



2022 South Dakota Legislature

House Bill 1157

Introduced by: **Representative** Jamie Smith

1 **An Act to revise the penalty for the ingestion of certain controlled substances.**

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

3 **Section 1. That § 22-42-5.1 be AMENDED:**

4 **22-42-5.1.** No person may knowingly ingest a controlled drug or substance or
 5 have a controlled drug or substance in an altered state in the body unless the substance
 6 was obtained directly by or pursuant to a valid prescription or order from a practitioner,
 7 while acting in the course of the practitioner's professional practice, or except as otherwise
 8 authorized by chapter 34-20B. A violation of this section ~~for a substance in Schedules I or~~
 9 ~~II is a Class 5 felony. A violation of this section for a substance in Schedules III or IV is a~~
 10 Class 6 felony is a Class 1 misdemeanor, and in addition, the court may impose under
 11 § 23A-27-53 a probationary period of up to two years.

12 If a conviction for a violation of this section is a second offense, the person is guilty
 13 of a Class 1 misdemeanor, and the court shall sentence the person to at least ten days in
 14 jail.

15 If a conviction for a violation of this section is a third or subsequent offense within
 16 ten years of the first conviction, the person is guilty of a Class 6 felony.