

# State of South Dakota

NINETY-FIRST SESSION  
LEGISLATIVE ASSEMBLY, 2016

400X0197

## HOUSE BILL NO. 1025

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 substances  
2 schedule and to declare an emergency.

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

4 Section 1. That § 34-20B-4.1 be amended to read:

5 34-20B-4.1. An anabolic steroid is any drug or hormonal substance, chemically and  
6 pharmacologically related to testosterone, other than estrogens, progestins, and corticosteroids,  
7 that promotes muscle growth and includes:

8 (1) Androstenediol:

9 (a)  $3\beta,17\beta$ -dihydroxy-5 $\alpha$ -androstane;

10 (b)  $3\alpha,17\beta$ -dihydroxy-5 $\alpha$ -androstane;

11 (2) Androstenedione (5 $\alpha$ -androstan-3,17-dione);

12 (3) Androstenediol:

13 (a) 1-androstenediol ( $3\beta,17\beta$ -dihydroxy-5 $\alpha$ - androst-1-ene);

14 (b) 1-androstenediol ( $3\alpha,17\beta$ -dihydroxy-5 $\alpha$ - androst-1-ene);

15 (c) 4-androstenediol ( $3\beta,17\beta$ -dihydroxy-androst-4-ene);



- 1 (d) 5-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxy-androst-5-ene);
- 2 (4) Androstenedione:
  - 3 (a) 1-androstenedione ([5 $\alpha$ ]-androst-1-en-3,17-dione);
  - 4 (b) 4-androstenedione (androst-4-en-3,17-dione);
  - 5 (c) 5-androstenedione (androst-5-en-3,17-dione);
- 6 (5) Bolasterone (7 $\alpha$ ,17 $\alpha$ -dimethyl- 17 $\beta$ -hydroxyandrost-4-en-3-one);
- 7 (6) Boldenone (17 $\beta$ -hydroxyandrost-1,4,-diene-3-one);
- 8 (7) Calusterone (7 $\beta$ ,17 $\alpha$ -dimethyl- 17 $\beta$ -hydroxyandrost-4-en-3-one);
- 9 (8) Clostebol (4-chloro-17 $\beta$ -hydroxyandrost-4-en-3-one);
- 10 (9) Dehydrochloromethyltestosterone (4-chloro-17 $\beta$ -hydroxy-17 $\alpha$ -methyl-androst-1,4-
- 11 dien-3-one);
- 12 (10)  $\Delta$ 1-dihydrotestosterone (a.k.a. '1-testosterone') (17 $\beta$ -hydroxy-5 $\alpha$ -androst-1-en- 3-
- 13 one);
- 14 (11) 4-dihydrotestosterone (17 $\beta$ -hydroxy-androstan-3-one);
- 15 (12) Drostanolone (17 $\beta$ -hydroxy-2 $\alpha$ -methyl -5 $\alpha$ -androstan-3-one);
- 16 (13) Ethylestrenol (17 $\alpha$ -ethyl-17 $\beta$ -hydroxyestr-4-ene);
- 17 (14) Fluoxymesterone (9-fluoro-17 $\alpha$ -methyl -11 $\beta$ ,17 $\beta$ -dihydroxyandrost-4-en-3-one);
- 18 (15) Formebolone (2-formyl-17 $\alpha$ -methyl- 11 $\alpha$ ,17 $\beta$ -dihydroxyandrost-1,4-dien-3-one);
- 19 (16) Furazabol (17 $\alpha$ -methyl-17 $\beta$ -hydroxyandrostano[2,3-c]- furazan);
- 20 (17) 13 $\beta$ -ethyl-17 $\alpha$ -hydroxygon-4-en-3-one;
- 21 (18) 4-hydroxytestosterone (4,17 $\beta$ -dihydroxy-androst-4-en-3-one);
- 22 (19) 4-hydroxy-19-nortestosterone (4,17 $\beta$ -dihydroxy-estr-4-en-3-one);
- 23 (20) Mestanolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxy- 5 $\alpha$ -androstan-3-one);
- 24 (21) Mesterolone (1 $\alpha$ -methyl-17 $\beta$ -hydroxy- [5 $\alpha$ ]-androstan-3-one);

- 1 (22) Methandienone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyandrost-1,4-dien-3-one);
- 2 (23) Methandriol (17 $\alpha$ -methyl-3 $\beta$ ,17 $\beta$ -dihydroxyandrost-5-ene);
- 3 (24) Methenolone (1-methyl-17 $\beta$ -hydroxy-5 $\alpha$ -androst-1-en-3-one);
- 4 (25) 17 $\alpha$ -methyl-3 $\beta$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androstane;
- 5 (26) 17 $\alpha$ -methyl-3 $\alpha$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androstane;
- 6 (27) 17 $\alpha$ -methyl-3 $\beta$ ,17 $\beta$ -dihydroxyandrost-4-ene;
- 7 (28) 17 $\alpha$ -methyl-4-hydroxynandrolone (17 $\alpha$ -methyl-4-hydroxy-17 $\beta$ -hydroxyestr-4-en-3-  
8 one);
- 9 (29) Methyldienolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyestra-4,9(10)-dien-3-one);
- 10 (30) Methyltrienolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyestra-4,9-11-trien-3-one);
- 11 (31) Methyltestosterone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyandrost-4-en-3-one);
- 12 (32) Mibolerone (7 $\alpha$ ,17 $\alpha$ -dimethyl-17 $\beta$ -hydroxyestr-4-en-3-one);
- 13 (33) 17 $\alpha$ -methyl- $\Delta$ 1-dihydrotestosterone (17 $\beta$ -hydroxy-17 $\alpha$ -methyl-5 $\alpha$ -androst-1-en-3-  
14 one) (also known as 17- $\alpha$ -methyl-1-testosterone);
- 15 (34) Nandrolone (17 $\beta$ -hydroxyestr-4-en-3-one);
- 16 (35) Norandrostenediol:
  - 17 (a) 19-nor-4-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxyestr-4-ene);
  - 18 (b) 19-nor-4-androstenediol (3 $\alpha$ ,17 $\beta$ -dihydroxyestr-4-ene);
  - 19 (c) 19-nor-5-androstenediol (3 $\beta$ ,17 $\beta$ -dihydroxyestr-5-ene);
  - 20 (d) 19-nor-5-androstenediol (3 $\alpha$ ,17 $\beta$ -dihydroxyestr-5-ene);
- 21 (36) Norandrostenedione:
  - 22 (a) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
  - 23 (b) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- 24 (37) Norbolethone (13 $\beta$ ,17 $\alpha$ -diethyl-17 $\beta$ -hydroxygon-4-en-3-one);

- 1 (38) Norclostebol (4-chloro-17 $\beta$ -hydroxyestr-4-en-3-one);
- 2 (39) Norethandrolone (17 $\alpha$ -ethyl-17 $\beta$ -hydroxyestr-4-en-3-one);
- 3 (40) Normethandrolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyestr-4-en-3-one);
- 4 (41) Oxandrolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxy -2-oxa-[5 $\alpha$ ]-androstan-3-one);
- 5 (42) Oxymesterone (17 $\alpha$ -methyl-4,17 $\beta$ -dihydroxyandrost-4-en- 3-one);
- 6 (43) Oxymetholone (17 $\alpha$ -methyl-2-hydroxymethylene-17 $\beta$ -hydroxy-[5 $\alpha$ ]-androstan- 3-
- 7 one);
- 8 (44) Stanozolol (17 $\alpha$ -methyl-17 $\beta$ -hydroxy-[5 $\alpha$ ]- androst-2-eno[3,2-c]-pyrazole);
- 9 (45) Stenbolone (17 $\beta$ -hydroxy-2-methyl-[5 $\alpha$ ]-androst-1-en-3-one);
- 10 (46) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);
- 11 (47) Testosterone (17 $\beta$ -hydroxyandrost-4-en-3-one);
- 12 (48) Tetrahydrogestrinone (13 $\beta$ ,17 $\alpha$ -diethyl-17 $\beta$ - hydroxygon-4,9,11-trien-3-one);
- 13 (49) Trenbolone (17 $\beta$ -hydroxyestr-4,9,11-trien-3-one);
- 14 (50) Boldione (androsta-1,4-diene-3,17-dione);
- 15 (51) Desoxymethyltestosterone (17 $\alpha$ -methyl-5 $\alpha$ -androst-2-en-17 $\alpha$ -ol) (also known as
- 16 madol);
- 17 (52) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione);
- 18 (53) Prostanazol (17 $\beta$ -hydroxy-5 $\alpha$ -androstando[3,2-c]pyrazole);
- 19 (54) Methasterone (2 $\alpha$ ,17 $\alpha$ -dimethyl-5 $\alpha$ - androstan-17 $\beta$ -ol-3-one); and
- 20 (55) 5 $\alpha$ -Androstan-3,6,17-trione;
- 21 (56) 6-bromo-androstan-3,17-dione;
- 22 (57) 6-bromo-androsta-1,4-diene-3,17-dione;
- 23 (58) 4-chloro-17 $\alpha$ -methyl-androsta-1,4-diene-3,17 $\beta$ -diol;
- 24 (59) 4-chloro-17 $\alpha$ -methyl-androst-4-ene-3 $\beta$ ,17 $\beta$ -diol;

- 1        (60) 4-chloro-17a-methyl-17b-hydroxy-androst-4-en-3-one;
- 2        (61) 4-chloro-17a-methyl-17b-hydroxy-androst-4-ene-3,11-dione;
- 3        (62) 4-chloro-17a-methyl-androsta-1,4-diene-3,17b-diol;
- 4        (63) 2a,17a-dimethyl-17b-hydroxy-5a-androstan-3-one;
- 5        (64) 2a,17a-dimethyl-17b-hydroxy-5b-androstan-3-one;
- 6        (65) 2a,3a-epithio-17a-methyl-5a-androstan-17b-ol;
- 7        (66) [3,2-c]-furazan-5a-androstan-17b-ol;
- 8        (67) 3b-hydroxy-estra-4,9,11-trien-17-one;
- 9        (68) 17a-methyl-androst-2-ene-3,17b-diol;
- 10       (69) 17a-methyl-androsta-1,4-diene-3,17b-diol;
- 11       (70) Estra-4,9,11-triene-3,17-dione;
- 12       (71) 18a-Homo-3-hydroxy-estra-2,5(10)-dien-17-one;
- 13       (72) 6a-Methyl-androst-4-ene-3,17-dione;
- 14       (73) 17a-Methyl-androstan-3-hydroxyimine-17b-ol;
- 15       (74) 17a-Methyl-5a-androstan-17b-ol;
- 16       (75) 17b-Hydroxy-androstano[2,3-d]isoxazole;
- 17       (76) 17b-Hydroxy-androstano[3,2-c]isoxazole;
- 18       (77) 4-Hydroxy-androst-4-ene-3,17-dione[3,2-c]pyrazole-5a-androstan-17b-ol;
- 19       (78) [3,2-c]pyrazole-androst-4-en-17b-ol;
- 20       (79) [3,2-c]pyrazole-5a-androstan-17b-ol; and
- 21       (80) Any salt, ester, or ether of a drug or substance described or listed in this section, if  
22                that salt, ester, or ether promotes muscle growth.

23        The term, anabolic steroid, as defined in this section, does not include an anabolic steroid  
24        which is expressly intended for administration through implants to cattle or other nonhuman

1 species. However, if any person prescribes, dispenses, or distributes such a steroid for human  
2 use, the person shall be considered to have prescribed, dispensed, or distributed an anabolic  
3 steroid within the meaning of this section.

4 Section 2. That § 34-20B-13 be amended to read:

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

- 8 (1) Acetylcodeine;
- 9 (2) Benzylmorphine;
- 10 (3) Codeine methylbromide;
- 11 (4) Codeine-N-Oxide;
- 12 (5) Desomorphine;
- 13 (6) Drotebanol;
- 14 (7) Heroin;
- 15 (8) Hydromorphinol;
- 16 (9) Methydesorphine;
- 17 (10) Methylhydromorphine;
- 18 (11) Morphine methylbromide;
- 19 (12) Morphine methylsulfonate;
- 20 (13) Morphine-N-Oxide;
- 21 (14) Myrophine;
- 22 (15) Nicocodeine;
- 23 (16) Nicomorphine;
- 24 (17) Normorphine;

- 1 (18) Thebacon;
- 2 (19) 3-Methylfentanyl;
- 3 (20) Fentanyl analogs, ~~except those which are specifically listed in other schedules~~  
4 including acetyl fentanyl, N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide;
- 5 (21) 1-Methyl-4-phenyl-4-propionoxypiperidine; and
- 6 (22) 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine.

7 Section 3. That § 34-20B-16 be amended to read:

8 34-20B-16. Any of the following substances including their salts, isomers, and salts of  
9 isomers is included in Schedule II except those narcotic drugs listed in other schedules whether  
10 produced directly or indirectly by extraction from substances of vegetable origin, or  
11 independently by means of chemical synthesis, or by a combination of extraction and chemical  
12 synthesis:

- 13 (1) Opium (except when it meets the requirements of subdivision 34-20B-23(7) or 34-  
14 20B-26(5)), coca leaves, and opiate;
- 15 (2) Any salt, compound, derivative, or preparation of opium, coca leaves (including  
16 cocaine), or opiate, excluding apomorphine, dextrorphan, ~~and naloxone,~~ and  
17 naloxegol;
- 18 (3) Any salt, compound, derivative, or preparation thereof which is chemically  
19 equivalent or identical with any of the substances referred to in subdivisions (1) and  
20 (2), except that these substances may not include decocainized coca leaves or  
21 extraction of coca leaves, which extractions do not contain cocaine or ecgonine; and  
22 may not include the isoquinoline alkaloids of opium;
- 23 (4) Opium poppy and poppy straw;
- 24 (5) Amphetamine;

- 1 (6) Methamphetamine;
- 2 (7) Amobarbital;
- 3 (8) Pentobarbital;
- 4 (9) Secobarbital;
- 5 (10) Methylphenidate;
- 6 (11) Phenmetrazine;
- 7 (12) Etorphine;
- 8 (13) Diprenorphine;
- 9 (14) Deleted by SL 2000, ch 170, § 1;
- 10 (15) Nabilone;
- 11 (16) Glutethimide;
- 12 (17) Phencyclidine immediate precursors:
  - 13 (a) 1-phenylcyclohexylamine;
  - 14 (b) 1-piperidinocyclohexanecarbonitrile (PCC);
- 15 (18) Lisdexamfetamine, its salts, isomers, and salts of its isomers; and
- 16 (19) Tapentadol; ~~and~~
- 17 ~~(20) Ioflupane.~~

18 Section 4. That § 34-20B-25 be amended to read:

19 34-20B-25. The following are included in Schedule IV:

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

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

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

- 1 (45) Carisoprodol, including its salts, isomers, and salts of isomers;
- 2 (46) Ezogabine,[-[2-amino-4-(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester],  
3 including its salts, isomers, and salts of isomers;
- 4 (47) Lorcaserin, any material, compound, mixture, or preparation which contains any  
5 quantity of the following substances, including its salts, isomers, and salts of isomers,  
6 whenever the existence of such salts, isomers, and salts of isomers is possible;
- 7 (48) Alfaxalone, 5[alpha]-pregnan-3[alpha]-ol-11,20-dione, including its salts, isomers,  
8 and salts of isomers;
- 9 (49) Tramadol, 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts,  
10 optical and geometric isomers and salts of these isomers; ~~and~~
- 11 (50) Suvorexant, including its salts, isomers, and salts of isomers; and
- 12 (51) Eluxadoline,(5-[[[(2S)-2-amino-3-[4-aminocarbonyl]-2,6-dimethylphenyl]-1-oxop  
13 ropyl]][(1S)-1-(4-phenyl-1H-imidazol-2-yl)ethyl]amino)methyl]-2-methoxybenzoic  
14 acid) including its optical isomers and its salts, isomers, and salts of isomers.

15 Section 5. Whereas, this Act is necessary for the immediate preservation of the public peace,  
16 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and  
17 effect from and after its passage and approval.