

# State of South Dakota

NINETY-SECOND SESSION  
LEGISLATIVE ASSEMBLY, 2017

686Y0423

## SENATE JUDICIARY ENGROSSED NO. **SB 95** 2/15/2017

Introduced by: Senators Curd, Heinert, and Maher and Representatives Gosch, Clark, Haggar, Johns, Lust, Tieszen, and Wismer

1 FOR AN ACT ENTITLED, An Act to add cannabidiol to the list of Schedule IV controlled  
2 substances and to exclude it from the definition of marijuana.

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

4 Section 1. That subdivision (12) of § 34-20B-1 be amended to read:

5 (12) "Marijuana," all parts of any plant of the genus cannabis, whether growing or not; the  
6 seeds thereof; and every compound, manufacture, salt, derivative, mixture, or  
7 preparation of such plant or its seeds; ~~but~~. The term does not include fiber produced  
8 from the mature stalks of ~~such~~ the plant, or oil or cake made from the seeds of ~~such~~  
9 the plant, or the resin when extracted from any part of ~~such~~ the plant or cannabidiol,  
10 a drug product approved by the United States Food and Drug Administration;

11 Section 2. That § 34-20B-25 be amended to read:

12 34-20B-25. The following are included in Schedule IV:

13 (1) Chlordiazepoxide, but not including librax (chlordiazepoxide hydrochloride and  
14 clindinium bromide) or menrium (chlordiazepoxide and water soluble esterified



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- 17      (12) Repealed by SL 2003, ch 183, § 4;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

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

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