

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-14 be amended to read as follows:

34-20B-14. 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;
- (3) Dimethyltryptamine;
- (4) 5-methoxy-N, N-Dimethyltryptamine;
- (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-thienyl)cyclohexyl) piperdine;
- (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 marijuana in its natural and unaltered state;
- (21) 3, 4, 5-trimethoxy amphetamine;
- (22) 3, 4-methylenedioxy amphetamine;
- (23) 3-methoxyamphetamine;
- (24) 2, 5-dimethoxyamphetamine;
- (25) 2-methoxyamphetamine;
- (26) 2-methoxymethamphetamine;
- (27) 3-methoxymethamphetamine;
- (28) Phencyclidine;
- (29) 3, 4-methylenedioxymethamphetamine (MDMA);
- (30) 3, 4-methylenedioxy-N-ethylamphetamine;
- (31) N-hydroxy-3, 4-methylenedioxyamphetamine;
- (32) 4-methylaminorex (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, alkylendioxy, 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 (methyldrone); 3,4-methylenedioxypyrovalerone (MDPV); Naphthylpyrovalerone (naphyrone); 4-fluoromethcathinone (flephedrone); 4-methoxymethcathinone (methedrone; Bk-PMMA); Ethcathinone (N-Ethylcathinone); 3,4-methylenedioxyethcathinone (ethylone); Beta-keto-N-methyl-3,4-benzodioxymethylbutanamine (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-?-pyrrolidinobutiophenone (MPBP);

- (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, and salts of isomers and homologues, unless specifically excepted, whenever the existence of these salts, isomers, homologues, and salts of isomers and homologues is possible within the specific chemical designation:
 - (a) Naphthoylindoles. Any compound containing a 3-(1-naphthoyl)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, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

 Some trade or other names: JWH-015; 1-pentyl-3-(1-naphthoyl)indole (JWH-018); 1-hexyl-3-(1-naphthoyl)indole (JWH-019); 1-butyl-3-(1-naphthoyl)indole (JWH-073); 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081); 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122); 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200); JWH-210; JWH-398; 1-pentyl-3-(1-naphthoyl)indole (AM-678);

1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM-2201); WIN 55-212;

- (b) Naphthylmethylindeles. Any compound containing a 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-piperidiny)l)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent;

- (c) Phenylacetylindoles. Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)l)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in 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-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250); 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203);

- (d) Benzoylindoles. Any compound containing a 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-piperidiny)l)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in 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);

- (e) Naphthoylpyrroles. Any compound containing a 3-(1-naphthoyl)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, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

Some trade or other names: JWH-307;

- (f) Naphthylmethylindenes. Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent;

- (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 group, whether or not substituted in the cyclohexyl ring to any extent.

S o m e t r a d e o r o t h e r n a m e s :

5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP 47,497 and homologues, which includes C8); cannabicyclohexanol;

- (h) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl) 6a,7,10,10a-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-benzoxazi

n-6-yl]-1-naphthalenylmethanone. Some trade or other names: WIN 55, 212-2;

- (47) 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine) (MDAI);
- (48) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);
- (49) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);
- (50) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);
- (51) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);
- (52) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);
- (53) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);
- (54) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);
- (55) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N); and
- (56) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).

Section 2. That § 34-20B-16 be amended to read as follows:

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

- (1) Opium, coca leaves, and opiate;
- (2) Any salt, compound, derivative, or preparation of opium, coca leaves, or opiate, excluding apomorphine, dextrophan, and naloxone;
- (3) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subdivisions (1) and (2), except that these substances may not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine; and may not include the isoquinoline alkaloids of opium;

- (4) Opium poppy and poppy straw;
- (5) Amphetamine;
- (6) Methamphetamine;
- (7) Amobarbital;
- (8) Pentobarbital;
- (9) Secobarbital;
- (10) Methylphenidate;
- (11) Phenmetrazine;
- (12) Etorphine;
- (13) Diprenorphine;
- (14) Deleted by SL 2000, ch 170, § 1;
- (15) Nabilone;
- (16) Glutethimide;
- (17) Phencyclidine immediate precursors:
 - (a) 1-phenylcyclohexylamine;
 - (b) 1-piperidinocyclohexanecarbonitrile (PCC);
- (18) Lisdexamfetamine, its salts, isomers, and salts of its isomers;
- (19) Tapentadol; and
- (20) Ioflupane.

Section 3. That § 34-20B-25 be amended to read as follows:

34-20B-25. 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 those substances which are specifically listed in other schedules;
- (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) Meproamate;
- (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; and
- (46) Ezogabine, [N-[2-amino-4-(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester],
including its salts, isomers, and salts of isomers.

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

SENATE as Bill No. 23

Secretary of the Senate
=====

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 23
File No. _____
Chapter No. _____

=====

Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
=====

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

Governor
=====

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

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

Secretary of State

By _____
Asst. Secretary of State