Chapter 151

(Senate Bill 45)

An Act to revise a provision regulating delta-8 tetrahydrocannabinol, THC-O acetate, and hexahydrocannabinol for persons under the age of twenty-one and to provide a penalty therefor.

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

Section 1. That § 34-20B-117 be AMENDED:

34-20B-117. The following actions are unlawful:

(1) To knowingly sell or distribute a product intended for human consumption containing delta-8 tetrahydrocannabinol, delta-9 tetrahydrocannabinolic acid, THC-O acetate, or hexahydrocannabinol to a person under the age of twenty-one, unless the substance was obtained directly or pursuant to a valid prescription or order from a practitioner, acting in the course of the practitioner's professional practice;

(2) The purchase or attempt to purchase, the receipt or attempt to receive, the possession, or the consumption of, a product intended for human consumption containing delta-8 tetrahydrocannabinol, delta-9 tetrahydrocannabinolic acid, THC-O acetate, or hexahydrocannabinol ~~to~~ by a person under the age of twenty-one, unless the substance was obtained directly or pursuant to a valid prescription or order from a practitioner, acting in the course of the practitioner's professional practice; and

(3) To purchase a product intended for human consumption containing delta-8 tetrahydrocannabinol, delta-9 tetrahydrocannabinolic acid, THC-O acetate, or hexahydrocannabinol on behalf of, or to give a product intended for human consumption containing delta-8 tetrahydrocannabinol, delta-9 tetrahydrocannabinolic acid, THC-O acetate, or hexahydrocannabinol to, any person under the age of twenty-one, unless ~~the~~:

(a) The purchaser is a parent or guardian of the person under the age of twenty-one; and

(b) The substance was obtained directly or pursuant to a valid prescription or order from a practitioner, acting in the course of the practitioner's professional practice.

A violation of ~~this section~~ subdivision (1) is a Class 1 misdemeanor. A violation of subdivision (2) or (3) is a Class 2 misdemeanor.

Signed March 16, 2026
