

State of South Dakota

NINETY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 2017

400Y0239

HOUSE ENGROSSED NO. **HB 1041** - 1/18/2017

Introduced by: The Committee on Health and Human Services at the request of the
Department of Health

1 FOR AN ACT ENTITLED, An Act to place certain substances on the controlled substance
2 schedules and to declare an emergency.

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

4 Section 1. That § 34-20B-13 be amended to read:

5 34-20B-13. Any of the following opium derivatives, their salts, isomers, esters, ethers, and
6 salts of isomers, esters, and ethers, is included in Schedule I, unless specifically excepted,
7 whenever the existence of such salts, isomers, esters, ethers, and salts of isomers, esters, and
8 ethers is possible within the specific chemical designation:

- 9 (1) Acetylcodone;
- 10 (2) Benzylmorphine;
- 11 (3) Codeine methylbromide;
- 12 (4) Codeine-N-Oxide;
- 13 (5) Desomorphine;
- 14 (6) Drotebanol;
- 15 (7) Heroin;



- 1 (8) Hydromorphenol;
- 2 (9) Methydesorphine;
- 3 (10) Methylhydromorphone;
- 4 (11) Morphine methylbromide;
- 5 (12) Morphine methylsulfonate;
- 6 (13) Morphine-N-Oxide;
- 7 (14) Myrophine;
- 8 (15) Nicocodeine;
- 9 (16) Nicomorphine;
- 10 (17) Normorphine;
- 11 (18) Thebacon;
- 12 (19) 3-Methylfentanyl;
- 13 (20) Fentanyl analogs, including ~~acetyl fentanyl~~;
 - 14 (a) N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (acetyl fentanyl); and
 - 15 (b) N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide (furanyl
 - 16 fentanyl);
- 17 (21) 1-Methyl-4-phenyl-4-propionoxypiperidine; ~~and~~
- 18 (22) 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine; and
- 19 (23) 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide (U-47700).

20 Section 2. That § 34-20B-17 be amended to read:

21 34-20B-17. Any of the following opiates, including their isomers, esters, ethers, salts, and
22 salts of isomers, esters, and ethers, is included in Schedule II, unless specifically excepted,
23 whenever the existence of such isomers, esters, ethers, and salts is possible within the specific
24 chemical designation:

- 1 (1) Alphaprodine;
- 2 (2) Anileridine;
- 3 (3) Bezitramide;
- 4 (4) Diphenoxylate;
- 5 (5) Fentanyl;
- 6 (6) Isomethadone;
- 7 (7) Levomethorphan;
- 8 (8) Levorphanol;
- 9 (9) Metazocine;
- 10 (10) Methadone;
- 11 (11) Methadone-intermediate, 4-cyano-2-dimethylamine-1, 4-diphenyl butane;
- 12 (12) Moramide-intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic
- 13 acid;
- 14 (13) Pethidine;
- 15 (14) Pethidine-intermediate, A, 4-cyano-1-methyl-4-phenylpiperidine;
- 16 (15) Pethidine-intermediate, B, ethyl-4-phenylpiperidine-4-carboxylate;
- 17 (16) Pethidine-intermediate, C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- 18 (17) Phenazocine;
- 19 (18) Piminodine;
- 20 (19) Racemethorphan;
- 21 (20) Racemorphan;
- 22 (21) Sufentanil;
- 23 (22) Alfentanil;
- 24 (23) Carfentanil;

- 1 (24) Levo-alpha-acetylmethadol, also known as levo-alpha-acetylmethadyl acetate or
- 2 LAAM;
- 3 (25) Remifentanyl;
- 4 (26) Oxycodone;
- 5 (27) Oripavine (3-O-demethylthebaine or 6,7,8,14-tetrahydro-4,5-alpha-epoxy-6-
- 6 methoxy-17-methylmorphinan-3-ol);
- 7 (28) 4-anilino-N-phenethyl-4-piperidine (ANPP);
- 8 (29) Morphine, except when it meets subdivision 34-20B-23(8);
- 9 (30) Hydrocodone (Dihydrocodeinone);
- 10 (31) Codeine, except when it meets subdivision 34-20B-23(1), 34-20B-23(2), or 34-20B-
- 11 26(1);
- 12 (32) Dihydrocodeine, except when it meets subdivision 34-20B-23(5) or 34-20B-26(2);
- 13 (33) Ethylmorphine, except when it meets subdivision 34-20B-23(6) or 34-20B-26(3);
- 14 (34) Oxycodone; ~~and~~
- 15 (35) Hydromorphone; and
- 16 ~~(36)~~ Thiafentanyl.

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

18 34-20B-25. The following are included in Schedule IV:

- 19 (1) Chlordiazepoxide, but not including librax (chlordiazepoxide hydrochloride and
- 20 clindinium bromide) or menrium (chlordiazepoxide and water soluble esterified
- 21 estrogens);
- 22 (2) Clonazepam;
- 23 (3) Clorazepate;
- 24 (4) Diazepam;

- 1 (4A) Flunitrazepam;
- 2 (5) Flurazepam;
- 3 (6) Mebutamate;
- 4 (7) Oxazepam;
- 5 (8) Prazepam;
- 6 (9) Lorazepam;
- 7 (10) Triazolam;
- 8 (11) Any substance which contains any quantity of a benzodiazepine, or salt of
- 9 benzodiazepine, except substances which are specifically listed in other schedules;
- 10 (11A) Alprazolam;
- 11 (11B) Midazolam;
- 12 (11C) Temazepam;
- 13 (12) Repealed by SL 2003, ch 183, § 4;
- 14 (13) Cathine;
- 15 (14) Fencamfamine;
- 16 (15) Fenproporex;
- 17 (16) Mefenorex;
- 18 (17) Pyrovalerone;
- 19 (18) Propoxyphene;
- 20 (19) Pentazocine;
- 21 (20) Diethylpropion;
- 22 (21) Ethchlorvynol;
- 23 (22) Ethinamate;
- 24 (23) Fenfluramine;

- 1 (24) Mazindol;
- 2 (25) Mephobarbital;
- 3 (26) Methohexitol;
- 4 (27) Paraldehyde;
- 5 (28) Pemoline;
- 6 (29) Petrichloral;
- 7 (30) Phentermine;
- 8 (31) Barbital;
- 9 (32) Phenobarbital;
- 10 (33) Meproamate;
- 11 (34) Zolpidem;
- 12 (35) Butorphanol;
- 13 (36) Modafinil, including its salts, isomers, and salts of isomers;
- 14 (37) Sibutramine;
- 15 (38) Zaleplon;
- 16 (39) Dichloralphenazone;
- 17 (40) Zopiclone (also known as eszopiclone), including its salts, isomers, and salts of
18 isomers;
- 19 (41) Pregabalin;
- 20 (42) Lacosamide;
- 21 (43) Fospropofol, including its salts, isomers, and salts of isomers;
- 22 (44) Clobazam;
- 23 (45) Carisoprodol, including its salts, isomers, and salts of isomers;
- 24 (46) Ezogabine,[-[2-amino-4-(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester],

1 including its salts, isomers, and salts of isomers;

2 (47) Lorcaserin, any material, compound, mixture, or preparation which contains any
3 quantity of the following substances, including its salts, isomers, and salts of isomers,
4 whenever the existence of such salts, isomers, and salts of isomers is possible;

5 (48) Alfaxalone, 5[alpha]-pregnan-3[alpha]-ol-11,20-dione, including its salts, isomers,
6 and salts of isomers;

7 (49) Tramadol, 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts,
8 optical and geometric isomers and salts of these isomers;

9 (50) Suvorexant, including its salts, isomers, and salts of isomers; ~~and~~

10 (51) Eluxadoline, (5-[[[(2S)-2-amino-3-[4-aminocarbonyl]-2,6-dimethylphenyl]-1-oxop
11 ropyl]][(1S)-1-(4-phenyl-1H-imidazol-2-yl)ethyl]amino)methyl]-2-methoxybenzoic
12 acid) including its optical isomers and its salts, isomers, and salts of isomers; and

13 (52) Brivaracetam.

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