The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Rev. Lizette Hunt, followed by the Pledge of Allegiance led by House page Hadley Stiefvater.

Roll Call: All members present except Reps. Deutsch, Glanzer, and Pourier who were excused.

APPROVAL OF THE JOURNAL

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the fourteenth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Steven G. Haugaard, Chair

Which motion prevailed.
Mr. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Office of Engrossing and Enrolling has carefully compared **HB 1015, 1017, 1018, and 1030** and finds the same correctly enrolled.

Respectfully submitted,
Steven G. Haugaard, Chair

Also MR. SPEAKER:

The Committee on House Agriculture and Natural Resources respectfully reports that it has had under consideration **HB 1008** and returns the same with the recommendation that said bill be amended as follows:

**1008B**

On page 1, line 1, of the Introduced bill, delete " and" and insert a comma

On page 1, line 1, after "production" insert ", and transportation"

On page 1, line 1, after "hemp" delete "and derivative products"

On the Introduced bill, delete everything after the enacting clause and insert:

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

38-35-1. Definitions.

(1) "Department," the Department of Agriculture;

(2) "Hemp" or "industrial hemp," the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis;

(3) "Key participant," a sole proprietor, a partner in a partnership, or a person with executive managerial control in a corporation or limited liability company;

(4) "Industrial hemp product," a finished manufactured product, or consumer product containing cannabidiol that is packaged for individual sale, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent, derived from or made by processing industrial hemp;

(5) "Lot," a contiguous area in a field containing the same variety or strain of hemp throughout the area;

(6) "Process" or "processing," to convert or converting industrial hemp into industrial hemp product;

(7) "Processor," a person who processes industrial hemp;

(8) "Produce" or "producing," to grow or growing hemp plants in the field for processing;
(9) "Secretary," the secretary of the Department of Agriculture; and

(10) "Transporter," any person transporting, hauling, or delivering hemp, but not industrial hemp product or sterilized seeds that are incapable of beginning germination.

Section 2. That a NEW SECTION be added:


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

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

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

Section 3. That a NEW SECTION be added:


After the department receives approval by the United States Secretary of Agriculture for the state plan submitted pursuant to § 38-35-15, any person seeking to purchase, receive, or obtain industrial hemp, other than industrial hemp product, for planting, storing, propagating, or producing shall apply to the secretary for a grower license on an application form prescribed by the department and submit a nonrefundable annual application fee. The department shall establish a sixty-day period in which an application must be received. The secretary shall deposit fees collected under this chapter in the hemp regulatory program fund. No application for licensure to plant, grow, or produce industrial hemp may be for less than five contiguous outdoor acres.

Section 4. That a NEW SECTION be added:

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

After the department receives approval by the United States Secretary of Agriculture for the state plan submitted pursuant to § 38-35-15, any person seeking to purchase, receive, or obtain industrial hemp, other than industrial hemp product, for processing shall apply to the secretary for a processor license on an application form prescribed by the department and submit a nonrefundable annual application fee. The applicant may submit an application form for a processor license at any time. The secretary shall deposit fees collected under this chapter in the hemp regulatory program fund. The applicant shall provide to the department the street address, legal description, and global positioning system coordinates for any location where hemp will be processed under the processor’s license and certify that any location where hemp is to be processed is under the control of the applicant. A processor licensee shall provide notice of any change in ownership or location to the department within two days of a change. A change of ownership or location automatically invalidates the license, and a new license must be obtained.

Section 5. That a NEW SECTION be added:
38-35-5. Criminal background check--Denial of license for conviction--Licensure exemption.

Each applicant for any license under this chapter, key participant, and landowner, if the applicant is the lessee, shall submit to a state and federal criminal background investigation by means of fingerprint checks by the Division of Criminal Investigation and the Federal Bureau of Investigation. Upon application for a license, the department shall submit the completed fingerprint cards to the division. Upon completion of the criminal background check, the division shall forward to the department all information obtained as a result of the criminal background check. This information shall be obtained prior to licensure of the applicant. All costs or fees associated with the criminal background checks are the responsibility of the applicant. Information provided to the department under this section is confidential, is not public record, and is exempt from the provisions of chapter 1-27. However, the department may share this information with law enforcement and the Department of Public Safety. Failure to submit to or cooperate with a criminal background check is grounds for denial or revocation of a license. The secretary may deny licensure if any applicant, key participant, or landowner has been convicted of a misdemeanor or felony relating to a controlled substance or marijuana under state or federal law within the previous ten years. Licensure under this chapter is not required for employees of the state of South Dakota when performing official duties.

Section 6. That a NEW SECTION be added:

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

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

Section 7. That a NEW SECTION be added:

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

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

A grower license issued under this chapter is valid for fifteen months from the date of issuance.

A processor license issued under this chapter expires on December thirty-first in the calendar year for which it was issued.

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

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

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

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

(4) Has been convicted of a misdemeanor or felony relating to a controlled substance or marijuana under state or federal law within the previous ten years; or
(5) Has been charged with or convicted of a misdemeanor or felony relating to a controlled
substance or marijuana under state or federal law since the most recent criminal background check.

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

Section 8. That a NEW SECTION be added:

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

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

Section 9. That a NEW SECTION be added:

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

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

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

Any substance found to be in violation of this chapter is subject to confiscation and disposal at
the direction of the Department of Public Safety. Any costs arising from the destruction, confiscation,
or disposal are the responsibility of the grower, producer, processor, or owner of the substance. The
state is not liable for any confiscation, seizure, disposal, or destruction of any substance carried out
under this chapter. Any testing, inspection, and investigation results shall be provided to the
licensee. Notice of any violation shall be provided to the licensee in writing. Inspection and
investigation records are not open records pursuant to chapter 1-27.

Section 10. That a NEW SECTION be added:

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

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

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

Section 11. That a NEW SECTION be added:

The department shall promulgate rules, pursuant to chapter 1-26, to:

(1) Establish application, application form, licensure, and renewal procedures;

(2) Establish requirements to prevent the spread of hemp and hemp seeds from licensed land areas and provide for the assessment of costs for the remediation thereof;

(3) Establish criteria and procedures for denial, revocation, or suspension of a license under this chapter;

(4) Make any modification or addition to the hemp regulatory program in order to comply with any federal statutes or any rules and regulations regarding hemp enacted or implemented by the United States Department of Agriculture;

(5) Establish a nonrefundable annual license application fee not to exceed fifty dollars, an annual grower license fee not to exceed five hundred dollars, and an annual processor license fee not to exceed two thousand dollars;

(6) Establish procedures for the collection of planting and harvest data for each lot;

(7) Establish labeling requirements for hemp; and

(8) Establish rules for corrective action for negligent and culpable violations of this chapter.

Section 12. That a NEW SECTION be added:


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

(1) Make any modification or addition to the hemp regulatory program in order to comply with any federal statutes or any rules and regulations regarding hemp enacted or implemented by the United States Department of Agriculture; and

(2) Establish testing procedures to determine the lawful amount of delta-9 tetrahydrocannabinol concentration in hemp and certifying results.

Section 13. That a NEW SECTION be added:


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

(1) Make any modification or addition to the hemp regulatory program in order to comply with any federal statutes or any rules and regulations regarding hemp enacted or implemented by the United States Department of Agriculture;

(2) Establish inspection procedures and requirements, a grower inspection fee per lot not to exceed two hundred fifty dollars, and a processor inspection fee per any processor location not to exceed five hundred dollars;

(3) Establish transportation and permit requirements including assessment of a permit fee not to exceed twenty-five dollars;

(4) Establish sampling and testing procedures to determine the lawful amount of delta-9 tetrahydrocannabinol concentration in hemp; and
(5) Establish rules for corrective action for negligent and culpable violations of this chapter.

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


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

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


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

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

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

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

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

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

38-35-17. Transportation permit requirements--Two types of transportation permits--Required documentation.

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

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

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

(1) A copy of the license under which the industrial hemp was grown or produced;

(2) A laboratory report produced by a Drug Enforcement Administration-registered laboratory that confirms the lot of origin of all hemp being transported complies with 7 U.S.C. Chapter 38, Subchapter VII, as provided in 7 C.F.R 990.70(d) and 990.71(d) in effect as of January 1, 2020;

(3) A signed affirmation from the licensee and the transporter that no illicit drugs or variations of hemp not explicitly authorized by 7 U.S.C. Chapter 38, Subchapter VII will be transported; and

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

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

Section 18. That a NEW SECTION be added:


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

Section 19. That a NEW SECTION be added:


The attorney general shall annually collect and compile information, statistical and otherwise, which will, as far as practicable, present an accurate survey and may be useful in the study of the effect legalizing industrial hemp has had on controlled substance and marijuana prosecutions in this state, including the extent and character of alleged crimes not prosecuted or dismissed, the operations of police in drug investigations, the charging discretion of prosecuting attorneys, and the administration of criminal justice due to the legalization of industrial hemp. All information collected under this section shall be reported annually to the Governor and Legislature by December first each year.
Section 20. That a NEW SECTION be added:

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

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

Section 21. That a NEW SECTION be added:


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

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

22-42-1. Definition of terms.

Terms used in this chapter mean:

(1) "Controlled drug or substance," a drug or substance, or an immediate precursor of a drug or substance, listed in Schedules I through IV. The term includes an altered state of a drug or substance listed in Schedules I through IV absorbed into the human body;

(2) "Counterfeit substance," a controlled drug or substance which, or the container of labeling of which, without authorization, bears the trade-mark, trade name, or other identifying mark, imprint, number, or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person or persons who manufactured, distributed, or dispensed such substance and which thereby falsely purports or is represented to be the product of, or to have been distributed by, such other manufacturer, distributor, or dispenser;

(3) "Deliver" or "delivery," the actual or constructive transfer of a controlled drug, substance, or marijuana whether or not there exists an agency relationship;

(4) "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, and a dispenser is one who dispenses;

(5) "Distribute," to deliver a controlled drug, substance, or marijuana. Distribution means the delivery of a controlled drug, substance, or marijuana;

(6) "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 includes any person who packages, repackages, or labels any container of any controlled drug or substance, except practitioners who dispense or compound prescription orders for delivery to the ultimate user;

(7) "Marijuana," all parts of any plant of the genus cannabis, whether growing or not, in its natural and unaltered state, except for drying or curing and crushing or crumbling. The term includes an altered state of marijuana absorbed into the human body. The term does not include fiber produced from the mature stalks of such plant, or oil or cake made from the seeds of such plant. The term does not include the plant Cannabis sativa L. and
any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis;

(8) "Practitioner," a doctor of medicine, osteopathy, podiatry, dentistry, optometry, or veterinary medicine licensed to practice his profession, or pharmacists licensed to practice their profession; physician's assistants certified to practice their profession; government employees acting within the scope of their employment; and persons permitted by certificates issued by the Department of Health to distribute, dispense, conduct research with respect to, or administer a substance controlled by chapter 34-20B;

(9) "Precursor" or "immediate precursor," a substance which the Department of Health has found to be and by rule designates as being a principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used, in the manufacture of a controlled drug or substance, the control of which is necessary to prevent, curtail, or limit such manufacture;


(11) "Ultimate user," a person who lawfully possesses a controlled drug or substance for that person's own use or for the use of a member of that person's household or for administration to an animal owned by that person or by a member of that person's household.

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

34-20B-1. Definitions.

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) "Control," to add, remove, or change the placement of a drug, substance, or immediate precursor under §§ 34-20B-27 and 34-20B-28;

(4) "Counterfeit substance," a controlled drug or substance which, or the container or labeling of which, 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 or persons who manufactured, distributed, or dispensed such substance and which thereby falsely purports or is represented to be the product of, or to have been distributed by, such other manufacturer, distributor, or dispenser;

(5) "Deliver" or "delivery," the actual, constructive, or attempted transfer of a controlled drug, substance, or marijuana whether or not there exists an agency relationship;

(6) "Department," the Department of Health created by chapter 1-43;

(7) "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, and a dispenser is one who dispenses;
(8) "Distribute," to deliver a controlled drug, substance, or marijuana. A distributor is a person who delivers a controlled drug, substance, or marijuana;

(9) "Hashish," the resin extracted from any part of any plant of the genus cannabis, commonly known as the marijuana plant, that contains a delta-9 tetrahydrocannabinol concentration of more than three-tenths of one percent on a dry weight basis;

(10) "Imprisonment," imprisonment in the state penitentiary unless the penalty specifically provides for imprisonment in the county jail;

(11) "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 includes any person who packages, repackages, or labels any container of any controlled drug or substance, except practitioners who dispense or compound prescription orders for delivery to the ultimate consumer;

(12) "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 such plant or its seeds. The term does not include 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, or cannabidiol in a drug product approved by the United States Food and Drug Administration. The term does not include the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent on a dry weight basis;

(13) "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, and opiates;

   (b) A compound, manufacture, salt, derivative, or preparation of opium, coca leaves, or opiates;

   (c) A substance (and any compound, manufacture, salt, derivative, or preparation thereof) which is chemically identical with any of the substances referred to in subsections (a) and (b) of this subdivision;

except that the term, narcotic drug, as used in this chapter does not include decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecgonine;

(14) "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;

(15) "Opium poppy," the plant of the species papaver somniferum L., except the seeds thereof;

(16) "Person," any corporation, association, limited liability company, partnership or one or more individuals;

(17) "Poppy straw," all parts, except the seeds, of the opium poppy, after mowing;

(18) "Practitioner," a doctor of medicine, osteopathy, podiatry, optometry, dentistry, or veterinary medicine licensed to practice their profession, or pharmacists licensed to practice their profession; physician assistants certified to practice their profession;
certified nurse practitioners and certified nurse midwives to practice their profession; government employees acting within the scope of their employment; and persons permitted by certificates issued by the department to distribute, dispense, conduct research with respect to, or administer a substance controlled by this chapter;

(18A)(19)  "Prescribe," an order of a practitioner for a controlled drug or substance.

(19)(20)  "Production," the manufacture, planting, cultivation, growing, or harvesting of a controlled drug or substance;

(20)(21)  "State," the State of South Dakota;

(21)(22)  "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;

(22)(23)  "Controlled substance analogue," any of the following:

(a) A substance that differs in its chemical structure to a controlled substance listed in or added to the schedule designated in schedule I or II only by substituting one or more hydrogens with halogens or by substituting one halogen with a different halogen; or

(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; and

(i) The chemical structure of which is substantially similar to the chemical structure of a controlled substance in schedule I or II;

(ii) Which 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 such 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;

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

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

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

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

(1) Bufotenine;

(2) Diethyltryptamine (DET);

(3) Dimethyltryptamine (DMT);
(4) 5-methoxy-\(N, N\)-Dimethyltryptamine (5-MeO-DMT);

(5) 5-methoxy-3, 4-methylenedioxy amphetamine;

(6) 4-bromo-2, 5-dimethoxyamphetamine;

(7) 4-methoxyamphetamine;

(8) 4-methoxymethamphetamine;

(9) 4-methyl-2, 5-dimethoxyamphetamine;

(10) Hashish and hash oil;

(11) Ibogaine;

(12) Lysergic acid diethylamide;

(13) Mescaline;

(14) N-ethyl-3-piperidyl benzilate;

(15) N-methyl-3-piperidyl benzilate;

(16) 1-\((2\text{-thienyl})\)cyclohexyl) piperidine (TCP);

(17) Peyote, except that when used as a sacramental in services of the Native American church in a natural state which is unaltered except for drying or curing and cutting or slicing, it is hereby excepted;

(18) Psilocybin;

(19) Psilocyn;

(20) Tetrahydrocannabinol, other than that which occurs in \textit{industrial hemp as defined in § 38-35-1} or \textit{marijuana in its natural and unaltered state}, including any compound, except nabilone or compounds listed under a different schedule, structurally derived from 6,6\(^{\text{′}}\)dimethyl-benza[c]chromene by substitution at the 3-position with either alkyl (C3 to C8), methyl cycloalkyl, or adamantyl groups, whether or not the compound is further modified in any of the following ways:

(a) By partial to complete saturation of the C-ring; or

(b) By substitution at the 1-position with a hydroxyl or methoxy group; or

(c) By substitution at the 9-position with a hydroxyl, methyl, or methylhydroxyl group; or

(d) By modification of the possible 3-alkyl group with a 1,1\(^{\text{′}}\) dimethyl moiety, a 1,1\(^{\text{′}}\) cyclic moiety, an internal methylene group, an internal acetylene group, or a terminal halide, cyano, azido, or dimethylcarboxamido group.

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

(21) 3, 4, 5-trimethoxyamphetamine;

(22) 3, 4-methylenedioxyamphetamine;
(23) 3-methoxyamphetamine;

(24) 2, 5-dimethoxyamphetamine;

(25) 2-methoxyamphetamine;

(26) 2-methoxymethamphetamine;

(27) 3-methoxymethamphetamine;

(28) Phencyclidine;

(29) 3, 4-methylenedioxyamphetamine (MDMA);

(30) 3, 4-methylenedioxy-N-ethylamphetamine;

(31) N-hydroxy-3, 4-methylenedioxyamphetamine;

(32) 4-methyaminorex (also known as 2-Amino-4-methyl/x-5-phenyl-2-oxazoline);

(33) 2,5-Dimethoxy-4-ethylamphetamine;

(34) N,N-Dimethylamphetamine;

(35) 1-(1-(2-thienyl)cyclohexyl)pyrrolidine;

(36) Aminorex;

(37) Cathinone and other variations, defined as any compound, material, mixture, preparation or other product unless listed in another schedule or an approved FDA drug (e.g. bupropion, pyrovalerone), structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:

(a) By substitution in the ring system to any extent with alkyl, alkenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;

(b) By substitution at the 3-position with an acyclic alkyl substituent;

(c) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups or by inclusion of the 2-amino nitrogen atom in a cyclic structure.

Some trade or other names: methcathinone, 4-methyl-N-methylcathinone (mephedrone); 3,4-methylenedioxy-N-methylcathinone (methylone); 3,4-methylenedioxyxypyrvaleron (MDPV); Naphthlypyrvaleron (naphyrone); 4-fluoromethcathinone (flupherdone); 4-methoxymethcathinone (methedrone; Bk-PMMA); Ethcathinone (N-Ethylcathinone); 3,4-methylenedioxyethcathinone (ethylone); Beta-keto-N-methyl-3,4-benzodioxoybutanamine (butylone); N,N-dimethylcathinone (metamfepramone); Alpha-pyrrolidinopropiophenone (alpha-PPP); 4-methoxy-alpha-pyrrolidinopropiophenone (MOPPP); 3,4-methylenedioxyalphapyrrolidinopropiophenone (MDPPP); Alpha-pyrrolidinovalerophenone (alpha-PVP); 3-fluoromethcathinone; 4'-Methyl-alpha-pyrrolidinobutiophenone (MPBP); Methyl-\&agr;\&agr;\-pyrrolidinopropiophenone (MPPP); Methyl-\&agr;\&agr;\-pyrrolidino-hexanophenone (MPHP); Buphedrone; Methyl-N-ethylcathinone; Pentedrone; Dimethylmethcathinone (DMMC); Dimethylethcathinone (DMEC); Methylenedioxyethcathinone (MDMC); Pentylole; Ethylethcathinone; Ethylymethcathinone; Fluoroethcathinone; methyl-alpha-
pyrrolidinobutiophenone (MPBP); Methylcathinone (MEC); Methylenedioxy-alpha-
pyrrolidinobutiophenone (MDPBP); Methoxymethcathinone (MOMC); Methylbuphedrone;...
(MBP); Benzedrone (4-MBC); Dibutylone (DMDB); Dimethyleone (MDDMA); Diethylcathinone; Eutylone (EBDB); N-ethyl-N-Methylcathinone; N-ethylbuphedrone, 1-(1,3-benzodioxol-5-yl)2-(ethylamino)pentan-1-one (N-Ethylpentylone), 4'-Methylalpha-pyrrolidinopropiophenone (4-MEPPP, MPPP or MaPPP); alphapyrrolidinobutiophenone (α;BPB); 1-(1,3-benzodioxol-5-yl)-2-(tert-butylamino)propan-1-one (Tertylone); 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)hexan-1-one (N-ethyl Hexylone);

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

(39) Alpha-ethyltryptamine;

(40) 4-Bromo-2,5-dimethoxy phenethylamine;

(41) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7);

(42) 1-(3-trifluoromethylphenyl) piperazine (TFMPP);

(43) Alpha-methyltryptamine (AMT);

(44) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);

(45) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);

(46) Synthetic cannabinoids. Any material, compound, mixture, or preparation that is not listed as a controlled substance in another schedule, is not an FDA-approved drug, and contains any quantity of the following substances, their salts, isomers (whether optical, positional, or geometric), homologues, modifications of the indole ring by nitrogen heterocyclic analog substitution or nitrogen heterocyclic analog substitution of the phenyl, benzyl, naphthyl, adamantly, cyclopropyl, cumyl, or propionaldehyde structure, and salts of isomers, homologues, and modifications, unless specifically excepted, whenever the existence of these salts, isomers, homologues, modifications, and salts of isomers, homologues, and modifications is possible within the specific chemical designation:

(a) Naphthoylindoles. Any compound containing a 2-(1- naphthyl)indole or 3-(1-naphthyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthyl ring to any extent.

Some trade or other names: JWH-015; 1-pentyl-3-(1-naphthyl)indole (JWH-018); 1-hexyl-3-(1-naphthyl)indole (JWH-019); 1-butyl-3-(1-naphthyl)indole (JWH-073); 1-pentyl-3-[1-(4-methoxy naphthol)]indole (JWH-081); 1-pentyl-3-(4-methyl-1-naphthyl)indole (JWH-122); 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthyl)indole (JWH-200); JWH-210; JWH-398; 1-pentyl-3-(1-naphthyl)indole (AM-678); 1-(5-fluoropentyl)-3-(1-naphthyl)indole (AM-2201); WIN 55-212; JWH-004; JWH-007; JWH-009; JWH-011; JWH-016; JWH-020; JWH-022; JWH-046; JWH-047; JWH-048; JWH-049; JWH-050; JWH-070; JWH-071; JWH-072; JWH-076; JWH-079; JWH-080; JWH-082; JWH-094; JWH-096; JWH-098; JWH-116; JWH-120; JWH-148; JWH-149; JWH-164; JWH-166; JWH-180; JWH-181; JWH-182; JWH-189; JWH-193; JWH-198; JWH-211; JWH-212; JWH-213; JWH-234; JWH-235; JWH-236; JWH-239; JWH-240; JWH-241; JWH-258; JWH-262; JWH-386; JWH-387; JWH-394; JWH-395; JWH-397; JWH-399; JWH-400; JWH-412; JWH-413; JWH-414; JWH-415; JWH-424; AM-678; AM-1220; AM-1221; AM-1235; AM-2232, THJ-2201;
(b) Naphthylmethylindoles. Any compound containing a 1H-indol-2-yl-(1-naphthyl)methane or 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyranyl-4-yl)methyl, benzyl, or halobenzyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthyl ring to any extent.

Some trade or other names: JWH-175; JWH-184; JWH-185; JWH-192; JWH-194; JWH-195; JWH-196; JWH-197; JWH-199;

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

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

(d) Benzoylindoles. Any compound containing a 2-(benzoyl)indole or 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyranyl-4-yl)methyl, benzyl, or halobenzyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the phenyl ring to any extent.

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

(e) Naphthoxylopyrroles. Any compound containing a 2-(1-naphthoxy)pyrrole or 3-(1-naphthoxy)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, cyanoalkyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyranyl-4-yl)methyl, benzyl, or halobenzyl group, whether or not further substituted on the pyrrole ring to any extent and whether or not substituted on the naphthyl ring to any extent.

Some trade or other names: JWH-307; JWH-303; JWH-301; JWH-145; JWH-146; JWH-147; JWH-150; JWH-156; JWH-242; JWH-243; JWH-244; JWH-245; JWH-246; JWH-292; JWH-293; JWH-308; JWH-309; JWH-346; JWH-348; JWH-363; JWH-364; JWH-365; JWH-367; JWH-368; JWH-369; JWH-370; JWH-371; JWH-373; JWH-392;

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

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

(g) Cyclohexylphenols. Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group, whether or not substituted on the cyclohexyl ring to any extent.

Some trade or other names: 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]phenol (CP 47, 497 and homologues, which includes C8); cannabicyclohexanol; CP-55,490; CP-55,940; CP-56,667

(h) (6αR,10αR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl) 6α,7,10,10α-tetrahydrobenzo[c]chromen-1-ol. Some trade or other names: HU-210;

(i) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoazain-6-yl]-1-naphthalenyl. Some trade or other names: WIN 55, 212-2;

(j) Substituted Acetylindoles. Any compound containing a 2-acetyl indole or 3-acetyl indole structure substituted at the acetyl by replacement of the methyl group with a tetramethylcyclopropyl, adamantyl, benzyl, cumyl, or propionaldehyde substituent whether or not further substituted on the tetramethylcyclopropyl, adamantyl, benzyl, cumyl, or propionaldehyde substituent to any extent and whether or not further substituted at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group whether or not further substituted on the indole ring to any extent.

Some trade and or names: (1-Pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144); (1-(5-fluoropentyl)indol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (XLR-11); (1-(2-morpholin-4-yethyl)-1H-indol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (A-796,260); 1-[(N-methylpiperidin-2-yl)methyl]-3-(adamant-1-oyl)indole (AM-1248); 1-Pentyl-3-(1-adamantyl)indole (AB-001 and JWH-018 adamantan analog); AM-679;

(k) Substituted Carboxamide Indole. Any compound containing a 2-carboxamide indole or 3-carboxamide indole structure substituted at the nitrogen of the carboxamide with a tetramethylcyclopropyl, naphthyl, adamantyl, cumyl, phenyl, or propionaldehyde substituent, whether or not further substituted on the tetramethylcyclopropyl, adamantyl, cumyl, naphthyl, phenyl, or propionaldehyde substituent to any extent and whether or not further substituted at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group whether or not further substituted on the indole ring to any extent.

Some trade and other names: JWH-018 adamantan carboxamide; STS-135; MN-18; 5-Fluoro-MN-18, 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-
Substituted Carboxylic Acid Indole. Any compound containing a 1H-indole-2-carboxylic acid or 1H-indole-3-carboxylic acid substituted at the hydroxyl group of the carboxylic acid with a phenyl, benzyl, naphthyl, adamantyl, cyclopropyl, quinolinyl, isoquinolinyl, cumyl, or propionaldehyde substituent whether or not further substituted on the phenyl, benzyl, naphthyl, adamantyl, cyclopropyl, cumyl, quinolinyl, isoquinolinyl, or propionaldehyde substituent to any extent and whether or not further substituted at the nitrogen atom of the indole ring by an alkyl, halooalkyl, cyanoalkyl, alkene, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 1-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, tetrahydropyran methyl, benzyl, or halo benzyl group whether or not further substituted on the indole ring to any extent.

Some trade and other names: Naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (NM2201); 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (MDAI); 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E); 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D); 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C); 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I); 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2); 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4); 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H); 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N); 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P); 2-(2,5-Dimethoxy-4-(n)-propyphenyl)ethanamine (2C-P);
tetrahydrofuran, or tetrahydrofuran ring systems; whether or not the compound is further modified in any of the following ways:

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

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

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

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

2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (2C-B-NBOMe; 25B-NBOMe or 2,5-Dimethoxy-4-bromo-N-(2-methoxybenzyl)phenethylamine); 2-4-iodo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (2C-1-NBOMe; 25I-NBOMe or 2,5-Dimethoxy-4-iodo-N-(2-methoxybenzyl)phenethylamine);

N-(2-Methoxybenzyl)-2-(3,4,5-trimethoxyphenethyl)methamphetamine (Mescaline-NBOMe or 3,4,5-trimethoxy-(2-methoxybenzyl)phenethylamine);

2-(4-chloro-2,5-dimethoxyphenethyl)-N-[2,5-methoxyphenethyl]-methylamphetamine (2C-C-NBOMe; 25C-NBOMe or 2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)phenethylamine);

2-(7-Bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-yl)ethanamine (2CB-5-hemiFLY); 2-(8-bromo-2,3,6,7-tetrahydrofurano[2,3-f][1]benzofuran-4-yl)ethanamine (2CB-BFLY); 2-(10-Bromo-2,3,4,7,8,9-hexahydropyrano[2,3-g]chromen-5-yl)ethanamine (2CB-butterFLY);

(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7-tetrahydrobenzo[1,2-b:4,5-b’]difen-furanyl-4-yl)-2-aminoethane (2CB-B-FLY-NBOMe); 1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-amine (bromo-benzodifuranyl-isopropylamine or bromo-dragonFLY);

(2-Hydroxybenzyl)-4-ido-2,5-dimethoxyphenethylamine (2C-1-NBOH or 25I-NBOH); 5-(2-Aminopropyl)benzofuran (5-APB); 6(2-Aminopropyl)benzofuran (6-APB); 5-(2-Aminopropyl)-2,3-dihydrobenzofuran (5-APDB); 6-(2-Aminopropyl)-2,3-dihydrobenzofuran (6-APDB);

(58) Substituted tryptamines. Any compound, unless specifically exempt, listed as a controlled substance in another schedule or an approved FDA drug, structurally derived from 2-(1H-indol-3-yl)ethanamine (i.e., tryptamine) by mono- or di-substitution of the amine nitrogen with alkyl or alkenyl groups or by inclusion of the amino nitrogen atom in a cyclic structure whether or not the compound is further substituted at the alpha-position with an alkyl group or whether or not further substituted on the indole ring to any extent with any alkyl, alkoxy, halo, hydroxyl, or acetoxy groups.

Some trade and other names: 5-methoxy-N,N-diallyltryptamine (5-MeO-DALT); 4-acetoxy-N,N-dimethyltryptamine (4-AcO-DMT or O-Acetylsilicon); 4-hydroxy-N-methyl-N-ethyltryptamine (4-HO-MET); 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DIPT); 5-methoxy-N-methyl-N-isopropyltryptamine (5-MeO-MiPT);

(59) Naphthalen-1-yl-(4-pentoxyaphthalen-1-yl)methanone (CB-13);

(60) N-Adamantyl-1-pentyl-1H-Indazole-3-carboxamide (AKB 48);

(61) 1-(4-Fluorophenyl)piperazine (pFPP);

(62) 1-(3-Chlorophenyl)piperazine (mCPP);

(63) 1-(4-Methoxyphenyl)piperazine (pMeOPP);

(64) 1,4-Dibenzylpiperazine (DBP);
(65) Isopentedrone;
(66) Fluoromethamphetamine;
(67) Fluoroamphetamine;
(68) Fluorococaine;
(69) 1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (PB-22);
(70) 1-(5-fluoropentyl)-8-quinolinyl ester-1H-indole-3-carboxylic acid (5 Fluoro-PB-22);
(71) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (AB-PINACA);
(72) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (5 Fluoro-AB-PINACA);
(73) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (AB-FUBINACA);
(74) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indole-3-carboxamide (ADB-PINACA (ADIBCIA));
(75) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indole-3-carboxamide (5 Fluoro-ADBPINACA (5 Fluoro-ADBICA)); and
(76) N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (ADB-FUBINACA).

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

And that as so amended, said bill do pass.

Also MR. SPEAKER:

The Committee on House Agriculture and Natural Resources respectfully reports that it has had under consideration HB 1094 and returns the same with the recommendation that said bill do pass.

Also MR. SPEAKER:

The Committee on House Agriculture and Natural Resources respectfully reports that it has had under consideration HB 1059 and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Thomas J. Brunner, Chair

Also MR. SPEAKER:

The Committee on House Health and Human Services respectfully reports that it has had under consideration HB 1214 which was deferred to the 41st Legislative Day.

Respectfully submitted,
Kevin D. Jensen, Chair
Also MR. SPEAKER:

The Committee on House Taxation respectfully reports that it has had under consideration HB 1099 and returns the same with the recommendation that said bill be amended as follows:

1099B

On page 1, line 1, of the Introduced bill, after "temporary " insert "voter-approved half-cent "

And that as so amended, said bill do pass.

Respectfully submitted,
Mark Willadsen, Chair

Also MR. SPEAKER:

The Committee on House Local Government respectfully reports that it has had under consideration HB 1097 and returns the same with the recommendation that said bill be amended as follows:

1097B

On page 1, line 3, of the Introduced bill, after "Dakota:" delete "Section 1. That § 25-1-10. 1 be AMENDED:


To obtain a marriage license, each applicant shall sign the application in person in the presence of the register of deeds or in the presence of a person duly appointed by the register to act in the register's behalf. Each applicant shall provide valid identification and proof of age prior to issuance of the marriage license. Proof of age may and personal identification shall be satisfied by providing a certified copy of a birth certificate or any photographic identification which includes the applicant's name and date of birth valid:

(1) Passport; or

(2) a Federal, state, or tribal photo identification.

No person may use a power of attorney to obtain a marriage license."

And that as so amended, said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Herman Otten, Chair

Also MR. SPEAKER:

The Committee on House Local Government respectfully reports that it has had under consideration HB 1120 and returns the same with the recommendation that said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
Herman Otten, Chair

Also MR. SPEAKER:

The Committee on House Transportation respectfully reports that it has had under consideration HB 1082 and returns the same with the recommendation that said bill be amended as follows:

1082A
On page 1, line 11, of the Introduced bill, after "chapter" insert ", has notified the department of the display;"

And that as so amended, said bill do pass, and having been certified as uncontested, be placed on the consent calendar.

Also MR. SPEAKER:

The Committee on House Transportation respectfully reports that it has had under consideration HB 1091, and SB 30 and returns the same with the recommendation that said bills do pass, and having been certified as uncontested, be placed on the consent calendar.

Respectfully submitted,
John Mills, Chair

MESSAGES FROM THE SENATE

Mr. SPEAKER:

I have the honor to transmit herewith SB 20, 47, 56, 74, 75, and 83 which have passed the Senate and your favorable consideration is respectfully requested.

Also Mr. SPEAKER:

I have the honor to return herewith HB 1015, 1017, 1018, and 1030 which have passed the Senate without change.

Respectfully,
Kay Johnson, Secretary

MOTIONS AND RESOLUTIONS

Rep. Qualm moved that when we adjourn today, we adjourn to convene at 1:00 p.m., Friday, February 7, 2020, the 16th legislative day.

Which motion prevailed.

Rep. Qualm moved that HCR 6006 and 6007 be deferred to Friday, February 7, 2020, the 16th legislative day.

Which motion prevailed.

HCR 6008: A CONCURRENT RESOLUTION, To authorize a legislative study for the continuum of care for the disabled and elderly of South Dakota.

Introduced by: Representative Hunhoff

HCR 6009: A CONCURRENT RESOLUTION, Strengthening the sister-state ties between the State of South Dakota and Taiwan; supporting the signing of a Bilateral Trade Agreement (BTA)
between Taiwan and the United States; and reaffirming support for increasing Taiwan's international participation.

**Introduced by: Representative** Rounds

**HCR 6010**: A CONCURRENT RESOLUTION, Supporting the creation of an early education advisory council.

**Introduced by: Representative** Healy

**HCR 6011**: A CONCURRENT RESOLUTION, Supporting the Recovering America's Wildlife Act.

**Introduced by: Representative** Willadsen

**HCR 6012**: A CONCURRENT RESOLUTION, Supporting the right to pray in public schools.

**Introduced by: Representative** Randolph

Were read the first time.

**HR 7002**: A RESOLUTION, To formally invite President Donald J. Trump and First Lady Melania Trump to the great state of South Dakota for the 4th of July fireworks celebration at Mount Rushmore.

Was read the second time.

Rep. Frye-Mueller moved that **HR 7002** as found on page 110 of the House Journal be adopted.

The question being on Rep. Frye-Mueller's motion that **HR 7002** be adopted.

And the roll being called:

**Yeas 60, Nays 7, Excused 3, Absent 0**

*Yeas:*

*Nays:*
Bordeaux, Duba, Healy, Ring, Saba, Jamie Smith, and Sullivan

*Excused:*
Deutsch, Glanzer, and Pourier

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion carried and **HR 7002** was adopted.
CONSIDERATION OF REPORTS OF COMMITTEES

Rep. Qualm moved that the reports of the Standing Committees on State Affairs on HB 1105 as found on page 162 of the House Journal; also Education on HB 1081 as found on page 163 of the House Journal; also Commerce and Energy on SB 23 as found on page 163 of the House Journal; and Judiciary on HB 1012 as found on page 171, and HB 1013, 1065, and 1092 as found on page 176 of the House Journal be adopted.

Which motion prevailed and the reports were adopted.

FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1243: FOR AN ACT ENTITLED, An Act to require schools to provide instruction on South Dakota's tribal history, culture, and government.

Introduced by: Representative Bordeaux

HB 1244: FOR AN ACT ENTITLED, An Act to authorize forensic medical examinations for certain persons.

Introduced by: Representative Reed

HB 1245: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the voting rights of felony offenders.

Introduced by: Representative Sullivan

HB 1246: FOR AN ACT ENTITLED, An Act to revise the attorney's fees allowed in a retaliation action against a lessor.

Introduced by: Representative Duba

HB 1247: FOR AN ACT ENTITLED, An Act to create the medical reinsurance program and to make an appropriation therefor.

Introduced by: Representative Cwach

HB 1248: FOR AN ACT ENTITLED, An Act to revise the motor vehicle license fee for certain older trucks.

Introduced by: Representative Mills

HB 1249: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the operation of the South Dakota Lottery.

Introduced by: Representative Mills

HB 1250: FOR AN ACT ENTITLED, An Act to increase the state's percentage of video lottery revenues, to provide for the deposit of certain excess revenues, and to repeal provisions regarding video lottery.

Introduced by: Representative Mills
HB 1251: FOR AN ACT ENTITLED, An Act to establish membership of the Board of Regents.

Introduced by: Representative Mulally

HB 1252: FOR AN ACT ENTITLED, An Act to grant property tax relief to certain persons who are long-term residents and long-term property owners.

Introduced by: Representative Howard

HB 1253: FOR AN ACT ENTITLED, An Act to accommodate legislation regarding contracts with the State.

Introduced by: Representative Howard

HB 1254: FOR AN ACT ENTITLED, An Act to require a habitat stamp for certain hunting, fishing, canoeing, kayaking, and jet skiing activities.

Introduced by: Representative Herman Otten

HB 1255: FOR AN ACT ENTITLED, An Act to remove the requirement for a mandatory appraisal in exchanges of land between school districts.

Introduced by: Representative Herman Otten

HB 1256: FOR AN ACT ENTITLED, An Act to fund shooting sports programs in public schools and to enhance outdoor recreational activities in the state.

Introduced by: Representative Herman Otten

HB 1257: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding hunting, fishing, or trapping on private property without permission.

Introduced by: Representative Finck

HB 1258: FOR AN ACT ENTITLED, An Act to provide for child safety accounts for students subject to certain safety incidents.

Introduced by: Representative Weis

HB 1259: FOR AN ACT ENTITLED, An Act to revise provisions regarding the discretionary formula for determining the assessed value of property for tax purposes.

Introduced by: Representative Chaffee

HB 1260: FOR AN ACT ENTITLED, An Act to revise provisions regarding tax increment districts.

Introduced by: Representative Chaffee

HB 1261: FOR AN ACT ENTITLED, An Act to provide procedures to enforce the integrity of the United States Constitution.

Introduced by: Representative David Johnson

HB 1262: FOR AN ACT ENTITLED, An Act to revise provisions regarding electric service in annexed areas.

Introduced by: Representative Anderson
HB 1263: FOR AN ACT ENTITLED, An Act to require that certain school district elections occur in conjunction with the general election.

Introduced by: Representative Goodwin

HB 1264: FOR AN ACT ENTITLED, An Act to revise provisions regarding the procurement of public improvements.

Introduced by: Representative Anderson

HB 1265: FOR AN ACT ENTITLED, An Act to revise provisions regarding off-sale delivery licenses for the delivery of alcoholic beverages.

Introduced by: Representative Rounds

HB 1266: FOR AN ACT ENTITLED, An Act to prohibit collective bargaining by employees of the Board of Regents.

Introduced by: Representative Borglum

HB 1267: FOR AN ACT ENTITLED, An Act to designate Orion as the official constellation of South Dakota.

Introduced by: Representative Borglum

HB 1268: FOR AN ACT ENTITLED, An Act to provide timely refunds for excess payments made in lieu of contributions to the unemployment compensation trust fund.

Introduced by: Representative Post

HB 1269: FOR AN ACT ENTITLED, An Act to prohibit the internet publication of certain land records.

Introduced by: Representative Rounds

HB 1270: FOR AN ACT ENTITLED, An Act to revise provisions regarding agricultural land classifications for tax purposes.

Introduced by: Representative Chaffee

HB 1271: FOR AN ACT ENTITLED, An Act to establish certain provisions regarding the rural broadband fund.

Introduced by: Representative Karr

HB 1272: FOR AN ACT ENTITLED, An Act to revise the conditions for dual credit and to provide an appropriation.

Introduced by: Representative Frye-Mueller

HB 1273: FOR AN ACT ENTITLED, An Act to provide certain provisions regarding the regulation of tattooing.

Introduced by: Representative Reimer

HB 1274: FOR AN ACT ENTITLED, An Act to establish the Tax Revenue Study Task Force to study tax revenue in this state.

Introduced by: Representative Ring
HB 1275: FOR AN ACT ENTITLED, An Act to revise provisions regarding a judgment not collected from an underinsured motorist.

Introduced by: Representative Ring

HB 1276: FOR AN ACT ENTITLED, An Act to provide for a review of occupational regulation.

Introduced by: Representative Latterell

HB 1277: FOR AN ACT ENTITLED, An Act to only authorize a person whose face is depicted in certain obscene material to receive revenue generated by the distribution or exhibition of the material.

Introduced by: Representative Latterell

HB 1278: FOR AN ACT ENTITLED, An Act to create a dementia services coordinator position within the Department of Human Services.

Introduced by: Representative Duba

HB 1279: FOR AN ACT ENTITLED, An Act to require property owners to receive notification of property tax reduction programs.

Introduced by: Representative Diedrich

HB 1280: FOR AN ACT ENTITLED, An Act to accommodate legislation regarding conservation districts.

Introduced by: Representative Jamie Smith

HB 1281: FOR AN ACT ENTITLED, An Act to revise certain state post-secondary requirements for dual credit and to make an appropriation therefor.

Introduced by: Representative Sue Peterson

HB 1282: FOR AN ACT ENTITLED, An Act to create the lottery repeal and recovery fund and revise provisions regarding the distribution of state revenue from video lottery.

Introduced by: Representative Latterell

HB 1283: FOR AN ACT ENTITLED, An Act to revise the liability of a guarantor.

Introduced by: Representative Kevin Jensen

HB 1284: FOR AN ACT ENTITLED, An Act to create a road improvement priority fund, to provide for the distribution of the fund, and to repeal certain sales tax exemptions.

Introduced by: Representative Finck

HB 1285: FOR AN ACT ENTITLED, An Act to require parental permission and website posting of student survey instruments.

Introduced by: Representative Randolph

HB 1286: FOR AN ACT ENTITLED, An Act to regulate capital outlay expenditures.

Introduced by: Representative Gosch
HB 1287: FOR AN ACT ENTITLED, An Act to provide exemption of certain taxes for certain nursing home providers and community service providers.

Introduced by: Representative Gosch

HB 1288: FOR AN ACT ENTITLED, An Act to review certain provisions regarding emergency management.

Introduced by: Representative Duvall

HB 1289: FOR AN ACT ENTITLED, An Act to establish provisions regarding the regulation of body piercing.

Introduced by: Representative Sullivan

HB 1290: FOR AN ACT ENTITLED, An Act to make an appropriation for rapid enrollment increases.

Introduced by: Representative Olson

HJR 5003: A JOINT RESOLUTION, Proposing and submitting to the electors at the next general election, an amendment to Article XII of the Constitution of the State of South Dakota, relating to prohibiting the general appropriation bill from reappropriating or transferring funds that are in special funds and establishing rules pertaining to the administration of special funds.

Introduced by: Representative Howard

Were read the first time.

The following bills were read on January 30, 2020, and today the Speaker assigned these bills to committees:

HB 1203 was referred to the Committee on Commerce and Energy.

HB 1172 was referred to the House Committee on Appropriations.

HB 1212 was referred to the Committee on Judiciary.

HB 1154 was referred to the Committee on Transportation.

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 20: FOR AN ACT ENTITLED, An Act to create a monitor to review and respond to complaints related to the care provided to youth in the custody or care of certain care facilities, treatment centers, and programs.

SB 47: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding sex offender registration statutes.

SB 56: FOR AN ACT ENTITLED, An Act to authorize the collection of certain search and rescue service costs.

SB 74: FOR AN ACT ENTITLED, An Act to revise provisions regarding legislative candidates.

SB 75: FOR AN ACT ENTITLED, An Act to provide for a habitat stamp on hunting and fishing licenses.

SB 83: FOR AN ACT ENTITLED, An Act to establish meetings to review certain electric systems.
Were read the first time.

SECOND READING OF CONSENT CALENDAR ITEMS

SB 10: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding cosmetology licensees.

SB 12: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding comity licensure in the technical professions.

SB 13: FOR AN ACT ENTITLED, An Act to revise certain educational requirements for the practice of barbering.

HB 1106: FOR AN ACT ENTITLED, An Act to authorize the state investment officer to include an indemnity provision in certain investment-related documents.

Were read the second time.

The question being "Shall SB 10, 12, and 13, and HB 1106 pass?"

And the roll being called:


Excused: Deutsch, Glanzer, and Pourier

So the bills having received an affirmative vote of a majority of the members-elect, the Speaker declared the bills passed and the titles were agreed to.

SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS

HB 1096: FOR AN ACT ENTITLED, An Act to prohibit commercial surrogacy contracts and provide a penalty for facilitating a commercial surrogacy.

Having had its second reading was up for consideration and final passage.

Rep. Rounds moved that the pending amendment to HB 1096 be laid on the table.

Which motion prevailed.

Rep. Dennert moved that HB 1096 be amended as follows:

On page 2, line 14, of the House Judiciary bill, after "state." insert "
Section 4. That a NEW SECTION be added:

Interim study.

There is established an interim legislative committee to study and evaluate surrogacy in South Dakota. The study must be under the supervision of the Executive Board of the Legislative Research Council and staffed and funded as an interim legislative committee."

A roll call vote was requested and was supported.

The question being on Rep. Dennert’s motion that **HB 1096** be amended.

And the roll being called:

Yeas 46, Nays 21, Excused 3, Absent 0

Yeas:


Nays:

Beal, Duba, Gosch, Lana Greenfield, Gross, Howard, Hunhoff, Chris Johnson, Karr, Latterell, Milstead, Sue Peterson, Pischke, Post, Qualm, Randolph, Rasmussen, Rounds, Steele, Wiese, and Zikmund

Excused:

Deutsch, Glanzer, and Pourier

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion prevailed.

Rep. Olson moved that **HB 1096** be amended as follows:

1096I

- On page 2, line 2, of the House Judiciary bill, delete "Any " and insert "Beginning July 1, 2021, any "
- On page 2, line 2, of the House Judiciary bill, delete "advertise " and insert "advertises "
- On page 2, line 9, of the House Judiciary bill, delete "2020" and insert "2021"
- On page 2, line 13, of the House Judiciary bill, delete "2020" and insert "2021"

Rep. Sullivan rose to a point of order that Rep. Hanson was speaking to the bill, not the amendment. Speaker allowed Rep. Hanson to continue.

The Speaker requested a roll call vote.

The question being on Rep. Olson's motion that **HB 1096** be amended.

And the roll being called:

Yeas 29, Nays 38, Excused 3, Absent 0
Yeas:
   Anderson, Bartels, Barthel, Bordeaux, Borglum, Chaffee, Chase, Cwach, Dennert, Diedrich, Duba, Duvall, Finck, Healy, Karr, Lesmeister, Mc Cleerey, Olson, Herman Otten, Perry, Reed, Ring, Rounds, Saba, Jamie Smith, Sullivan, Wangsness, Willadsen, and York

Nays:

Excused:
   Deutsch, Glanzer, and Pourier

So the motion not having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion lost.

The question being "Shall HB 1096 pass as amended?"
And the roll being called:
Yeas 46, Nays 20, Excused 4, Absent 0

Yeas:

Nays:
   Anderson, Bartels, Barthel, Bordeaux, Cwach, Duba, Duvall, Finck, Healy, Karr, Lesmeister, Mc Cleerey, Herman Otten, Perry, Reed, Rounds, Jamie Smith, St. John, Sullivan, and Wangsness

Excused:
   Deutsch, Glanzer, Pourier, and Qualm

So the bill having received an affirmative vote of a majority of the members-elect, the Speaker declared the bill passed.

The question being on the title.
Rep. Dennert moved the following amendment to the title:

1096J

On page 1, line 1, of the House Judiciary bill, delete "and" and insert a comma

On page 1, line 2, of the House Judiciary bill, after "surrogacy" insert "," and establish an interim committee to evaluate surrogacy in the state"

Which motion prevailed and the title was so amended.
HB 1054: FOR AN ACT ENTITLED, An Act to revise the documentation required for voter registration.

Having had its second reading was up for consideration and final passage.

Rep. Kevin Jensen moved that HB 1054 be amended as follows:

On page 1, line 6, of the House Local Government bill, after "or " insert "a South Dakota "

On page 1, line 7, of the House Local Government bill, after "or " insert "a South Dakota "

On page 1, line 10, of the House Local Government bill, after "license," insert " a South Dakota"

On page 1, line 10, of the House Local Government bill, after "or " insert "a "

On page 1, line 13, of the House Local Government bill, after "nor, " insert "a South Dakota "

On page 1, line 13, of the House Local Government bill, delete "nor " and insert "or a "

On page 1, line 18, of the House Local Government bill, after "or " insert "the South Dakota "

Which motion prevailed.

Rep. Frye-Mueller moved that HB 1054 be amended as follows:

On page 1, line 14, of the House Local Government bill, after "Elections." insert " Consistent with 52 U. S. C. § 21084, as of January 1, 2020, in addition to signing the statement, the person shall provide documentation that would establish identity and date of birth under § 32-12-3. 1, documentation that would demonstrate lawful status under § 32-12-3. 3, and two documents with the person's name and residence address that would establish the applicant's address of primary residence under § 32-12-3. 5."

A roll call vote was requested and was supported.

And the roll being called:

Yeas 49, Nays 18, Excused 3, Absent 0

Yees:

Nays:
Barthel, Bordeauex, Cwach, Duba, Healy, Hunhoff, Lesmeister, McCleerley, Olson, Herman Otten, Kent Peterson, Qualm, Reed, Ring, Saba, Jamie Smith, Sullivan, and Willadsen

Excused:
Deutsch, Glanzer, and Pourier

So the motion having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion prevailed.
Rep. Lesmeister moved that HB 1054 be amended as follows:

1. On page 1, line 6, of the House Local Government bill, delete " or" and insert a comma
2. On page 1, lines 6 through 7, after "number" insert ", or tribal identification card"
3. On page 1, line 7, delete " or" and insert a comma
4. On page 1, line 8, after "number" insert ", or tribal identification card"
5. On page 1, line 10, after "number," insert "tribal identification card,"
6. On page 1, line 13, after "number," insert "tribal identification card,"

Rep. Latterell requested a division.

The Speaker asked for a roll call vote.

And the roll being called:

Yeas 16, Nays 51, Excused 3, Absent 0

Yeas:
  Bordeaux, Cwach, Duba, Hammock, Healy, Johns, David Johnson, Lesmeister, McCleerey, Reimer, Ring, Saba, Jamie Smith, Sullivan, Wangsness, and Speaker Haugaard

Nays:
  Anderson, Bartels, Barthel, Beal, Borglum, Brunner, Chaffee, Chase, Dennert, Diedrich, Duvall, Finck, Frye-Mueller, Goodwin, Gosch, Lana Greenfield, Gross, Hansen, Howard, Hunhoff, Kevin Jensen, Chris Johnson, Karr, Koth, Latterell, Livermont, Marty, Mills, Milstead, Miskimins, Mulally, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Sue Peterson, Pischke, Post, Qualm, Randolph, Rasmussen, Reed, Rounds, St. John, Steele, Weis, Wiese, Willadsen, York, and Zikmund

Excused:
  Deutsch, Glanzer, and Pourier

So the motion not having received an affirmative vote of a majority of the members-elect, the Speaker declared the motion lost.

The question being "Shall HB 1054 pass as amended?"

And the roll being called:

Yeas 62, Nays 5, Excused 3, Absent 0

Yeas:

Nays:
  Bordeaux, Duba, Karr, Pischke, and Sullivan
Excused: Deutsch, Glanzer, and Pourier

So the bill having received an affirmative vote of a majority of the members-elect, the Speaker declared the bill passed and the title was agreed to.

HB 1050: FOR AN ACT ENTITLED, An Act to provide for voter registration through an online voter registration system provided by the Office of the Secretary of State.

Was read the second time.

Rep. Herman Otten moved that HB 1050 be amended as follows:

On page 1, line 15, of the House Local Government bill, after "valid " insert "South Dakota "

On page 1, line 15, of the House Local Government bill, after "or " insert "South Dakota "

Which motion prevailed.

Rep. Frye-Mueller moved that HB 1050 be amended as follows:

On page 1, line 17, of the House Local Government bill, after "State." insert " Any person registering to vote through the online system shall provide documentation that would demonstrate lawful status under § 32-12-3.3 and shall present two proof of address documents. Each proof of address document must be dated within one year, and may include a computer-generated bill, bank statement, insurance card, motor vehicle registration, pay stub, or any post-marked first-class mail. Any person registering to vote shall also provide documentation that would be sufficient evidence of that person's social security number or nonwork authorized status under § 32-12-3.4. The documentation provided under this section may be provided by electronic copy."

Which motion lost.

The question being "Shall HB 1050 pass as amended?"

And the roll being called:

Yeas 41, Nays 26, Excused 3, Absent 0

Yeas:
Anderson, Bartels, Barthel, Beal, Bordeaux, Borglum, Chaffee, Chase, Cwach, Duba, Duvall, Finck, Gosch, Lana Greenfield, Hammock, Healy, Hunhoff, Johns, Koth, Lesmeister, McCleerey, Mills, Miskimins, Olson, Herman Otten, Overweg, Perry, Kent Peterson, Qualm, Reed, Reimer, Ring, Saba, Jamie Smith, St. John, Steele, Sullivan, Wangsness, Wiese, Willadsen, and York

Nays:

Excused:
Deutsch, Glanzer, and Pourier

So the bill having received an affirmative vote of a majority of the members-elect, the Speaker declared the bill passed and the title was agreed to.
Rep. Qualm moved that the balance of the calendar including **HB 1047 and 1048** be deferred to Friday, February 7, 2020, the 16th legislative day.

Which motion prevailed.

**SIGNING OF BILLS**

The Speaker publicly read the title to

**HB 1015**: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding banks.

**HB 1017**: FOR AN ACT ENTITLED, An Act to provide for certain insurer corporate governance disclosure requirements.

**HB 1018**: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding life and health insurance insolvencies.

**HB 1030**: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the Board of Technical Education.

And signed the same in the presence of the House.

**COMMEMORATIONS**

**HC 8015**: A LEGISLATIVE COMMEMORATION, Honoring Girls State Governor Success Suehne of Sioux Falls and Boys State Governor Johnathan Smith of Sioux Falls and commending the South Dakota American Legion and Auxiliary for their sponsorship and coordination of the Girls State and Boys State programs.

*Introduced by: Representatives* Zikmund, Bartels, Barthel, Bordeaux, Borglum, Duba, Duvall, Goodwin, Gosch, Lana Greenfield, Hunhoff, David Johnson, Koth, Miskimins, Olson, Perry, Kent Peterson, Sue Peterson, Post, Qualm, Reed, Saba, Jamie Smith, Steele, and Willadsen and *Senators* Stalzer, Bolin, Ewing, Kennedy, Klumb, Nesiba, Novstrup, Ernie Otten, Partridge, Schoenbeck, V. J. Smith, White, and Wiik

Was read the first time.

Rep. Steele moved that the House do now adjourn, which motion prevailed and at 5:23 p.m. the House adjourned.

Mary Lou Goehring, Chief Clerk