



2023 South Dakota Legislature

Senate Bill 201

Introduced by: **Senator Rohl**

1 **An Act to exclude delta-9 tetrahydrocannabinol from felony ingestion charges.**

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, except delta-9
6 tetrahydrocannabinol, unless the substance was obtained directly or pursuant to a valid
7 prescription or order from a practitioner, while acting in the course of the practitioner's
8 professional practice or except as otherwise authorized by chapter 34-20B. A violation of
9 this section for a substance in Schedules I or II is a Class 5 felony. A violation of this
10 section for a substance in Schedules III or IV is a Class 6 felony.