyl)-propan-2-amine (DOI or 2,5-Dimethoxy-4-iodoamphetamine); 1-(4-
34 Bromo-2,5-dimethoxyphenyl)-2-aminopropane (DOB or 2,5-Dimethoxy-4-
35 bromoamphetamine); 1-(4-chloro-2,5-dimethoxy-phenyl)propan-2-amine (DOC or

- 1 2,5-Dimethoxy-4-chloroamphetamine); 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-
2 methoxyphenyl)methyl]ethanamine (2C-B-NBOMe; 25B-NBOMe or 2,5-Dimethoxy-
3 4-bromo-N-(2-methoxybenzyl)phenethylamine); 2-(4-iodo-2,5-dimethoxyphenyl)-
4 N-[(2-methoxyphenyl)methyl]ethanamine (2C-I-NBOMe; 25I-NBOMe or 2,5-
5 Dimethoxy-4-iodo-N-(2-methoxybenzyl)phenethylamine); N-(2-Methoxybenzyl)-
6 2-(3,4,5-trimethoxyphenyl)ethanamine (Mescaline-NBOMe or 3,4,5-trimethoxy-(2-
7 methoxybenzyl)phenethylamine); 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-
8 methoxyphenyl)methyl]ethanamine (2C-C-NBOMe; 25C-NBOMe or 2,5-Dimethoxy-
9 4-chloro-N-(2-methoxybenzyl)phenethylamine); 2-(7-Bromo-5-methoxy-2,3-
10 dihydro-1-benzofuran-4-yl)ethanamine (2CB-5-hemiFLY); 2-(8-bromo-2,3,6,7-
11 tetrahydrofuro[2,3-f][1]benzofuran-4-yl)ethanamine (2C-B-FLY); 2-(10-Bromo-
12 2,3,4,7,8,9-hexahydropyrano[2,3-g]chromen-5-yl)ethanamine (2C-B-butterFLY);
13 -(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7-tetrahydrobenzo[1,2-b:4,5-bN]difuran-4-
14 yl)-2-aminoethane (2C-B-FLY-NBOMe); 1-(4-Bromofuro[2,3-f][1]benzofuran-8-
15 yl)propan-2-amine (bromo-benzodifuranyl-isopropylamine or bromo-dragonFLY); -
16 (2-Hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine (2C-I-NBOH or 25I-
17 NBOH); 5-(2-Aminopropyl)benzofuran (5-APB); 6-(2-Aminopropyl)benzofuran (6-
18 APB); 5-(2-Aminopropyl)-2,3-dihydrobenzofuran (5-APDB); 6-(2-Aminopropyl)-
19 2,3-dihydrobenzofuran (6-APDB);
- 20 (58) Substituted tryptamines. Any compound, unless specifically exempt, listed as a
21 controlled substance in another schedule or an approved FDA drug, structurally
22 derived from 2-(1H-indol-3-yl)ethanamine (i.e., tryptamine) by mono- or di-
23 substitution of the amine nitrogen with alkyl or alkenyl groups or by inclusion of the
24 amino nitrogen atom in a cyclic structure whether or not the compound is further
25 substituted at the alpha-position with an alkyl group or whether or not further
26 substituted on the indole ring to any extent with any alkyl, alkoxy, halo, hydroxyl,
27 or acetoxy groups.
- 28 Some trade and other names: 5-methoxy-N,N-diallyltryptamine (5-MeO-DALT); 4-
29 acetoxy-N,N-dimethyltryptamine (4-AcO-DMT or O-Acetylpsilocin); 4-hydroxy-N-
30 methyl-N-ethyltryptamine (4-HO-MET); 4-hydroxy-N,N-diisopropyltryptamine (4-
31 HO-DIPT); 5-methoxy-N-methyl-N-isopropyltryptamine (5-MeO-MIPT);
- 32 (59) Naphthalen-1-yl-(4-pentyloxynaphthalen-1-yl)methanone (CB-13);
33 (60) N-Adamantyl-1-pentyl-1H-Indazole-3-carboxamide (AKB 48);
34 (61) 1-(4-Fluorophenyl)piperazine (pFPP);
35 (62) 1-(3-Chlorophenyl)piperazine (mCPP);

- 1 (63) 1-(4-Methoxyphenyl)piperazine (pMeOPP);
2 (64) 1,4-Dibenzylpiperazine (DBP);
3 (65) Isopentadrone;
4 (66) Fluoromethamphetamine;
5 (67) Fluoroamphetamine;
6 (68) Fluorococaine;
7 (69) 1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (PB-22);
8 (70) 1-(5-fluoropentyl)-8-quinolinyl ester-1H-indole-3-carboxylic acid (5 Fluoro-PB-22);
9 (71) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (AB-
10 PINACA);
11 (72) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-
12 carboxamide (5 Fluoro-AB-PINACA);
13 (73) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-
14 carboxamide (AB-FUBINACA);
15 (74) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indole-3-carboxamide
16 (ADB-PINACA (ADBICA));
17 (75) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indole-3-
18 carboxamide (5 Fluoro-ADB-PINACA (5 Fluoro-ADBICA)); and
19 (76) N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-
20 carboxamide (ADB-FUBINACA).

21 **Section 25.** Whereas, this Act is necessary for the support of the state government and its
22 existing public institutions, an emergency is hereby declared to exist, and this Act shall be in
23 full force and effect from and after its passage and approval.