



2020 South Dakota Legislature
House Bill 1014
ENROLLED

AN ACT

ENTITLED An Act to place certain substances on the controlled substances schedule and to declare an emergency.

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

Section 1. That § 34-20B-13 be AMENDED:

34-20B-13. Opium derivatives and opiates specifically included in Schedule I.

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

- (1) Acetylcodeine;
- (2) Benzylmorphine;
- (3) Codeine methylbromide;
- (4) Codeine-N-Oxide;
- (5) Desomorphine;
- (6) Drotebanol;
- (7) Heroin;
- (8) Hydromorphenol;
- (9) Methydesorphine;
- (10) Methylhydromorphine;
- (11) Morphine methylbromide;
- (12) Morphine methylsulfonate;
- (13) Morphine-N-Oxide;
- (14) Myrophine;
- (15) Nicocodeine;
- (16) Nicomorphine;

- (17) Normorphine;
- (18) Thebacon;
- (19) 3-Methylfentanyl;
- (20) Fentanyl analogs. Any substituted derivatives of fentanyl unless specifically excepted, listed in another schedule, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, that is structurally related to fentanyl by modification in any one or more of the following ways:
 - (a) By replacement of the phenyl portion of the phenethyl group by any monocycle whether or not further substituted in or on the monocycle;
 - (b) By substitution in or on or replacement of the phenethyl group with alkyl, alkenyl, alkoxy, hydroxyl, halo, haloalkyl, amino, or nitro groups;
 - (c) By substitution in or on the piperidine ring with alkyl, alkenyl, alkoxy, ester, ether, hydroxyl, halo, haloalkyl, amino, phenyl, substituted phenyl, or nitro groups;
 - (d) By replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle; or
 - (e) By the replacement of the N-propionyl group by another acyl group.

Some trade and other names: N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (acetyl fentanyl); N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide (furanyl fentanyl); N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide (acryl fentanyl, acryloylfentanyl); N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide (ortho-fluorofentanyl or 2-fluorofentanyl); N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide (tetrahydrofuranyl fentanyl); 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (methoxyacetyl fentanyl); N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (cyclopropyl fentanyl), N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-pentanamide (valeryl fentanyl); N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide (butyl fentanyl); N-[1-(2-hydroxy-2-thiophen-2-ylethyl)piperidin-4-yl]-N-phenylpropanamide (Beta-Hydroxythiofentanyl); N-(4-fluorophenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]butanamide (para-fluorobutyryl fentanyl); N-(4-methoxyphenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]butanamide (para-methoxybutyryl fentanyl); N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (para-chloroisobutyryl fentanyl); N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide (isobutyryl fentanyl); N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide

- (cyclopentyl fentanyl); N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide (ocfentanil); N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (para-fluoroisobutyryl fentanyl);
- (21) 1-Methyl-4-phenyl-4-propionoxypiperidine;
 - (22) 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine;
 - (23) 3,4-dichloro-N[2-(dimethylamino)cyclohexyl]-N-methylbenzamide (U-47700);
 - (24) 1-cyclohexyl-4-(1,2-diphenylethyl)piperazine (MT-45);
 - (25) 3,4-dichloro-N-[(1dimethylamino)cyclohexylmethyl]benzamide (AH-7921);
 - (26) 2-(2,4-dichlorophenyl)-N-2-(dimethylamino)cyclohexyl)-N-methylacetamide (U-48800);
 - (27) Trans-3,4-dichloro-N-[2-(diethylamino)cyclohexyl]-N-methyl-benzamide (U-49900);
 - (28) N-[2-(dimethylamino)cyclohexyl]-N-methyl-1,3-benzodioxole-5-carboxamide (Methylenedioxy-U-47700);
 - (29) 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-isopropylbenzamide (Isopropyl-U-47700);
 - (30) 1-(1,2-Diphenylethyl)piperidine (Diphenidine); and
 - (31) N-Ethyl-1,2-diphenylethylamine (Ephenidine).

Section 2. That § 34-20B-17 be AMENDED:

34-20B-17. Opiates specifically included in Schedule II.

Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, is included in Schedule II, unless specifically excepted, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

- (1) Alphaprodine;
- (2) Anileridine;
- (3) Bezitramide;
- (4) Diphenoxylate;
- (5) Fentanyl;
- (6) Isomethadone;
- (7) Levomethorphan;
- (8) Levorphanol;
- (9) Metazocine;
- (10) Methadone;

- (11) Methadone-intermediate, 4-cyano-2-dimethylamine-1, 4-diphenyl butane;
- (12) Moramide-intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid;
- (13) Pethidine;
- (14) Pethidine-intermediate, A, 4-cyano-1-methyl-4-phenylpiperidine;
- (15) Pethidine-intermediate, B, ethyl-4-phenylpiperidine-4-carboxylate;
- (16) Pethidine-intermediate, C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- (17) Phenazocine;
- (18) Piminodine;
- (19) Racemethorphan;
- (20) Racemorphan;
- (21) Sufentanil;
- (22) Alfentanil;
- (23) Carfentanil;
- (24) Levo-alpha-acetylmethadol, also known as levo-alpha-acetylmethadyl acetate or LAAM;
- (25) Remifentanil;
- (26) Oxymorphone;
- (27) Oripavine (3-O-demethylthebaine or 6,7,8,14-tetrahydro-4,5-alpha-epoxy-6-methoxy-17-methylmorphinan-3-ol);
- (28) 4-anilino-N-phenethylpiperidine (ANPP);
- (29) Morphine, except when it meets subdivision 34-20B-23(8);
- (30) Hydrocodone (Dihydrocodeinone);
- (31) Codeine, except when it meets subdivision 34-20B-23(1), 34-20B-23(2), or 34-20B-26(1);
- (32) Dihydrocodeine, except when it meets subdivision 34-20B-23(5) or 34-20B-26(2);
- (33) Ethylmorphine, except when it meets subdivision 34-20B-23(6) or 34-20B-26(3);
- (34) Oxycodone;
- (35) Hydromorphone;
- (36) Thiafentanil; and
- (37) Noroxymorphone.

Section 3. That § 34-20B-25 be AMENDED:

34-20B-25. Substances specifically included in Schedule IV.

The following are included in Schedule IV:

- (1) Chlordiazepoxide, but not including librax (chlordiazepoxide hydrochloride and clindinium bromide) or menrium (chlordiazepoxide and water soluble esterified estrogens);
- (2) Clonazepam;
- (3) Clorazepate;
- (4) Diazepam;
- (4A) Flunitrazepam;
- (5) Flurazepam;
- (6) Mebutamate;
- (7) Oxazepam;
- (8) Prazepam;
- (9) Lorazepam;
- (10) Triazolam;
- (11) Any substance which contains any quantity of a benzodiazepine, or salt of benzodiazepine, except substances which are specifically listed in other schedules;
- (11A) Alprazolam;
- (11B) Midazolam;
- (11C) Temazepam;
- (12) Repealed by SL 2003, ch 183, § 4;
- (13) Cathine;
- (14) Fencamfamine;
- (15) Fenproporex;
- (16) Mefenorex;
- (17) Pyrovalerone;
- (18) Propoxyphene;
- (19) Pentazocine;
- (20) Diethylpropion;
- (21) Ethchlorvynol;
- (22) Ethinamate;
- (23) Fenfluramine;
- (24) Mazindol;
- (25) Mephobarbital;
- (26) Methohexitol;
- (27) Paraldehyde;
- (28) Pemoline;

- (29) Petrichloral;
- (30) Phentermine;
- (31) Barbital;
- (32) Phenobarbital;
- (33) Meprobamate;
- (34) Zolpidem;
- (35) Butorphanol;
- (36) Modafinil, including its salts, isomers, and salts of isomers;
- (37) Sibutramine;
- (38) Zaleplon;
- (39) Dichloralphenazone;
- (40) Zopiclone (also known as eszopiclone), including its salts, isomers, and salts of isomers;
- (41) Pregabalin;
- (42) Lacosamide;
- (43) Fospropofol, including its salts, isomers, and salts of isomers;
- (44) Clobazam;
- (45) Carisoprodol, including its salts, isomers, and salts of isomers;
- (46) Ezogabine,[-[2-amino-4-(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester], including its salts, isomers, and salts of isomers;
- (47) Lorcaserin, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible;
- (48) Alfaxalone, 5[alpha]-pregnan-3[alpha]-ol-11,20-dione, including its salts, isomers, and salts of isomers;
- (49) Tramadol, 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers and salts of these isomers;
- (50) Suvorexant, including its salts, isomers, and salts of isomers;
- (51) Eluxadolone,(5-[[[(2S)-2-amino-3-[4-aminocarbonyl]-2,6-dimethylphenyl]-1-oxopropyl][(1S)-1-(4-phenyl-1H-imidazol-2-yl)ethyl]amino]methyl]-2-methoxybenzoic acid) including its optical isomers and its salts, isomers, and salts of isomers;
- (52) Brivaracetam;

- (53) Epidiolex, or successor trade name, that has been approved by the United States Food and Drug Administration that contains cannabidiol (2-[1R-3-methyl-6R-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol) derived from cannabis and no more than 0.1 percent (w/w) residual tetrahydrocannabinols;
- (54) Solriamfetol (2-amino-3-phenylpropyl carbamate; benzenepropanol, beta-amino-, carbamate (ester)), including its salts, isomers, and salts of isomers whenever the existence of the salts, isomers, and salts of isomers is possible; and
- (55) Brexanolone, (3[alpha]-hydroxy-5[alpha]-pregnan-20-one), including its salts, isomers, and salts of isomers whenever the existence of the salts, isomers, and salts of isomers is possible.

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

An Act to place certain substances on the controlled substances schedule and to declare an emergency.

I certify that the attached Act originated in the:
House as Bill No. 1014

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1014
File No. _____
Chapter No. _____

Received at this Executive Office
this ____ day of _____,
2020 at _____ M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 2020

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Filed _____, 2020
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State