

AN ACT

ENTITLED, An Act to revise the definition of anabolic steroid, to schedule certain controlled substances, and to declare an emergency.

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

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

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

- (1) Androstenediol:
  - (a)  $3\beta,17\beta$ -dihydroxy-5 $\alpha$ -androstane;
  - (b)  $3\alpha,17\beta$ -dihydroxy-5 $\alpha$ -androstane;
- (2) Androstenedione (5 $\alpha$ -androstane-3,17-dione);
- (3) Androstenediol:
  - (a) 1-androstenediol ( $3\beta,17\beta$ -dihydroxy-5 $\alpha$ -androst-1-ene);
  - (b) 1-androstenediol ( $3\alpha,17\beta$ -dihydroxy-5 $\alpha$ -androst-1-ene);
  - (c) 4-androstenediol ( $3\beta,17\beta$ -dihydroxy-androst-4-ene);
  - (d) 5-androstenediol ( $3\beta,17\beta$ -dihydroxy-androst-5-ene);
- (4) Androstenedione:
  - (a) 1-androstenedione ([5 $\alpha$ ]-androst-1-en-3,17-dione);
  - (b) 4-androstenedione (androst-4-en-3,17-dione);
  - (c) 5-androstenedione (androst-5-en-3,17-dione);
- (5) Bolasterone (7 $\alpha,17\alpha$ -dimethyl-17 $\beta$ -hydroxyandrost-4-en-3-one);
- (6) Boldenone (17 $\beta$ -hydroxyandrost-1,4,-diene-3-one);
- (7) Calusterone (7 $\beta,17\alpha$ -dimethyl-17 $\beta$ -hydroxyandrost-4-en-3-one);

- (8) Clostebol (4-chloro-17 $\beta$ -hydroxyandrost-4-en-3-one);
- (9) Dehydrochloromethyltestosterone (4-chloro-17 $\beta$ -hydroxy-17 $\alpha$ -methyl-androst-1,4-dien-3-one);
- (10)  $\Delta$ 1-dihydrotestosterone (a.k.a. `1-testosterone') (17 $\beta$ -hydroxy-5 $\alpha$ -androst-1-en-3-one);
- (11) 4-dihydrotestosterone (17 $\beta$ -hydroxy-androstan-3-one);
- (12) Drostanolone (17 $\beta$ -hydroxy-2 $\alpha$ -methyl-5 $\alpha$ -androstan-3-one);
- (13) Ethylestrenol (17 $\alpha$ -ethyl-17 $\beta$ -hydroxyestr-4-ene);
- (14) Fluoxymesterone (9-fluoro-17 $\alpha$ -methyl-11 $\beta$ ,17 $\beta$ -dihydroxyandrost-4-en-3-one);
- (15) Formebolone (2-formyl-17 $\alpha$ -methyl-11 $\alpha$ ,17 $\beta$ -dihydroxyandrost-1,4-dien-3-one);
- (16) Furazabol (17 $\alpha$ -methyl-17 $\beta$ -hydroxyandrostan-2,3-c-furazan);
- (17) 13 $\beta$ -ethyl-17 $\alpha$ -hydroxygon-4-en-3-one;
- (18) 4-hydroxytestosterone (4,17 $\beta$ -dihydroxy-androst-4-en-3-one);
- (19) 4-hydroxy-19-nortestosterone (4,17 $\beta$ -dihydroxy-estr-4-en-3-one);
- (20) Mestanolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxy-5 $\alpha$ -androstan-3-one);
- (21) Mesterolone (1 $\alpha$ -methyl-17 $\beta$ -hydroxy-[5 $\alpha$ ]-androstan-3-one);
- (22) Methandienone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyandrost-1,4-dien-3-one);
- (23) Methandriol (17 $\alpha$ -methyl-3 $\beta$ ,17 $\beta$ -dihydroxyandrost-5-ene);
- (24) Methenolone (1-methyl-17 $\beta$ -hydroxy-5 $\alpha$ -androst-1-en-3-one);
- (25) 17 $\alpha$ -methyl-3 $\beta$ , 17 $\beta$ -dihydroxy-5 $\alpha$ -androstane;
- (26) 17 $\alpha$ -methyl-3 $\alpha$ ,17 $\beta$ -dihydroxy-5 $\alpha$ -androstane;
- (27) 17 $\alpha$ -methyl-3 $\beta$ ,17 $\beta$ -dihydroxyandrost-4-ene;
- (28) 17 $\alpha$ -methyl-4-hydroxynandrolone (17 $\alpha$ -methyl-4-hydroxy-17 $\beta$ -hydroxyestr-4-en-3-one);
- (29) Methyldienolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyestra-4,9(10)-dien-3-one);
- (30) Methyltrienolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyestra-4,9-11-trien-3-one);

- (31) Methyltestosterone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyandrost-4-en-3-one);
- (32) Mibolerone (7 $\alpha$ ,17 $\alpha$ -dimethyl-17 $\beta$ -hydroxyestr-4-en-3-one);
- (33) 17 $\alpha$ -methyl- $\Delta$ 1-dihydrotestosterone (17 $\beta$ -hydroxy-17 $\alpha$ -methyl-5 $\alpha$ -androst-1-en-3-one)  
(also know as 17- $\alpha$ -methyl-1-testosterone);
- (34) Nandrolone (17 $\beta$ -hydroxyestr-4-en-3-one);
- (35) Norandrostenediol:
  - (a) 19-nor-4-androstenediol (3 $\beta$ , 17 $\beta$ -dihydroxyestr-4-ene);
  - (b) 19-nor-4-androstenediol (3 $\alpha$ , 17 $\beta$ -dihydroxyestr-4-ene);
  - (c) 19-nor-5-androstenediol (3 $\beta$ , 17 $\beta$ -dihydroxyestr-5-ene);
  - (d) 19-nor-5-androstenediol (3 $\alpha$ , 17 $\beta$ -dihydroxyestr-5-ene);
- (36) Norandrostenedione:
  - (a) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
  - (b) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
- (37) Norbolethone (13 $\beta$ ,17 $\alpha$ -diethyl-17 $\beta$ -hydroxygon-4-en-3-one);
- (38) Norclostebol (4-chloro-17 $\beta$ -hydroxyestr-4-en-3-one);
- (39) Norethandrolone (17 $\alpha$ -ethyl-17 $\beta$ -hydroxyestr-4-en-3-one);
- (40) Normethandrolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxyestr-4-en-3-one);
- (41) Oxandrolone (17 $\alpha$ -methyl-17 $\beta$ -hydroxy-2-oxa-[5 $\alpha$ ]-androstan-3-one);
- (42) Oxymesterone (17 $\alpha$ -methyl-4,17 $\beta$ -dihydroxyandrost-4-en-3-one);
- (43) Oxymetholone (17 $\alpha$ -methyl-2-hydroxymethylene-17 $\beta$ -hydroxy-[5 $\alpha$ ]-androstan-3-one);
- (44) Stanozolol (17 $\alpha$ -methyl-17 $\beta$ -hydroxy-[5 $\alpha$ ]-androst-2-eno[3,2-c]-pyrazole);
- (45) Stenbolone (17 $\beta$ -hydroxy-2-methyl-[5 $\alpha$ ]-androst-1-en-3-one);
- (46) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);
- (47) Testosterone (17 $\beta$ -hydroxyandrost-4-en-3-one);

- (48) Tetrahydrogestrinone (13 $\beta$ ,17 $\alpha$ -diethyl-17 $\beta$ -hydroxygon-4,9,11-trien-3-one);
- (49) Trenbolone (17 $\beta$ -hydroxyestr-4,9,11-trien-3-one);
- (50) Any salt, ester, or ether of a drug or substance described or listed in this section, if that salt, ester, or ether promotes muscle growth.

The term, anabolic steroid, as defined in this section, does not include an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species. However, if any person prescribes, dispenses, or distributes such a steroid for human use, the person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this section.

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

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;
- (4A) Flunitrazepam;
- (5) Flurazepam;
- (6) Mebutamate;
- (7) Oxazepam;
- (8) Prazepam;
- (9) Lorazepam;
- (10) Triazolam;

- (11) Any substance which contains any quantity of a benzodiazepine, or salt of benzodiazepine, except those substances which are specifically listed in other schedules;
- (12) Repealed by SL 2003, ch 183, § 4;
- (13) Cathine;
- (14) Fencamfamine;
- (15) Fenproporex;
- (16) Mefenorex;
- (17) Pyrovalerone;
- (18) Propoxyphene;
- (19) Pentazocine;
- (20) Diethylpropion;
- (21) Ethchlorvynol;
- (22) Ethinamate;
- (23) Fenfluramine;
- (24) Mazindol;
- (25) Mephobarbital;
- (26) Methohexitol;
- (27) Paraldehyde;
- (28) Pemoline;
- (29) Petrichloral;
- (30) Phentermine;
- (31) Barbital;
- (32) Phenobarbital;
- (33) Meprobamate;

- (34) Zolpidem;
- (35) Butorphanol;
- (36) Modafinil, including its salts, isomers, and salts of isomers;
- (37) Sibutramine;
- (38) Zaleplon;
- (39) Dichloralphenazone;
- (40) Zopiclone (also known as eszopiclone), including its salts, isomers, and salts of isomers;
- (41) Pregabalin.

Section 3. 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 revise the definition of anabolic steroid, to schedule certain controlled substances, and to declare an emergency.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1034

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

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

Attest:

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

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

Attest:

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

House Bill No. 1034  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

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

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The attached Act is hereby approved this \_\_\_\_\_ day of \_\_\_\_\_ , A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor

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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_ , 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_ M.

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

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