



2024 South Dakota Legislature  
**House Bill 1027**  
**ENROLLED**

AN ACT

**ENTITLED An Act to modify substances listed 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-12 be AMENDED:**

**34-20B-12.** Any of the following substances, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, is included in Schedule I, unless specifically excepted, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

- (1) Acetylmethadol;
- (2) Allylprodine;
- (3) Alphacetylmethadol, except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate or LAAM;
- (4) Alphameprodine;
- (5) Alphamethadol;
- (6) Benzethidine;
- (7) Betacetylmethadol;
- (8) Betameprodine;
- (9) Betamethadol;
- (10) Betaprodine;
- (11) Clonitazene;
- (12) Dextromoramide;
- (13) Diampromide;
- (14) Diethylambutene;
- (15) Dimenoxadol;
- (16) Dimepheptanol;
- (17) Dimethylambutene;

- (18) Dioxaphetyl butyrate;
- (19) Dipipanone;
- (20) Ethylmethylthiambutene;
- (21) Etonitazene;
- (22) Etoxeridine;
- (23) Fenethylline;
- (24) Furethidine;
- (25) Hydroxypethidine;
- (26) Ketobemidone;
- (27) Levomoramide;
- (28) Levophenacylmorphan;
- (29) Mecloqualone;
- (30) Morpheridine;
- (31) Noracymethadol;
- (32) Norlevorphanol;
- (33) Normethadone;
- (34) Norpipanone;
- (35) Phenadoxone;
- (36) Phenampromide;
- (37) Phenomorphan;
- (38) Phenoperidine;
- (39) Piritramide;
- (40) Proheptazine;
- (41) Properidine;
- (42) Racemoramide;
- (43) Trimeperidine;
- (44) Methaqualone;
- (45) N-benzylpiperazine;
- (46) 4-chloro-N-[1-[2-(4-nitrophenyl)ethyl]-2-piperidinylidene]-benzenesulfonamide, W-18;
- (47) N,N-diethyl-2-(2-(4 isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine, also known as isotonitazene;
- (48) 2-(2-(4-butoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine (butonitazene);

- (49) 2-(2-(4-ethoxybenzyl)-1H-benzimidazol-1-yl)-N,N-diethylethan-1-amine (etodesnitazene, etazene);
- (50) N,N-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine (flunitazene);
- (51) N,N-diethyl-2-(2-(4-methoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine (metodesnitazene);
- (52) N,N-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine (metonitazene);
- (53) 2-(4-ethoxybenzyl)-5-nitro-1-(2-(pyrrolidin-1-yl)ethyl)-1H-benzimidazole (N-pyrrolidino etonitazene, etonitazepyne);
- (54) N,N-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1H-benzimidazol-1-yl)ethan-1-amine (protonitazene);
- (55) 7-[(10,11-dihydro-5 H -dibenzo[a,d]cyclohepten-5-yl)amino]heptanoic acid (amineptine);
- (56) N -phenyl- N' -(3-(1-phenylpropan-2-yl)-1,2,3-oxadiazol-3-ium-5-yl)carbamimidate (mesocarb); and
- (57) N -methyl-1-(thiophen-2-yl)propan-2-amine (methiopropamine).

**Section 2. That § 34-20B-13 be AMENDED:**

**34-20B-13.** 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) Methyldesorphine;
- (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 (butyrl 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 (ocfentanyl); N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide (para-fluoroisobutyryl fentanyl); (E)-N-(1-phenethylpiperidin-4-yl)-N-phenylbut-2-enamide (Crotonyl 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);
- (31) N-Ethyl-1,2-diphenylethylamine (Ephenidine);
- (32) 1-(1-(1-(4-bromophenyl)ethyl)piperidin-4-yl)-1,3-dihydro-2H-benzo[d]imidazol-2-one (Brorphine); and
- (33) 1-methoxy-3-[4-(2-methoxy-2-phenylethyl)piperazin-1-yl]-1-phenylpropan-2-ol) (Zipeprol).

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

**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;

- (5) Flunitrazepam;
- (6) Flurazepam;
- (7) Mebutamate;
- (8) Oxazepam;
- (9) Prazepam;
- (10) Lorazepam;
- (11) Triazolam;
- (12) Any substance that contains any quantity of a benzodiazepine, or salt of benzodiazepine, except substances that are specifically listed in other schedules;
- (13) Alprazolam;
- (14) Midazolam;
- (15) Temazepam;
- (16) Cathine;
- (17) Fencamfamine;
- (18) Fenproporex;
- (19) Mefenorex;
- (20) Pyrovalerone;
- (21) Propoxyphene;
- (22) Pentazocine;
- (23) Diethylpropion;
- (24) Ethchlorvynol;
- (25) Ethinamate;
- (26) Mazindol;
- (27) Mephobarbital;
- (28) Methohexitol;
- (29) Paraldehyde;
- (30) Pemoline;
- (31) Petrichloral;
- (32) Phentermine;
- (33) Barbitol;
- (34) Phenobarbital;
- (35) Meprobamate;
- (36) Zolpidem;
- (37) Butorphanol;
- (38) Modafinil, including its salts, isomers, and salts of isomers;

- (39) Sibutramine;
- (40) Zaleplon;
- (41) Dichloralphenazone;
- (42) Zopiclone, also known as eszopiclone, including its salts, isomers, and salts of isomers;
- (43) Pregabalin;
- (44) Lacosamide;
- (45) Fospropofol, including its salts, isomers, and salts of isomers;
- (46) Clobazam;
- (47) Carisoprodol, including its salts, isomers, and salts of isomers;
- (48) Ezogabine,[-[2-amino-4-(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester], including its salts, isomers, and salts of isomers;
- (49) Lorcaseerin, any material, compound, mixture, or preparation that 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;
- (50) Alfaxalone, 5[alpha]-pregnan-3[alpha]-ol-11,20-dione, including its salts, isomers, and salts of isomers;
- (51) Tramadol, 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers and salts of these isomers;
- (52) Suvorexant, including its salts, isomers, and salts of isomers;
- (53) 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;
- (54) Brivaracetam;
- (55) 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;
- (56) 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;
- (57) Cenobamate ([[(1R)-1-(2-chlorophenyl)-2-(tetrazol-2-yl)ethyl] carbamate; 2H-tetrazole-2-ethanol, alpha-(2-chlorophenyl)-, carbamate (ester), (alphaR)-; carbamic acid (R)-(+) -1-(2-chlorophenyl)-2-(2H-tetrazol-2-yl)ethyl ester);

- (58) Lasmiditan [2,4,6-trifluoro-N-(6-(1-methylpiperidine-4-carbonyl)pyridine-2-yl)-benzamide];
- (59) Lemborexant, including its salts, isomers, and salts of isomers;
- (60) Remimazolam;
- (61) Serdexmethylphenidate, including its salts, isomers, and salts of isomers;
- (62) Daridorexant, including its salts, isomers, and salts of isomers;
- (63) Ganaxolone, including its salts; and
- (64) Zuranolone.

**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 modify substances listed on the controlled substances schedule and to declare an emergency.

I certify that the attached Act originated in the:  
House as Bill No. 1027

Received at this Executive Office this \_\_\_\_ day of \_\_\_\_\_, 2024 at \_\_\_\_\_ M.

\_\_\_\_\_  
Chief Clerk

By \_\_\_\_\_ for the Governor

\_\_\_\_\_  
Speaker of the House

The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2024

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
President of the Senate

Attest:

Filed \_\_\_\_\_, 2024 at \_\_\_\_\_ o'clock \_\_ M.

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Secretary of State

House Bill No. 1027  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State