

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

400C0358

HOUSE JUDICIARY COMMITTEE ENGROSSED NO. **SB31** - 1/30/99

Introduced by: The Committee on Judiciary at the request of the Attorney General

1 FOR AN ACT ENTITLED, An Act to list Flunitrazepam and Gama Hydroxy Butyrate as
2 controlled substances and to provide penalties therefor.

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

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

5 34-20B-20. Any material, compound, mixture, or preparation is included in Schedule III
6 which contains any quantity of the following substances having a potential for abuse associated
7 with a depressant effect on the central nervous system:

8 (1) Any substance which contains any quantity of a derivative of barbituric acid, or any
9 salt of a derivative of barbituric acid, except those substances which are specifically
10 listed in other schedules.

11 (2) Chloral betaine

12 (3) Chloral hydrate

13 (4) Chlorhexadol

14 (5) Lysergic acid

15 (6) Lysergic acid amide

16 (7) Methyprylon

1 (8) Sulfondiethylmethane

2 (9) Sulfonethylmethane

3 (10) Sulfonmethane

4 (11) Amobarbital, pentobarbital, and secobarbital in suppository dosage form

5 (12) Gama hydroxy butyrate.

6 Section 2. That § 34-20B-25 be amended by adding thereto a NEW SUBDIVISION to read
7 as follows:

8 Flunitrazepam.

9 Section 3. That § 22-42-4 be amended to read as follows:

10 22-42-4. Except as authorized by this chapter or chapter 34-20B, no person may
11 manufacture, distribute, or dispense a substance listed in Schedule IV; possess with intent to
12 manufacture, distribute, or dispense, a substance listed in Schedule IV; create or distribute a
13 counterfeit substance listed in Schedule IV; or possess with intent to distribute a counterfeit
14 substance listed in Schedule IV. A violation of this section is a Class 6 felony. However, the
15 distribution of a substance listed in Schedule IV to a minor is a Class 4 felony. A first conviction
16 under this section shall be punished by a mandatory sentence in the state penitentiary or county
17 jail of at least thirty days, which sentence may not be suspended. A second or subsequent
18 conviction under this section shall be punished by a mandatory penitentiary or county jail
19 sentence of at least one year, which sentence may not be suspended. A civil penalty may be
20 imposed, in addition to any criminal penalty, upon a conviction of a violation of this section not
21 to exceed ten thousand dollars. Notwithstanding any other provision of this section, a violation
22 of this section with respect to distribution of Flunitrazepam to a minor is a Class 4 felony, but
23 in all other cases under this section is a Class 5 felony.

1 **BILL HISTORY**

2 1/12/99 First read in Senate and referred to Judiciary. S.J. 20

3 1/20/99 Scheduled for Committee hearing on this date.

4 1/20/99 Judiciary Do Pass, Passed, AYES 7, NAYS 0. S.J. 125

5 1/21/99 Senate Do Pass, Passed, AYES 34, NAYS 1. S.J. 149

6 1/22/99 First read in House and referred to Judiciary. H.J. 131

7 1/29/99 Scheduled for Committee hearing on this date.

8 1/29/99 Judiciary Do Pass Amended, Passed, AYES 11, NAYS 0. H.J. 263