2018 LAW BOOK UPDATE INSTRUCTIONS

Replace ***Cover Sheet*** and ***Table of Contents***

Replace SDCL ***Chapter 34-20B*** with reformatted version (no new content)

Add SDCL ***Chapter 34-20A***

Laws and Rules Related to the Practice of Pharmacy in South Dakota

March 8, 2018

South Dakota Board of Pharmacy
4001 W. Valhalla Blvd, STE 106
Sioux Falls, SD 57106
605-362-2737
www.pharmacy.sd.gov

This page left blank intentionally

Contents

This page left blank intentionally

CHAPTER 34-20B

DRUGS AND SUBSTANCES CONTROL

34-20B-1. Definitions. Terms as used in this chapter mean:

(1) "Administer," to deliver a controlled drug or substance to the ultimate user or human research subject by injection, inhalation, or ingestion, or by any other means;

(2) "Agent," an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser and includes a common or contract carrier, public warehouseman, or employee thereof;

(3) "Control," to add, remove, or change the placement of a drug, substance, or immediate precursor under §§ 34-20B-27 and 34-20B-28;

(4) "Counterfeit substance," a controlled drug or substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number, or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person or persons who manufactured, distributed, or dispensed such substance and which thereby falsely purports or is represented to be the product of, or to have been distributed by, such other manufacturer, distributor, or dispenser;

(5) "Deliver" or "delivery," the actual, constructive, or attempted transfer of a controlled drug, substance, or marijuana whether or not there exists an agency relationship;

(6) "Department," the Department of Health created by chapter 1-43;

(7) "Dispense," to deliver a controlled drug or substance to the ultimate user or human research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for such delivery, and a dispenser is one who dispenses;

(8) "Distribute," to deliver a controlled drug, substance, or marijuana. A distributor is a person who delivers a controlled drug, substance, or marijuana;

(9) "Hashish," the resin extracted from any part of any plant of the genus cannabis, commonly known as the marijuana plant;

(10) "Imprisonment," imprisonment in the state penitentiary unless the penalty specifically provides for imprisonment in the county jail;

(11) "Manufacture," the production, preparation, propagation, compounding, or processing of a controlled drug or substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis. A manufacturer includes any person who packages, repackages, or labels any container of any controlled drug or substance, except practitioners who dispense or compound prescription orders for delivery to the ultimate consumer;

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

(13) "Narcotic drug," any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(a) Opium, coca leaves, and opiates;

(b) A compound, manufacture, salt, derivative, or preparation of opium, coca leaves, or opiates;

(c) A substance (and any compound, manufacture, salt, derivative, or preparation thereof) which is chemically identical with any of the substances referred to in subsections (a) and (b) of this subdivision;

except that the term, narcotic drug, as used in this chapter does not include decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecgonine;

(14) "Opiate," any controlled drug or substance having an addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability;

(15) "Opium poppy," the plant of the species papaver somniferum L., except the seeds thereof;

(16) "Person," any corporation, association, limited liability company, partnership or one or more individuals;

(17) "Poppy straw," all parts, except the seeds, of the opium poppy, after mowing;

(18) "Practitioner," a doctor of medicine, osteopathy, podiatry, optometry, dentistry, or veterinary medicine licensed to practice their profession, or pharmacists licensed to practice their profession; physician assistants certified to practice their profession; certified nurse practitioners and certified nurse midwives to practice their profession; government employees acting within the scope of their employment; and persons permitted by certificates issued by the department to distribute, dispense, conduct research with respect to, or administer a substance controlled by this chapter;

(18A) "Prescribe," an order of a practitioner for a controlled drug or substance.

(19) "Production," the manufacture, planting, cultivation, growing, or harvesting of a controlled drug or substance;

(20) "State," the State of South Dakota;

(21) "Ultimate user," a person who lawfully possesses a controlled drug or substance for personal use or for the use of a member of the person's household or for administration to an animal owned by the person or by a member of the person's household;

(22) "Controlled substance analogue," any of the following:

(a) A substance that differs in its chemical structure to a controlled substance listed in or added to the schedule designated in schedule I or II only by substituting one or more hydrogens with halogens or by substituting one halogen with a different halogen; or

(b) A substance that is an alkyl homolog of a controlled substance listed in or added to schedule I or II; or

(c) A substance intended for human consumption; and

(i) The chemical structure of which is substantially similar to the chemical structure of a controlled substance in schedule I or II;

(ii) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II; or

(iii) With respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II;

However, the term, controlled substance analogue, does not include a controlled substance or any substance for which there is an approved new drug application.

Source: SL 1970, ch 229, § 6; SDCL Supp, § 39-17-44; SL 1972, ch 216, § 1; SL 1974, ch 266, § 1; SL 1975, ch 256; SL 1976, ch 158, § 42-9; SL 1981, ch 260, §§ 1, 2; SL 1981, ch 375, §§ 18, 19; SL 1984, ch 239, § 1; SL 1985, ch 185, § 2; SL 1986, ch 306, § 11; SL 1989, ch 21, § 158; SL 1989, ch 293, § 1; SL 1994, ch 351, § 61; SL 1995, ch 191, § 4; SL 2004, ch 229, § 1; SL 2013, ch 156, § 1, eff. Mar. 6, 2013; SL 2017, ch 155, § 1; SL 2017, ch 171, § 50.

34-20B-2. Drug defined. For the purposes of this chapter, unless the context otherwise requires, "drug" means:

(1) Articles recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them, unless the department shall determine that any such article is inconsistent with the provisions of this chapter or are not appropriate to conditions which exist in this state, and by regulation specifically excludes any such article;

(2) Articles intended for use, or used, in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals;

(3) Articles (other than food) intended to affect, or affecting, the structure or any function of the body of man or other animals; and

(4) Articles intended for use, or used, as a component of any articles specified in clauses (1), (2), or (3) of this section, but does not include mechanical devices or their components, parts, or accessories.

Source: SL 1970, ch 229, § 6 (j); SDCL Supp, § 39-17-45.

34-20B-3. Controlled drug or substance defined. For the purposes of this chapter, unless the context otherwise requires, "controlled drug or substance" means a drug, substance, or immediate precursor in Schedules I through IV of §§ 34-20B-11 to 34-20B-26, inclusive.

Source: SL 1970, ch 229, § 6 (e); SDL Supp, § 39-17-46; SL 1976, ch 158, § 42-10.

34-20B-3.1. Controlled substance analogue. A controlled substance analogue shall be treated as a controlled substance in schedule I.

Source: SL 2013, ch 156, § 2, eff. Mar. 6, 2013.

34-20B-4. Precursor defined. For the purposes of this chapter, unless the context otherwise requires, "precursor" or "immediate precursor" means a substance which the department has found to be and by regulation designates as being a principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used, in the manufacture of a controlled drug or substance, the control of which is necessary to prevent, curtail, or limit such manufacture.

Source: SL 1970, ch 229, § 6 (u); SDCL Supp, § 39-17-47.

34-20B-4.1. Anabolic steroid defined. 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) Androstanediol:

(a) 3.,17.-dihydroxy-5.-androstane;

(b) 3.,17.-dihydroxy-5.-androstane;

(2) Androstanedione (5.-androstan-3,17-dione);

(3) Androstenediol:

(a) 1-androstenediol (3.,17.-dihydroxy-5.-androst-1-ene);

(b) 1-androstenediol (3.,17.-dihydroxy-5.-androst-1-ene);

(c) 4-androstenediol (3.,17.-dihydroxy-androst-4-ene);

(d) 5-androstenediol (3.,17.-dihydroxy-androst-5-ene);

(4) Androstenedione:

(a) 1-androstenedione ([5.]-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.,17.-dimethyl-17.-hydroxyandrost-4-en-3-one);

(6) Boldenone (17.-hydroxyandrost-1,4,-diene-3-one);

(7) Calusterone (7.,17.-dimethyl-17.-hydroxyandrost-4-en-3-one);

(8) Clostebol (4-chloro-17.-hydroxyandrost-4-en-3-one);

(9) Dehydrochloromethyltestosterone (4-chloro-17.-hydroxy-17.-methyl-androst-1,4-dien-3-one);

(10) .1-dihydrotestosterone (a.k.a. "1-testosterone") (17.-hydroxy-5.-androst-1-en-3-one);

(11) 4-dihydrotestosterone (17.-hydroxy-androstan-3-one);

(12) Drostanolone (17.-hydroxy-2.-methyl-5.-androstan-3-one);

(13) Ethylestrenol (17.-ethyl-17.-hydroxyestr-4-ene);

(14) Fluoxymesterone (9-fluoro-17.-methyl-11.,17.-dihydroxyandrost-4-en-3-one);

(15) Formebolone (2-formyl-17.-methyl-11.,17.-dihydroxyandrost-1,4-dien-3-one);

(16) Furazabol (17.-methyl-17.-hydroxyandrostano[2,3-c]- furazan);

(17) 13.-ethyl-17.-hydroxygon-4-en-3-one;

(18) 4-hydroxytestosterone (4,17.-dihydroxy-androst-4-en-3-one);

(19) 4-hydroxy-19-nortestosterone (4,17.-dihydroxy-estr-4-en-3-one);

(20) Mestanolone (17.-methyl-17.-hydroxy-5.-androstan-3-one);

(21) Mesterolone (1.-methyl-17.-hydroxy-[5.]-androstan-3-one);

(22) Methandienone (17.-methyl-17.-hydroxyandrost-1,4-dien-3-one);

(23) Methandriol (17.-methyl-3.,17.-dihydroxyandrost-5-ene);

(24) Methenolone (1-methyl-17.-hydroxy-5.-androst-1-en-3-one);

(25) 17.-methyl-3.,17.-dihydroxy-5.-androstane;

(26) 17.-methyl-3.,17.-dihydroxy-5.-androstane;

(27) 17.-methyl-3.,17.-dihydroxyandrost-4-ene;

(28) 17.-methyl-4-hydroxynandrolone (17.-methyl-4-hydroxy-17.-hydroxyestr-4-en-3-one);

(29) Methyldienolone (17.-methyl-17.-hydroxyestra-4,9(10)-dien-3-one);

(30) Methyltrienolone (17.-methyl-17.-hydroxyestra-4,9-11-trien-3-one);

(31) Methyltestosterone (17.-methyl-17.-hydroxyandrost-4-en-3-one);

(32) Mibolerone (7.,17.-dimethyl-17.- hydroxyestr-4-en-3-one);

(33) 17.-methyl-.1-dihydrotestosterone (17.-hydroxy-17.-methyl-5.-androst-1-en-3-one) (also known as 17-.-methyl-1-testosterone);

(34) Nandrolone (17.-hydroxyestr-4-en-3-one);

(35) Norandrostenediol:

(a) 19-nor-4-androstenediol (3.,17.-dihydroxyestr-4-ene);

(b) 19-nor-4-androstenediol (3.,17.-dihydroxyestr-4-ene);

(c) 19-nor-5-androstenediol (3.,17.-dihydroxyestr-5-ene);

(d) 19-nor-5-androstenediol (3.,17.-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.,17.-diethyl-17.-hydroxygon-4-en-3-one);

(38) Norclostebol (4-chloro-17.-hydroxyestr-4-en-3-one);

(39) Norethandrolone (17.-ethyl-17.-hydroxyestr-4-en-3-one);

(40) Normethandrolone (17.-methyl-17.-hydroxyestr-4-en-3-one);

(41) Oxandrolone (17.-methyl-17.-hydroxy-2-oxa-[5.]-androstan-3-one);

(42) Oxymesterone (17.-methyl-4,17.-dihydroxyandrost-4-en-3-one);

(43) Oxymetholone (17.-methyl-2-hydroxymethylene-17.-hydroxy-[5.]-androstan- 3-one);

(44) Stanozolol (17.-methyl-17.-hydroxy-[5.]-androst-2-eno[3,2-c]-pyrazole);

(45) Stenbolone (17.-hydroxy-2-methyl-[5.]-androst-1-en-3-one);

(46) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);

(47) Testosterone (17.-hydroxyandrost-4-en-3-one);

(48) Tetrahydrogestrinone (13.,17.-diethyl-17.-hydroxygon-4,9,11-trien-3-one);

(49) Trenbolone (17.-hydroxyestr-4,9,11-trien-3-one);

(50) Boldione (androsta-1,4-diene-3,17-dione);

(51) Desoxymethyltestosterone (17.-methyl-5.-androst-2-en-17.-ol) (also known as madol);

(52) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene-3,17-dione);

(53) Prostanozol (17.-hydroxy-5.-androstano[3,2-c]pyrazole);

(54) Methasterone (2.,17.-dimethyl-5.-androstan-17.-ol-3-one);

(55) 5.-Androstan-3,6,17-trione;

(56) 6-bromo-androstan-3,17-dione;

(57) 6-bromo-androsta-1,4-diene-3,17-dione;

(58) 4-chloro-17.-methyl-androsta-1,4-diene-3,17.-diol;

(59) 4-chloro-17.-methyl-androst-4-ene-3.,17.-diol;

(60) 4-chloro-17.-methyl-17.-hydroxy-androst-4-en-3-one;

(61) 4-chloro-17.-methyl-17.-hydroxy-androst-4-ene-3,11-dione;

(62) 4-chloro-17.-methyl-androsta-1,4-diene-3,17.-diol;

(63) 2.,17.-dimethyl-17.-hydroxy-5.-androstan-3-one;

(64) 2.,17.-dimethyl-17.-hydroxy-5.-androstan-3-one;

(65) 2.,3.-epithio-17.-methyl-5.-androstan-17.-ol;

(66) [3,2-c]-furazan-5.-androstan-17.-ol;

(67) 3.-hydroxy-estra-4,9,11-trien-17-one;

(68) 17.-methyl-androst-2-ene-3,17.-diol;

(69) 17.-methyl-androsta-1,4-diene-3,17.-diol;

(70) Estra-4,9,11-triene-3,17-dione;

(71) 18a-Homo-3-hydroxy-estra-2,5(10)-dien-17-one;

(72) 6.-Methyl-androst-4-ene-3,17-dione;

(73) 17.-Methyl-androstan-3-hydroxyimine-17.-ol;

(74) 17.-Methyl-5.-androstan-17.-ol;

(75) 17.-Hydroxy-androstano[2,3-d]isoxazole;

(76) 17.-Hydroxy-androstano[3,2-c]isoxazole;

(77) 4-Hydroxy-androst-4-ene-3,17-dione[3,2-c]pyrazole-5.-androstan-17.-ol;

(78) [3,2-c]pyrazole-androst-4-en-17.-ol;

(79) [3,2-c]pyrazole-5.-androstan-17.-ol; and

(80) 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.

Source: SL 1990, ch 269, § 1; SL 1992, ch 245, § 4; SL 2006, ch 179, § 1, eff. Feb. 9, 2006; SL 2010, ch 174, § 1, eff. Feb. 24, 2010; SL 2013, ch 156, § 3, eff. Mar. 6, 2013; SL 2016, ch 175, § 1, eff. Feb. 18, 2016.

34-20B-5 to 34-20B-9. Superseded.

34-20B-10. Scheduled substances to be controlled--Nomenclature in schedules. All controlled drugs and substances listed in §§ 34-20B-11 to 34-20B-26, inclusive, are hereby controlled. The schedules set forth in said sections include the controlled drugs and substances listed or to be listed, by whatever official name, common or usual name, or trade name designated.

Source: SL 1970, ch 229, §§ 7, 8; SDCL Supp, § 39-17-53.

34-20B-11. Criteria for inclusion of substance in Schedule I. To be included within Schedule I, a substance shall have:

(1) A high potential for abuse;

(2) No accepted medical use in the United States; and

(3) A lack of accepted safety for use under medical supervision.

Source: SL 1970, ch 229, § 8 (a); SDCL Supp, § 39-17-54; SL 1976, ch 158, § 42-11.

34-20B-12. Specific substances included in Schedule I. Any of the following substances, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, is included in Schedule I, unless specifically excepted, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Acetylmethadol;

(2) Allylprodine;

(3) Alphacetylmethadol, except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate or LAAM;

(4) Alphameprodine;

(5) Alphamethadol;

(6) Benzethidine;

(7) Betacetylmethadol;

(8) Betameprodine;

(9) Betamethadol;

(10) Betaprodine;

(11) Clonitazene;

(12) Dextromoramide;

(13) Diampromide;

(14) Diethyliambutene;

(15) Dimenoxadol;

(16) Dimepheptanol;

(17) Dimethyliambutene;

(18) Dioxaphetyl butyrate;

(19) Dipipanone;

(20) Ethylmethylthiambutene;

(21) Etonitazene;

(22) Etoxeridine;

(23) Furethidine;

(24) Hydroxypethidine;

(25) Ketobemidone;

(26) Levomoramide;

(27) Levophenacylmorphan;

(28) Mecloqualone;

(29) Morpheridine;

(30) Noracymethadol;

(31) Norlevorphanol;

(32) Normethadone;

(33) Norpipanone;

(34) Phenadoxone;

(35) Phenampromide;

(36) Phenomorphan;

(37) Phenoperidine;

(38) Piritramide;

(39) Proheptazine;

(40) Properidine;

(41) Racemoramide;

(42) Trimeperidine;

(43) Methaqualone;

(44) N-benzylpiperazine.

Source: SL 1970, ch 229, § 8 (a) (1); SDCL Supp, § 39-17-55; SL 1977, ch 315, § 1; SL 1985, ch 278, § 50; SL 1994, ch 278, § 1; SL 2003, ch 183, § 1.

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

(1) Acetylcodone;

(2) Benzylmorphine;

(3) Codeine methylbromide;

(4) Codeine-N-Oxide;

(5) Desomorphine;

(6) Drotebanol;

(7) Heroin;

(8) Hydromorphinol;

(9) Methydesorphine;

(10) Methylhydromorphine;

(11) Morphine methylbromide;

(12) Morphine methylsulfonate;

(13) Morphine-N-Oxide;

(14) Myrophine;

(15) Nicocodeine;

(16) Nicomorphine;

(17) Normorphine;

(18) Thebacon;

(19) 3-Methylfentanyl;

(20) Fentanyl analogs, including:

(a) N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide (acetyl fentanyl); and

(b) N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide (furanyl fentanyl);

(21) 1-Methyl-4-phenyl-4-propionoxypiperidine;

(22) 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine; and

(23) 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide (U-47700).

Source: SL 1970, ch 229, § 8(a)(1); SDCL Supp, § 39-17-56; SL 1977, ch 315, § 2; SL 1981, ch 261, § 4; SL 1987, ch 255, § 1; SL 1988, ch 282, § 1; SL 2016, ch 175, § 2, eff. Feb. 18, 2016; SL 2017, ch 156, § 1, eff. Feb. 3, 2017.

34-20B-14. Hallucinogenic substances specifically included in Schedule I. Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers, and salts of isomers, is included in Schedule I, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Bufotenine;

(2) Diethyltryptamine (DET);

(3) Dimethyltryptamine (DMT);

(4) 5-methoxy-N, N-Dimethyltryptamine (5-MeO-DMT);

(5) 5-methoxy-3, 4-methylenedioxy amphetamine;

(6) 4-bromo-2, 5-dimethoxyamphetamine;

(7) 4-methoxyamphetamine;

(8) 4-methoxymethamphetamine;

(9) 4-methyl-2, 5-dimethoxyamphetamine;

(10) Hashish and hash oil;

(11) Ibogaine;

(12) Lysergic acid diethylamide;

(13) Mescaline;

(14) N-ethyl-3-piperidyl benzilate;

(15) N-methyl-3-piperidyl benzilate;

(16) 1-(-(2-thienyl)cyclohexyl) piperidine (TCP);

(17) Peyote, except that when used as a sacramental in services of the Native American church in a natural state which is unaltered except for drying or curing and cutting or slicing, it is hereby excepted;

(18) Psilocybin;

(19) Psilocyn;

(20) Tetrahydrocannabinol, other than that which occurs in marijuana in its natural and unaltered state, including any compound, except nabilone or compounds listed under a different schedule, structurally derived from 6,6. dimethyl-benzo[c]chromene by substitution at the 3-position with either alkyl (C3 to C8), methyl cycloalkyl, or adamantyl groups, whether or not the compound is further modified in any of the following ways:

(a) By partial to complete saturation of the C-ring; or

(b) By substitution at the 1-position with a hydroxyl or methoxy group; or

(c) By substitution at the 9-position with a hydroxyl, methyl, or methylhydoxyl group; or

(d) By modification of the possible 3-alkyl group with a 1,1. dimethyl moiety, a 1,1. cyclic moiety, an internal methylene group, an internal acetylene group, or a terminal halide, cyano, azido, or dimethylcarboxamido group.

Some trade and other names: JWH-051; JWH-057; JWH-133; JWH-359; HHC; AM-087; AM-411; AM-855, AM-905; AM-906; AM-2389; HU-210; HU-211; HU-243; HU-336;

(21) 3, 4, 5-trimethoxy amphetamine;

(22) 3, 4-methylenedioxy amphetamine;

(23) 3-methoxyamphetamine;

(24) 2, 5-dimethoxyamphetamine;

(25) 2-methoxyamphetamine;

(26) 2-methoxymethamphetamine;

(27) 3-methoxymethamphetamine;

(28) Phencyclidine;

(29) 3, 4-methylenedioxymethamphetamine (MDMA);

(30) 3, 4-methylenedioxy-N-ethylamphetamine;

(31) N-hydroxy-3, 4-methylenedioxyamphetamine;

(32) 4-methylaminorex (also known as 2-Amino-4-methyl/x-5-phenyl-2-oxazoline);

(33) 2,5 Dimethoxy-4-ethylamphetamine;

(34) N,N-Dimethylamphetamine;

(35) 1-(1-(2-thienyl)cyclohexyl)pyrrolidine;

(36) Aminorex;

(37) Cathinone and other variations, defined as any compound, material, mixture, preparation or other product unless listed in another schedule or an approved FDA drug (e.g. buproprion, pyrovalerone), structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:

(a) By substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substitutents;

(b) By substitution at the 3-position with an acyclic alkyl substituent;

(c) By substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups or by inclusion of the 2-amino nitrogen atom in a cyclic structure.

Some trade or other names: methcathinone, 4-methyl-N-methylcathinone (mephedrone); 3,4-methylenedioxy-N-methylcathinone (methylone); 3,4-methylenedioxypyrovalerone (MDPV); Naphthylpyrovalerone (naphyrone); 4-flouromethcathinone (flephedrone); 4-methoxymethcathinone (methedrone; Bk-PMMA); Ethcathinone (N-Ethylcathinone); 3,4-methylenedioxyethcathinone (ethylone); Beta-keto-N-methyl-3,4-benzodioxyolybutanamine (butylone); N,N-dimethylcathinone (metamfepramone); Alpha-pyrrolidinopropiophenone (alpha-PPP); 4-methoxy-alpha-pyrrolidinopropiophenone (MOPPP); 3,4-methylenedioxyalphapyrrolidinopropiophenone (MDPPP); Alpha-pyrrolidinovalerophenone (alpha-PVP); 3-fluoromethcathinone; 4.-Methyl-alpha-pyrrolidinobutiophenone (MPBP); Methyl-α-pyrrolindinopropiophenone (MPPP); Methyl-α-pyrrolidino-hexanophenone (MPHP); Buphedrone; Methyl-N-ethylcathinone; Pentedrone; Dimethylmethcathinone (DMMC); Dimethylethcathinone (DMEC); Methylenedioxymethcathinone (MDMC); Pentylone; Ethylethcathinone; Ethylmethcathinone; Fluoroethcathinone; methyl-alpha-pyrrolidinobutiophenone (MPBP); Methylecathinone (MEC); Methylenedioxy-alpha-pyrrolidinobutiophenone (MDPBP); Methoxymethcathinone (MOMC); Methylbuphedrone (MBP); Benzedrone (4-MBC); Dibutylone (DMBDB); Dimethylone (MDDMA); Diethylcathinone; Eutylone (EBDB); N-ethyl-N-Methylcathinone; N-ethylbuphedrone;

(38) 2,5-Dimethoxy-4-ethylamphetamine (DOET);

(39) Alpha-ethyltryptamine;

(40) 4-Bromo-2,5-dimethoxy phenethylamine;

(41) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7);

(42) 1-(3-trifluoromethylphenyl) piperazine (TFMPP);

(43) Alpha-methyltryptamine (AMT);

(44) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);

(45) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);

(46) Synthetic cannabinoids. Any material, compound, mixture, or preparation that is not listed as a controlled substance in another schedule, is not an FDA-approved drug, and contains any quantity of the following substances, their salts, isomers (whether optical, positional, or geometric), homologues, modifications of the indole ring by nitrogen heterocyclic analog substitution or nitrogen heterocyclic analog substitution of the phenyl, benzyl, naphthyl, adamantly, cyclopropyl, cumyl, or propionaldehyde structure, and salts of isomers, homologues, and modifications, unless specifically excepted, whenever the existence of these salts, isomers, homologues, modifications, and salts of isomers, homologues, and modifications is possible within the specific chemical designation:

(a) Naphthoylindoles. Any compound containing a 2-(1-naphthoul)indole or 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinhyl)methyl, 2-(4-morpholinyl)ethyl, cyanoalky, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthyl ring to any extent.

Some trade or other names: JWH-015; 1-pentyl-3-(1-naphthoyl)indole (JWH-018); 1-hexyl-3-(1-naphthoyl)indole (JWH-019); 1-butyl-3-(1-naphthoyl)indole (JWH-073); 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081); 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122); 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200); JWH-210; JWH-398; 1-pentyl-3-(1-naphthoyl)indole (AM-678); 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM-2201); WIN 55-212; JWH-004; JWH-007; JWH-009; JWH-011; JWH-016; JWH-020; JWH-022; JWH-046; JWH-047; JWH-048; JWH-049; JWH-050; JWH-070; JWH-071; JWH_072; JWH-076; JWH-079; JWH-080; JWH-082; JWH-094; JWH-096; JWH-098; JWH-116; JWH-120; JWH-148; JWH-149; JWH-164; JWH-166; JWH-180; JWH-181; JWH-182; JWH-189; JWH-193; JWH-198; JWH-211; JWH-212; JWH-213; JWH-234; JWH-235; JWH-236; JWH-239; JWH-240; JWH-241; JWH-258; JWH-262; JWH-386; JWH-387; JWH-394; JWH-395; JWH-397; JWH-399; JWH-400; JWH-412; JWH-413; JWH-414; JWH-415; JWH-424; AM-678; AM-1220; AM-1221; AM-1235; AM-2232;

(b) Naphthylmethylindoles. Any compound containing a 1H-indol-2-yl-(1-naphthyl)methane or 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, cyanoalky, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthyl ring to any extent.

Some trade or other names: JWH-175; JWH-184; JWH-185; JWH-192; JWH-194; JWH-195; JWH-196; JWH-197; JWH-199;

(c) Phenylacetylindoles. Any compound containing a 2-phenylacetylindole or 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl,

haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, cyanoalky, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the phenyl ring to any extent.

Some trade or other names: 1-cyc lohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18); 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (RCS-8); 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250); 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203); JWH-167; JWH-201; JWH-202; JWH-204; JWH-205; JWH-206; JWH-207; JWH-208; JWH-209; JWH-237; JWH-248; JWH-249; JWH-251; JWH-253; JWH-302; JWH-303; JWH-304; JWH-305; JWH-306; JWH-311; JWH-312; JWH-313; JWH-314; JWH-315; JWH-316; Cannabipiperidiethanone;

(d) Benzoylindoles. Any compound containing a 2-(benzoyl)indole or 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, cyanoalky, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the phenyl ring to any extent.

Some trade or other names: 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-694); 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19); Pravadoline (WIN 48,098); 1-pentyl-3-[(4-methoxy)-benzoyl]indole (RCS-4); AM-630; AM-661; AM-2233; AM-1241;

(e) Naphthoylpyrroles. Any compound containing a 2-(1-naphthoyl)pyrrole or 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, cyanoalky, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group, whether or not further substituted on the pyrrole ring to any extent and whether or not substituted on the naphthyl ring to any extent.

Some trade or other names: JWH-307; JWH-030; JWH-031; JWH-145; JWH-146; JWH-147; JWH-150; JWH-156; JWH-242; JWH-243; JWH-244; JWH-245; JWH-246; JWH-292; JWH-293; JWH-308; JWH-309; JWH-346; JWH-348; JWH-363; JWH-364; JWH-365; JWH-367; JWH-368; JWH-369; JWH-370; JWH-371; JWH-373; JWH-392;

(f) Naphthylmethylindenes. Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, cyanoalky, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group, whether or not further substituted on the indene ring to any extent and whether or not substituted on the naphthyl ring to any extent.

Some trade or other names: JWH-171; JWH-176; JWH-220;

(g) Cyclohexylphenols. Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl,

benzyl, or halobenzyl group, whether or not substituted on the cyclohexyl ring to any extent.

Some trade or other names: 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP 47, 497 and homologues, which includes C8); cannabicyclohexanol; CP-55,490; CP-55,940; CP-56,667;

(h) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl) 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol. Some trade or other names: HU-210;

(i) 2,3-Dihydro-5-methyl-3-(4-m orpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-napthalenyl. Some trade or other names: WIN 55, 212-2;

(j) Substituted Acetylindoles. Any compound containing a 2-acetyl indole or 3-acetyl indole structure substituted at the acetyl with a tetramethylcyclopropyl, adamantyl, benzyl, cumyl, or propionaldehyde substituent whether or not further substituted on the tetramethylcyclopropyl, adamantyl, benzyl, cumyl, or propionaldehyde substituent to any extent and whether or not further substituted at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group whether or not further substituted on the indole ring to any extent.

Some trade and or names: (1-Pentylindol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144); (1-(5-fluoropentyl)indol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (XLR-11); (1-(2-morpholin-4-ylethyl)-1H-indol-3-yl)-(2,2,3,3-tetramethylcyclopropyl)methanone (A-796,260); 1-[(N-methylpiperidin-2-yl)methyl]-3-(adamant-1-oyl)indole (AM-1248); 1-Pentyl-3-(1-adamantoyl)indole (AB-001 and JWH-018 adamantyl analog); AM-679;

(k) Substituted Carboxamide Indole. Any compound containing a 2-carboxamide indole or 3-carboxamide indole structure substituted at the carboxamide with a tetramethylcyclopropyl, naphthyl, adamantyl, cumyl, or propionaldehyde substituent, whether or not further substituted on the tetramethylcyclopropyl, adamantyl, cumyl, or propionaldehyde substituent to any extent and whether or not further substituted at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, benzyl, or halobenzyl group whether or not further substituted on the indole ring to any extent.

Some trade and other names: JWH-018 adamantyl carboxamide; STS-135; MN-18; 5-Fluoro-MN-18;

(l) Substituted Carboxylic Acid Indole. Any compound containing a 1H-indole-2-carboxylic acid or 1H-indole-3-carboxylic acid substituted at the hydroxyl group of the carboxylic acid with a phenyl, benzyl, naphthyl, adamantyl, cyclopropyl, quinolinyl, isquinolinyl, cumyl, or propionaldehyde substituent whether or not further substituted on the phenyl, benzyl, naphthyl, adamantyl, cyclopropyl, cumyl, quinolinyl, isquinolinyl, or propionaldehyde substituent to any extent and whether or not further substituted at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, tetrahydropyranylmethyl, benzyl, or halo benzyl group whether or not further substituted on the

indole ring to any extent;

(47) 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine) (MDAI);

(48) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);

(49) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);

(50) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);

(51) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);

(52) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);

(53) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);

(54) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);

(55) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);

(56) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);

(57) Substituted phenethylamine. Any compound, unless specifically exempt, listed as a controlled substance in another schedule or an approved FDA drug, structurally derived from phenylethan-2-amine by substitution on the phenyl ring in any of the following ways, that is to say--by substitution with a fused methylenedioxy, fused furan, or fused tetrahydrofuran ring system; by substitution with two alkoxy groups; by substitution with one alkoxy and either one fused furan, tetrahydrofuran, or tetrahydropyran ring system; by substitution with two fused ring systems from any combination of the furan, tetrahydrofuran, or tetrahydropyran ring systems; whether or not the compound is further modified in any of the following ways:

(a) By substitution on the phenyl ring by any halo, hydroxyl, alkyl, trifluoromethyl, alkoxy, or alkylthio groups;

(b) By substitution on the 2-position by any alkyl groups; or

(c) By substitution on the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, methoxybenzyl, or hydroxybenzyl groups.

Some trade and other names: 2-(2,5-dimethoxy-4-(methylthio)phenyl)ethanamine (2C-T or 4-methylthio-2,5-dimethoxyphenethylamine); 1-(2,5-dimethoxy-4-iodophenyl)-propan-2-amine (DOI or 2, 5-Dimethoxy-4-iodoamphetamine); 1-(4-Bromo-2,5-dimethoxyphenyl)-2-aminopropane (DOB or 2,5-Dimethoxy-4-bromoamphetamine); 1-(4-chloro-2,5-dimethoxy-phenyl)propan-2-amine (DOC or 2,5-Dimethoxy-4-chloroamphetamine); 2-(4-bromo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (2C-B-NBOMe; 25B-NBOMe or 2,5-Dimethoxy-4-bromo-N-(2-methoxybenzyl)phenethylamine); 2-4-iodo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (2C-I-NBOMe; 25I-NBOMe or 2,5-Dimethoxy-4-iodo-N-(2-methoxybenzyl)phenethylamine); N-(2-Methoxybenzyl)-2-(3,4,5-trimethoxypheny (Mescaline-NBOMe or 3,4,5-trimethoxy-(2-methoxybenzyl)phenethylamine); 2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine (2C-C-NBOMe; 25C-NBOMe or 2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)phenethylamine); 2-(7-Bromo-5-methoxy-2,3-dihydro-1-benzofuran-4-yl)ethanamine (2CB-5-hemiFLY); 2-(8-bromo-2,3,6,7-tetrahydrofuro [2,3-

f][1]benzofuran-4-yl)ethanamine (2C-B-FLY); 2-(10-Bromo-2,3,4,7,8,9-hexahydropyrano[2,3-g]chromen-5-yl)ethanamine (2C-B-butterFLY); -(2-Methoxybenzyl)-1-(8-bromo-2,3,6,7-tetrahydrobenzo[1,2-b:4,5-b.]difuran-4-yl)-2-aminoethane (2C-B-FLY-NBOMe); 1-(4-Bromofuro[2,3-f][1]benzofuran-8-yl)propan-2-amine (bromo-benzodifuranyl-isopropylamine or bromo-dragonFLY); -(2-Hydroxybenzyl)-4-iodo-2,5-dimethoxyphenethylamine (2C-I-NBOH or 25I-NBOH); 5-(2-Aminoprpyl)benzofuran (5-APB); 6-(2-Aminopropyl)benzofuran (6-APB); 5-(2-Aminopropyl)-2,3-dihydrobenzofuran (5-APDB); 6-(2-Aminopropyl)-2,3,-dihydrobenzofuran (6-APDB);

(58) Substituted tryptamines. Any compound, unless specifically exempt, listed as a controlled substance in another schedule or an approved FDA drug, structurally derived from 2-(1H-indol-3-yl)ethanamine (i.e, tryptamine) by mono- or di-substitution of the amine nitrogen with alkyl or alkenyl groups or by inclusion of the amino nitrogen atom in a cyclic structure whether or not the compound is further substituted at the alpha-position with an alkyl group or whether or not further substituted on the indole ring to any extent with any alkyl, alkoxy, halo, hydroxyl, or acetoxy groups.

Some trade and other names: 5-methoxy-N,N-diallyltryptamine (5-MeO-DALT); 4-acetoxy-N,N-dimethyltryptamine (4-AcO-DMT or O-Acetylpsilocin); 4-hydroxy-N-methyl-N-ethyltryptamine (4-HO-MET); 4-hydroxy-N,N-diisopropyltryptamine (4-HO-DIPT); 5-methoxy-N-methyl-N-isopropyltryptamine (5-MeO-MiPT);

(59) Naphthalen-1-yl-(4-pentyloxynaphthalen-1-yl)methanone (CB-13);

(60) N-Adamantyl-1-pentyl-1H-Indazole-3-carboxamide (AKB 48);

(61) 1-(4-Fluorophenyl)piperazine (pFPP);

(62) 1-(3-Chlorophenyl)piperazine (mCPP);

(63) 1-(4-Methoxyphenyl)piperazine (pMeOPP);

(64) 1,4-Dibenzylpiperazine (DBP);

(65) Isopentedrone;

(66) Fluoromethamphetamine;

(67) Fluoroamphetamine;

(68) Fluorococaine;

(69) 1-pentyl-8-quinolinyl ester-1H-indole-3-carboxylic acid (PB-22);

(70) 1-(5-fluoropentyl)-8-quinolinyl ester-1H-indole-3-carboxylic acid (5 Fluoro-PB-22);

(71) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentyl-1H-indazole-3-carboxamide (AB-PINACA);

(72) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (5 Fluoro-AB-PINACA);

(73) N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (AB-FUBINACA);

(74) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indole-3-carboxamide (ADB-PINACA (ADBICA));

(75) N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indole-3-carboxamide (5 Fluoro-ADB-PINACA (5 Fluoro-ADBICA)); and

(76) N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (ADB-FUBINACA).

Source: SL 1970, ch 229, § 8(a)(1); SDCL Supp, § 39-17-57; SL 1973, ch 259; SL 1976, ch 158, §§ 42-12, 42-13; SL 1977, ch 315, § 3; SL 1979, ch 238, § 1; SL 1987, ch 255, § 2; SL 1988, ch 282, § 2; SL 1989, ch 293, § 2; SL 1990, ch 270, § 1; SL 1993, ch 247, § 1; SL 1994, ch 278, § 2; SL 2003, ch 183, § 2; SL 2004, ch 230, § 1; SL 2011, ch 160, § 1, eff. Feb. 24, 2011; SL 2012, ch 183, § 1, eff. Feb. 23, 2012; SL 2013, ch 156, § 4, eff. Mar. 6, 2013; SL 2014, ch 165, § 1, eff. Feb. 10, 2014; SL 2015, ch 180, § 1, eff. Feb. 18, 2015.

34-20B-15. Criteria for inclusion of substances in Schedule II. To be included within Schedule II, a substance shall have:

(1) A high potential for abuse,

(2) Currently accepted medical use in the United States, or currently accepted medical use with severe restrictions, and

(3) Abuse which may lead to severe psychic or physical dependence.

Source: SL 1970, ch 229, § 8 (b); SDCL Supp, § 39-17-58; SL 1976, ch 158, § 42-14.

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

(1) Opium (except when it meets the requirements of subdivision 34-20B-23(7) or 34-20B-26(5)), coca leaves, and opiate;

(2) Any salt, compound, derivative, or preparation of opium, coca leaves (including cocaine), or opiate, excluding apomorphine, dextrorphan, naloxone, and naloxegol;

(3) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subdivisions (1) and (2), except that these substances may not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine; and may not include the isoquinoline alkaloids of opium;

(4) Opium poppy and poppy straw;

(5) Amphetamine;

(6) Methamphetamine;

(7) Amobarbital;

(8) Pentobarbital;

(9) Secobarbital;

(10) Methylphenidate;

(11) Phenmetrazine;

(12) Etorphine;

(13) Diprenorphine;

(14) Deleted by SL 2000, ch 170, § 1;

(15) Nabilone;

(16) Glutethimide;

(17) Phencyclidine immediate precursors:

(a) 1-phenylcyclohexylamine;

(b) 1-piperidinocyclohexanecarbonitrile (PCC);

(18) Lisdexamfetamine, its salts, isomers, and salts of its isomers; and

(19) Tapentadol.

Source: SL 1970, ch 229, § 8 (b) (1); SDCL Supp, § 39-17-59; SL 1977, ch 315, § 4; SL 1978, ch 249, § 1; SL 1981, ch 13, § 9; SL 1981, ch 261, § 1; SL 1985, ch 278, § 51; SL 1986, ch 284; SL 1987, ch 255, § 3; SL 1992, ch 245, § 1; SL 1993, ch 247, § 2; SL 2000, ch 170, § 1; SL 2008, ch 170, § 1, eff. Feb. 13, 2008; SL 2010, ch 174, § 2, eff. Feb. 24, 2010; SL 2012, ch 183, § 2, eff. Feb. 23, 2012; SL 2015, ch 180, § 2, eff. Feb. 18, 2015; SL 2016, ch 175, § 3, eff. Feb. 18, 2016.

34-20B-17. Opiates specifically included in Schedule II. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, is included in Schedule II, unless specifically excepted, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Alphaprodine;

(2) Anileridine;

(3) Bezitramide;

(4) Diphenoxylate;

(5) Fentanyl;

(6) Isomethadone;

(7) Levomethorphan;

(8) Levorphanol;

(9) Metazocine;

(10) Methadone;

(11) Methadone-intermediate, 4-cyano-2-dimethylamine-1, 4-diphenyl butane;

(12) Moramide-intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid;

(13) Pethidine;

(14) Pethidine-intermediate, A, 4-cyano-1-methyl-4-phenylpiperidine;

(15) Pethidine-intermediate, B, ethyl-4-phenylpiperidine-4-carboxylate;

(16) Pethidine-intermediate, C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;

(17) Phenazocine;

(18) Piminodine;

(19) Racemethorphan;

(20) Racemorphan;

(21) Sufentanil;

(22) Alfentanil;

(23) Carfentanil;

(24) Levo-alphacetylmethadol, also known as levo-alpha-acetylmethadyl acetate or LAAM;

(25) Remifentanil;

(26) Oxymorphone;

(27) Oripavine (3-O-demethylthebaine or 6,7,8,14-tetradehydro-4,5-alpha-epoxy-6-methoxy-17-methylmorphinan-3-ol);

(28) 4-anilino-N-phenethyl-4-piperidine (ANPP);

(29) Morphine, except when it meets subdivision 34-20B-23(8);

(30) Hydrocodone (Dihydrocodeinone);

(31) Codeine, except when it meets subdivision 34-20B-23(1), 34-20B-23(2), or 34-20B-26(1);

(32) Dihydrocodeine, except when it meets subdivision 34-20B-23(5) or 34-20B-26(2);

(33) Ethylmorphine, except when it meets subdivision 34-20B-23(6) or 34-20B-26(3);

(34) Oxycodone;

(35) Hydromorphone; and

(36) Thiafentanil.

Source: SL 1970, ch 229, § 8 (b) (1); SDCL Supp, § 39-17-60; SL 1985, ch 278, § 52; SL 1987, ch 255, § 4; SL 1989, ch 293, § 3; SL 1994, ch 278, § 3; SL 2002, ch 167, § 1; SL 2007, ch 194, § 1, eff. Feb. 1, 2007; SL 2008, ch 170, § 2, eff. Feb. 13, 2008; SL 2011, ch 160, § 2, eff. Feb. 24, 2011; SL 2015, ch 180, § 3, eff. Feb. 18, 2015; SL 2017, ch 156, § 2, eff. Feb. 3, 2017.

34-20B-18. Criteria for inclusion of substances in Schedule III. To be included within Schedule III, a substance shall have:

(1) A potential for abuse less than the substances listed in Schedules I and II;

(2) Well documented and approved medical use in the United States; and

(3) Abuse which may lead to moderate or low physical dependence or high psychological dependence.

Source: SL 1970, ch 229, § 8 (c); SDCL Supp, § 39-17-61; SL 1976, ch 158, § 42-15.

34-20B-19. Stimulants specifically included in Schedule III. Any material, compound, mixture, or preparation is included in Schedule III which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

(1) Benzphetamine;

(2) Chlorphentermine;

(3) Phendimetrazine;

(4) Ephedrine.

Source: SL 1970, ch 229, § 8 (c); SDCL Supp, § 39-17-62; SL 1977, ch 315, § 5; SL 1993, ch 247, § 3; SL 1995, ch 195, § 1; SL 1997, ch 202, § 1.

34-20B-19.1. Ephedrine defined. For the purposes of § 34-20B-19, the term, ephedrine includes ephedra, herbs and herbal products that contain ephedrine alkaloids, including ma huang, Chinese ephedra, ephedra sinica, ephedra herb powder, epitonin, or any extract of those substances, but the term does not include any drug that contains ephedrine and is lawfully sold, transferred, or furnished over the counter with or without a prescription pursuant to § 34-20B-21.

Source: SL 2004, ch 231, § 1.

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

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

(2) Chloral betaine;

(3) Chloral hydrate;

(4) Chlorhexadol;

(5) Lysergic acid;

(6) Lysergic acid amide;

(7) Methyprylon;

(8) Sulfondiethylmethane;

(9) Sulfonethylmethane;

(10) Sulfonmethane;

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

(12) Gamma hydroxy butyrate;

(13) Dronabinol;

(14) Buprenorphine;

(15) Embutramide;

(16) Perampanel [2-(2-oxo-1-phenyl-5-pyridin-2-yl-1,2-dihydropyridin-3-yl) benzonitrile], including its salts, isomers, and salts of isomers.

Source: SL 1970, ch 229, § 8 (c) (1); SDCL Supp, § 39-17-63; SL 1973, ch 260; SL 1979, ch 238, § 2; SL 1980, ch 240, § 1; SL 1992, ch 245, § 2; SL 1993, ch 247, § 4; SL 1999, ch 174, § 1; SL 2000, ch 170, § 2; SL 2003, ch 183, § 3; SL 2007, ch 194, § 2, eff. Feb. 1, 2007; SL 2014, ch 165, § 2, eff. Feb. 10, 2014.

34-20B-20.1. Gamma hydroxyl butyrate defined. For the purposes of § 34-20B-20, the term, gamma hydroxyl butyrate, includes gamma-butyrolactone, 1,4-butanediol or any other substances which convert to gamma hydroxyl butyrate upon ingestion. However, the term does not include any product which is lawfully used for mechanical, industrial, manufacturing, or scientific purposes.

Source: SL 2006, ch 180, § 1.

34-20B-21. Exception from Schedule III of stimulants and depressants used in medicinal preparations. The department may by rules promulgated pursuant to chapter 1-26 except any compound, mixture, or preparation containing any stimulant, depressant substance, or anabolic steroid listed in §§ 34-20B-19, 34-20B-20, and 34-20B-22 if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a stimulant, depressant, or anabolic steroid effect. Such admixtures shall be included therein in such combinations, quantity, proportion, or concentration as to vitiate the potential for abuse of the substances which do have a stimulant, depressant, or anabolic steroid effect.

Source: SL 1970, ch 229, § 8 (c); SDCL Supp, § 39-17-64; SL 1993, ch 247, § 5; SL 1997, ch 202, § 2.

34-20B-22. Specific substances included in Schedule III. The following are included in Schedule III:

(1) Nalorphine;

(2) Preparations which contain both Tiletamine and Zolazepam;

(3) Anabolic steroids as listed in § 34-20B-4.1;

(4) Ketamine.

Source: SL 1970, ch 229, § 8 (c); SDCL Supp, § 39-17-65; SL 1971, ch 224, §§ 1, 2; SL 1988, ch 282, § 3; SL 1992, ch 245, § 5; SL 1993, ch 247, § 6; SL 2000, ch 170, § 3.

34-20B-23. Narcotics specifically included in Schedule III. Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs or any salts thereof is included in Schedule III:

(1) Not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of isoquinoline alkaloid of opium;

(2) Not more than 1.80 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts;

(3) Deleted by SL 2015, ch 180, § 4;

(4) Deleted by SL 2015, ch 180, § 4;

(5) Not more than 1.80 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts;

(6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts;

(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts; and

(8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, non-narcotic ingredients in recognized therapeutic amounts.

Source: SL 1970, ch 229, § 8 (c); SDCL Supp, § 39-17-66; SL 2015, ch 180, § 4, eff. Feb. 18, 2015.

34-20B-24. Criteria for inclusion of substances in Schedule IV. To be included within Schedule IV, a substance shall have:

(1) A low potential for abuse relative to the substances listed in Schedule III;

(2) Currently accepted medical use in the United States; and

(3) Limited physical dependence or psychological dependence liability or potential, or both, relative to the substances listed in Schedule III.

Source: SL 1970, ch 229, § 8 (d); SDCL Supp, § 39-17-67; SL 1976, ch 158, § 42-16.

34-20B-25. Substances specifically included in Schedule IV. 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 substances which are specifically listed in other schedules;

(11A) Alprazolam;

(11B) Midazolam;

(11C) Temazepam;

(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;

(42) Lacosamide;

(43) Fospropofol, including its salts, isomers, and salts of isomers;

(44) Clobazam;

(45) Carisoprodol, including its salts, isomers, and salts of isomers;

(46) Ezogabine,[-[2-amino-4-(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester], including its salts, isomers, and salts of isomers;

(47) Lorcaserin, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible;

(48) Alfaxalone, 5[alpha]-pregnan-3[alpha]-ol-11,20-dione, including its salts, isomers, and salts of isomers;

(49) Tramadol, 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers and salts of these isomers;

(50) Suvorexant, including its salts, isomers, and salts of isomers;

(51) Eluxadoline,(5-[[[(2S)-2-amino-3-[4-aminocarbonyl)-2,6-dimethylphenyl]-1-oxopropyl][(1S)-1-(4-phenyl-1H-imidazol-2-yl)ethyl]amino]methyl]-2-methoxybenzoic acid) including its optical isomers and its salts, isomers, and salts of isomers;

(52) Brivaracetam; and

(53) Cannabidiol.

Source: SL 1977, ch 315, § 6; SL 1978, ch 249, §§ 2, 3; SL 1980, ch 240, § 2; SL 1981, ch 261, § 3; SL 1985, ch 278, § 53; SL 1987, ch 255; SL 1989, ch 293, § 4; SL 1990, ch 270, § 2; SL 1992, ch 245, § 3; SL 1993, ch 247, § 7; SL 1994, ch 278, § 4; SL 1995, ch 191, § 2; SL 1999, ch 174, § 2; SL 2000, ch 170, § 4; SL 2002, ch 167, § 2; SL 2003, ch 183, § 4; SL 2006, ch 179, § 2, eff. Feb. 9, 2006; SL 2010, ch 174, § 3, eff. Feb. 24, 2010; SL 2012, ch 183, § 3, eff. Feb. 23, 2012; SL 2013, ch 156, § 5, eff. Mar. 6, 2013; SL 2015, ch 180, § 5, eff. Feb. 18, 2015; SL 2016, ch 175, § 4, eff. Feb. 18, 2016; SL 2017, ch 156, § 3, eff. Feb. 3, 2017; SL 2017, ch 155, § 2.

34-20B-26. Narcotic compounds specifically included in Schedule IV. Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs is included in Schedule IV which shall include one or more non-narcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;

(2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;

(3) Not more than 50 milligrams of ethylmorphine per 100 milliliters or per 100 grams;

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams, or not more than 5 milligrams per dosage unit; and

(6) Not more than 1 milligram of difenoxin and not less than twenty-five micrograms of atropine sulfate per dosage unit.

Source: SL 1970, ch 229, § 8 (d) (1); SDCL Supp, § 39-17-68; SL 1980, ch 240, § 3; SL 1981, ch 261, § 2; SL 1990, ch 270, § 3; SL 2015, ch 180, § 6, eff. Feb. 18, 2015.

34-20B-27. Recommendations for addition, deletion, or rescheduling of scheduled substances. The department shall make recommendations to the Legislature that a substance be added, deleted, or rescheduled when the department determines that such substance has a different potential for abuse.

Source: SL 1970, ch 229, § 7 (a); SDCL Supp, § 39-17-69; 9SL 1976, ch 158, § 42-17.

34-20B-28. Substances not subject to control as precursors of precursors. If the department designates a substance as an "immediate precursor," substances which are precursors of such designated immediate precursors shall not be subject to control solely because they are precursors of the controlled precursor.

Source: SL 1970, ch 229, § 7 (c); SDCL Supp, § 39-17-71.

34-20B-28.1. Definition of terms applicable to code imprinted drugs. Terms used in §§ 34-20B-28.2 to 34-20B-28.6, inclusive, unless the context plainly otherwise requires, mean:

(1) "Code imprint," a series of letters or numbers assigned by the manufacturer or distributor to a specific drug, or marks or monograms unique to the manufacturer or distributor of the drug, or both;

(2) "Distributor," a person who distributes for resale a drug in solid dosage form under his own label even though he is not the actual manufacturer of the drug;

(3) "Legend drug," any drug defined by section 503(b) of the Federal Food, Drug and Cosmetic Act, as amended on January 15, 1980, and under which definition its label is required to bear the statement "Caution: Federal law prohibits dispensing without prescription";

(4) "Solid dosage form," capsules or tablets intended for oral use.

Source: SL 1980, ch 241, § 1.

34-20B-28.2. Code imprint required. No legend drug in solid dosage form may be manufactured or distributed in this state unless it is clearly marked or imprinted with a code imprint identifying the drug and the manufacturer or distributor of the drug.

Source: SL 1980, ch 241, § 2.

34-20B-28.3. Manufacturers' and distributors' identifying listings. All manufacturers and distributors of legend drugs in solid dosage form shall provide upon request to the Board of Pharmacy a listing of all such legend drugs identifying by code imprint the manufacturer and the specific type of drug. Such listing shall at all times be kept current by all manufacturers and distributors subject to §§ 34-20B-28.1 to 34-20B-28.6, inclusive.

Source: SL 1980, ch 241, § 3.

34-20B-28.4. Exemptions--Granting on appropriate showing--Inclusion in listings. The Board of Pharmacy may grant exemptions from the requirements of §§ 34-20B-28.1 to 34-20B-28.6, inclusive, upon application by any drug manufacturer or distributor showing size, physical characteristics, or other unique characteristics which render the application of a code imprint to a legend drug subject to §§ 34-20B-28.1 to 34-20B-28.6, inclusive, impractical or impossible. Any such exemption granted by the board shall be included by the manufacturer or distributor in the listing required by § 34-20B-28.3, describing the physical characteristics and type of drug to which the exemption relates.

Source: SL 1980, ch 241, § 4.

34-20B-28.5. Contraband--Seizure and forfeiture. All legend drugs in solid dosage form that are possessed, distributed, sold, or offered for sale in violation of the provisions of §§ 34-20B-28.1 to 34-20B-28.6, inclusive, shall be deemed contraband and shall be seized by the Board of Pharmacy and summarily forfeited to the state.

Source: SL 1980, ch 241, § 5.

34-20B-28.6. Dispensing or sale without code imprint--Misdemeanor. It is a Class 2 misdemeanor for a person to dispense, sell or otherwise provide to any other person any legend drug in solid dosage form that fails to comply with §§ 34-20B-28.1 to 34-20B-28.5, inclusive.

Source: SL 1980, ch 241, § 6.

34-20B-29. Registration of prescribers, manufacturers, distributors, and dispensers of controlled drug or substance. Any person who prescribes, manufactures, distributes, or dispenses any controlled drug or substance within this state or who proposes to engage in the prescribing, manufacture, distribution, or dispensing of any controlled drug or substance within this state, shall obtain a registration issued by the department according to the rules promulgated under this chapter.

Source: SL 1970, ch 229, § 9 (a); SDCL Supp, § 39-17-72; SL 1995, ch 191, § 3; SL 2004, ch 229, § 2.

34-20B-30. Exemptions from annual registration requirements. The following persons shall not be required to register under the provisions of § 34-20B-29:

(1) An agent, or an employee thereof, of any manufacturer, distributor, or dispenser of any controlled drug or substance if such agent is acting in the usual course of his business or employment;

(2) A common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled drug or substance is in the usual course of his business or employment;

(3) A person in possession of any controlled drug or substance pursuant to a lawful order of a practitioner.

Source: SL 1970, ch 229, § 9 (b); SDCL Supp, § 39-17-73.

34-20B-31. Repealed by SL 2004, ch 232, § 2.

34-20B-32. Waiver of registration requirement by regulation. The department may, by regulation, waive the requirement for registration of certain manufacturers, distributors, or dispensers if the department finds it consistent with the public health and safety.

Source: SL 1970, ch 229, § 9 (c); SDCL Supp, § 39-17-75.

34-20B-33. Registration of previously registered or licensed establishments. The department shall permit persons to register who own or operate any establishment engaged in the manufacture, distribution, or dispensing of any controlled drugs and substances prior to July 1, 1972, and who are registered or licensed by the state.

Source: SL 1970, ch 229, § 9 (i); SDCL Supp, § 39-17-76.

34-20B-34. Separate registration required for each place of business or practice. A separate registration shall be required at each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled drugs and substances.

Source: SL 1970, ch 229, § 9 (d); SDCL Supp, § 39-17-77.

34-20B-35. Criteria for registration of manufacturers and distributors. The department shall register an applicant to manufacture and distribute controlled drugs and substances included in Schedules I through IV of §§ 34-20B-11 to 34-20B-26, inclusive, unless it is determined that the issuance of such registration is inconsistent with the public interest. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled drugs and substances and any Schedule I or II substance compounded therefrom into other than legitimate medical, scientific, or industrial channels;

(2) Compliance with the applicable state and local law;

(3) Prior conviction record of applicant under federal and state laws relating to the manufacture, distribution, or dispensing of such substances;

(4) Past experience in the manufacture of controlled drugs and substances, and the existence in the establishment of effective controls against diversion; and

(5) Such other factors as may be relevant to and consistent with the public health and safety.

Source: SL 1970, ch 229, § 9 (f); SDCL Supp, § 39-17-78.

34-20B-36. Authorized Schedule I and II substances to be specified in manufacturer's or distributor's registration. Registration granted under § 34-20B-29 shall not entitle a registrant to manufacture and distribute controlled drugs and substances in Schedules I and II other than those specified in the registration.

Source: SL 1970, ch 229, § 9 (g); SDCL Supp, § 39-17-79.

34-20B-37. Practitioners registered to dispense Schedule II, III, and IV substances. Practitioners shall be registered to dispense substances in Schedules II through IV if they are authorized to dispense under the law of this state.

Source: SL 1970, ch 229, § 9 (h); SDCL Supp, § 39-17-80.

34-20B-38. Repealed by SL 1989, ch 293, § 5.

34-20B-39. Inventories and records of controlled substances required of registrants. Each registrant manufacturing, distributing, or dispensing controlled drugs and substances in Schedules I, II, III, or IV shall maintain complete and accurate records of all stocks of such drugs and substances on hand. Records and inventories shall contain such information as shall be provided by rules and regulations promulgated by the department. All records required under this section shall be kept for a period of at least two years. This section shall not apply to practitioners who lawfully prescribe or administer, but not otherwise dispense, controlled drugs and substances listed in Schedules II, III, or IV of this chapter.

Source: SL 1970, ch 229, § 9 (j); SDCL Supp, § 39-17-82.

34-20B-40. Inspection of registrant's premises authorized. The department is authorized to inspect the establishment of a registrant or applicant for registration in accordance with the rules and regulations promulgated under § 34-20B-41.

Source: SL 1970, ch 229, § 9 (e); SDCL Supp, § 39-17-86.

34-20B-41. Promulgation of rules by department--Fees. The department may promulgate rules pursuant to chapter 1-26 relating to exclusions from uniform drug articles pursuant to subdivision 34-20B-2(1); the definition of precursors; exceptions from Schedule III of stimulants, depressants, and anabolic steroid-estrogen combinations in medicinal preparations; the registration of manufacturers, distributors, and dispensers; waivers of registration; the suspending, revoking, surrendering, transferring, and reinstating of registration; inventories and records of controlled substances establishing minimum standards for prescribing and dispensing practices, labeling and security requirements and the issuance of prescriptions as provided by this chapter and chapter 22-42; and the inspection of registered premises. The department may charge reasonable fees relating to the registration and control of the manufacture, distribution, and dispensing of controlled drugs and substances within this state. No fee may exceed one hundred fifty dollars.

Source: SL 1970, ch 229, §§ 9, 14; SDCL Supp, § 39-17-87; SL 1980, ch 238, § 2; SL 1993, ch 247, § 8; SL 2004, ch 232, § 1; SL 2009, ch 164, § 4.

34-20B-42. Unauthorized manufacture or distribution by registrant prohibited--Civil fine--Knowing violation as felony. No person who is a registrant shall manufacture, distribute, or dispense a controlled drug or substance not authorized by his registration to another registrant or other authorized person. A violation of this section may be punished by a civil fine of not more than ten thousand dollars. In addition, if the violation was done knowingly, it is a Class 5 felony.

Source: SL 1970, ch 229, § 10 (d) (2); SDCL Supp, § 39-17-98; SL 1977, ch 190, § 397.

34-20B-42.1, 34-20B-42.2. Repealed by SL 1992, ch 245, §§ 7, 8.

34-20B-43. Omission or removal of required symbol prohibited--Civil fine--Knowing violation as misdemeanor. No person shall omit, remove, alter, or obliterate a symbol required by this chapter. A violation of this section may be punished by a civil fine of not more than ten thousand dollars. In addition, if the violation was done knowingly, it is a Class 1 misdemeanor.

Source: SL 1970, ch 229, § 10 (d) (3); SDCL Supp, § 39-17-99; SL 1976, ch 158, § 42-18; SL 1977, ch 190, § 398.

34-20B-44. Failure to keep or furnish required record or report prohibited--Civil fine--Knowing violation as felony. No person shall refuse or fail to make, keep, or furnish any record, report, notification, order form, statement, invoice, or information required under this chapter. A violation of this section may be punished by a civil fine of not more than ten thousand dollars. In addition, if the violation was done knowingly, it is a Class 6 felony.

Source: SL 1970, ch 229, § 10 (d) (4); SDCL Supp, § 39-17-100; SL 1977, ch 190, § 399.

34-20B-45. Civil fine for violation by manufacturer or distributor--Knowing violation as felony. Any person who violates any of §§ 34-20B-42 to 34-20B-44, inclusive, is punishable by a civil fine of not more than ten thousand dollars. In addition, if the violation is prosecuted by an information or indictment which alleges that the violation was committed knowingly and the trier of fact specifically finds that the violation was committed knowingly such person is guilty of a Class 5 felony.

Source: SL 1970, ch 229, § 10 (d) (7); SDCL Supp, § 39-17-103; SL 1977, ch 189, § 119.

34-20B-46. Intentional distribution of Schedule I or II substance without order form as felony. It is a Class 5 felony for any person who is a registrant knowingly to distribute a controlled drug or substance classified in Schedules I or II, in the course of his legitimate business, except pursuant to an order form as required by this chapter.

Source: SL 1970, ch 229, § 10 (e) (1); SDCL Supp, § 39-17-104; SL 1977, ch 189, § 120; SL 1977, ch 190, § 403.

34-20B-47. Intentional use of unauthorized registration number as felony. It is a Class 5 felony for any person knowingly to use in the course of the manufacture or distribution of a controlled drug or substance a registration number which is fictitious, revoked, suspended, or issued to another person.

Source: SL 1970, ch 229, § 10 (e) (2); SDCL Supp, § 39-17-105; SL 1977, ch 189, § 121; SL 1977, ch 190, § 404.

34-20B-48. Intentional falsification or omission of material information as felony. It is a Class 5 felony for any person knowingly to furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this chapter, or any record required to be kept by this chapter.

Source: SL 1970, ch 229, § 10 (e) (4); SDCL Supp, § 39-17-107; SL 1977, ch 189, § 122; SL 1977, ch 190, § 406.

34-20B-49. Criminal penalties in addition to civil and administrative penalties. Any penalty imposed for violation of §§ 34-20B-42 to 34-20B-48, inclusive, shall be in addition to, and not in lieu of, any civil or administrative penalty or sanction authorized by law.

Source: SL 1970, ch 229, § 10 (g); SDCL Supp, § 39-17-112; SL 1977, ch 189, § 123.

34-20B-50. Repealed by SL 1997, ch 203, § 1.

34-20B-51. Survival of right of action. In case of the death of either party, the right of action given in chapter 34-20C shall survive to or against such party's personal representative.

Source: SL 1977, ch 316; SL 1997, ch 203, § 15.

34-20B-52. Civil action for recovery from unlawful distributor--Limitation of actions. All suits for damages under chapter 34-20C shall be by civil action in any court of this state having jurisdiction thereof, which shall be commenced within two years of the date on which the injury was incurred.

Source: SL 1977, ch 316; SL 1997, ch 203, § 21.

34-20B-53. Minor's recovery payable to parent or conservator. All damages recovered by a minor under chapter 34-20C shall be paid to such minor or to the minor's parent or conservator as the court directs.

Source: SL 1977, ch 316; SL 1993, ch 213, § 228; SL 1997, ch 203, § 20.

34-20B-54. Cooperation by department with federal and state agencies. The Department of Health shall, in addition to other powers and duties vested in it by this chapter or any other act, cooperate with federal and other state agencies in discharging its responsibilities concerning traffic in drugs and substances.

Source: SL 1970, ch 229, § 5 (a); SDCL Supp, § 39-17-115.

34-20B-55. Centralized statistical unit--Availability of information. The Department of Health shall cooperate with the federal drug enforcement administration by establishing a centralized unit which shall accept, catalogue, file, and collect statistics, and make such information available for federal, state, and local law enforcement purposes.

Source: SL 1970, ch 229, § 5 (d); SDCL Supp, § 39-17-116; SL 1977, ch 190, § 412; SL 1989, ch 293, § 6.

34-20B-56. State agencies to cooperate with department. It shall be the duty of all departments, officers, agencies, and employees of the State of South Dakota to cooperate with the Department of Health in carrying out its functions under this chapter or any other act.

Source: SL 1970, ch 229, § 4; SDCL Supp, § 39-17-117.

34-20B-57. Exchange of information between governmental officials. The Department of Health shall, in addition to other powers and duties vested in it by this chapter or any other act, arrange for the exchange of information between governmental officials concerning the use and abuse of drugs and substances.

Source: SL 1970, ch 229, § 5 (b); SDCL Supp, § 39-17-118.

34-20B-58. County and municipal funds authorized. The governing bodies of the several counties and municipalities in the state are hereby authorized to establish funds and make appropriations thereto for the purpose of enforcing the provisions of this chapter.

Source: SL 1970, ch 229, § 13; SDCL Supp, § 39-17-119.

34-20B-59. Use of county and municipal funds to make illegal purchases. Funds established pursuant to § 34-20B-58 may be expended confidentially for the purpose of making purchases and acquisitions of drugs and substances which are illegal under this chapter, when such purchases are necessary to obtaining convictions under this chapter.

Source: SL 1970, ch 229, § 13 (a); SDCL Supp, § 39-17-120.

34-20B-60. Use of county and municipal funds to employ special agents. Funds established pursuant to § 34-20B-58 may further be expended confidentially to employ special agents, pay their salaries and expenses, for the purpose of providing undercover assistance to local law

enforcement officials in gathering evidence of violations of this chapter, making arrests thereunder, and obtaining convictions.

Source: SL 1970, ch 229, § 13 (b); SDCL Supp, § 39-17-121.

34-20B-61. Law enforcement and cooperation by Division of Criminal Investigation and state's attorneys. It is hereby made the duty of the Division of Criminal Investigation, its officers, agents, inspectors, and representatives, and of all state's attorneys, to enforce all provisions of this chapter, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and of all other states, relating to controlled drugs and substances.

Source: SL 1970, ch 229, § 11 (a); SDCL Supp, § 39-17-122.

34-20B-62. Attorney general to enforce chapter. The Office of the Attorney General shall retain authority for all prosecutions and other actions at law in the enforcement of this chapter.

Source: SL 1974, ch 261, § 8; SDCL Supp, § 39-17-122.1.

34-20B-63. Special powers of agents of Division of Criminal Investigation. Any officer or employee of the Division of Criminal Investigation designated by the attorney general may:

(1) Carry firearms;

(2) Execute and serve search warrants, arrest warrants, administrative inspection warrants, subpoenas, and summonses issued under the authority of this state;

(3) Make arrests without warrant for any offense under this chapter committed in his presence, or if he has probable cause to believe that the person to be arrested has committed or is committing a felony;

(4) Make seizures of property pursuant to the provisions of this chapter; and

(5) Perform such other law enforcement duties as the chief agent may designate.

Source: SL 1970, ch 229, § 11 (b); SDCL Supp, § 39-17-123.

34-20B-64. Drug control fund created--Administration by attorney general--Expenditures--Excess funds. There is hereby created in the state treasury a special revolving fund to be known as the "drug control fund," which shall be administered by the attorney general. The attorney general may authorize expenditure of moneys in the fund for purchase of controlled drugs and substances, as defined in this chapter, by authorized agents of the attorney general from unregistered dispensers and distributors. All disbursements from the fund shall be made on warrants drawn by the state auditor on vouchers approved by the attorney general. Any moneys in the fund in excess of two hundred fifty thousand dollars shall be available for distribution by the attorney general. Upon application by any local law enforcement agency, any drug law enforcement task force or the division of highway patrol, the attorney general may authorize

release of any such available moneys in the fund for the purpose of assisting local law enforcement agencies in drug control and drug offender apprehension efforts.

Source: SL 1976, ch 5, §§ 1 to 3; SDCL Supp, § 39-17-123.1; SL 1990, ch 271.

34-20B-65, 34-20B-66. Repealed by SL 1978, ch 178, § 577.

34-20B-67. Peace officers to cooperate with Division of Criminal Investigation. It is hereby made the duty of all peace officers within the state to cooperate with the Division of Criminal Investigation, its officers, agents, inspectors, and representatives, and to carry out all lawful orders issued by the Division of Criminal Investigation, its officers, agents, inspectors, and representatives, relating to controlled drugs and substances.

Source: SL 1970, ch 229, § 11 (a) (1); SDCL Supp, § 39-17-126.

34-20B-68. Trial court jurisdiction to enjoin violations. The trial courts of the state shall have jurisdiction in proceedings in accordance with the rules of these courts to enjoin violations of this chapter.

Source: SL 1970, ch 229, § 11 (d) (1); SDCL Supp, § 39-17-127.

34-20B-69. Jury trial of violations of injunction. In case of an alleged violation of an injunction or restraining order issued under § 34-20B-68, trial shall, upon demand of the accused, be by jury in accordance with the rules of the state courts.

Source: SL 1970, ch 229, § 11 (d) (2); SDCL Supp, § 39-17-128.

34-20B-70. Property subject to forfeiture. The following are subject to forfeiture pursuant to chapter 23A-49 and no property right exists in them:

(1) All controlled drugs and substances and marijuana which have been manufactured, distributed, dispensed, or acquired in violation of the provisions of this chapter or chapter 22-42;

(2) All raw materials, products, and equipment of any kind which are used or intended for use, in manufacturing, compounding, processing, importing, or exporting any controlled drug or substance or marijuana in violation of the provisions of this chapter or chapter 22-42;

(3) All property which is used, or intended for use, as a container for property described in subdivisions (1) and (2);

(4) All conveyances including aircraft, vehicles, or vessels, which transport, possess, or conceal, or which are used, or intended for use, to transport, or in any manner facilitate the transportation, sale, receipt, possession, or concealment of marijuana in excess of one-half pound or any quantity of any other property described in subdivision (1) or (2), except as provided

in §§ 34-20B-71 to 34-20B-73, inclusive. This subdivision includes those instances in which a conveyance transports, possesses or conceals marijuana or a controlled substance as described herein without the necessity of showing that the conveyance is specifically being used to transport, possess, or conceal or facilitate the transportation, possession, or concealment of marijuana or a controlled substance in aid of any other offense;

(5) All books, records, and research, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this chapter;

(6) Any funds or other things of value used for the purposes of unlawfully purchasing, attempting to purchase, distributing, or attempting to distribute any controlled drug or substance or marijuana;

(7) Any assets, interest, profits, income, and proceeds acquired or derived from the unlawful purchase, attempted purchase, distribution, or attempted distribution of any controlled drug or substance or marijuana.

Property described in subdivision (1) shall be deemed contraband and shall be summarily forfeited to the state, property described in subdivisions (2), (3), (5), (6), and (7) is subject to forfeiture under the terms of § 23A-49-14, and property described in subdivision (4) is subject to forfeiture under the terms of § 23A-49-15.

Source: SL 1970, ch 229, § 11 (e) (1); SDCL Supp, § 39-17-129; SL 1976, ch 158, §§ 42-19, 42-20; SL 1977, ch 189, §§ 125, 126; SL 1977, ch 317, §§ 1 to 3; SL 1982, ch 262, § 2; SL 1983, ch 255; SL 1985, ch 279, § 1; SL 2016, ch 138, § 21.

34-20B-70.1 to 34-20B-80. Repealed by SL 2016, ch 138, §§ 23 to 33.

34-20B-81. Unlawful substances deemed contraband--Summary forfeiture. All property described in subdivision 34-20B-70(1) shall be deemed contraband and shall be summarily forfeited to the state. Controlled substances or marijuana which are seized or come into possession of the state, the owners of which are unknown, shall be deemed contraband and shall be summarily forfeited to the state.

Source: SL 1977, ch 317, § 6.

34-20B-82. Unauthorized Schedule I substances deemed contraband--Summary seizure and forfeiture. All substances listed in Schedule I that are possessed, transferred, sold, or offered for sale in violation of the provisions of this chapter shall be deemed contraband and seized and summarily forfeited to the state. Similarly, all substances listed in Schedule I, which are seized or come into the possession of the state, the owners of which are unknown, shall be deemed contraband and summarily forfeited to the state.

Source: SL 1970, ch 229, § 11 (e) (5); SDCL Supp, § 39-17-138.

34-20B-83. Seizure and summary forfeiture of plant precursors of Schedule I and II substances--Failure to produce registration as authority. All species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated

in violation of this chapter, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the state. The failure, upon demand by the chief agent or any peace officer at his direction, of the person in occupancy or in control of land or premises upon which such species of plants are growing or being stored, to produce an appropriate registration, or proof that he is the holder thereof, shall constitute authority for the seizure and forfeiture.

Source: SL 1970, ch 229, § 11 (e) (6); SDCL Supp, § 39-17-139.

34-20B-84 to 34-20B-89. Repealed by SL 2016, ch 138, §§ 34 to 39.

34-20B-90. Burden of proof as to registration or order form. In the absence of proof that a person is the duly authorized holder of an appropriate registration or order form issued under this chapter, he shall be presumed not to be the holder of such registration or form, and the burden of proof shall be upon him to rebut such presumption.

Source: SL 1970, ch 229, § 11 (f) (2); SDCL Supp, § 39-17-141.

34-20B-91. Enforcement officers exempt from liability. No liability shall be imposed by virtue of this chapter upon any duly authorized local, state, or federal officer engaged in the enforcement of this chapter, or who shall be engaged in the enforcement of any law or municipal ordinance relating to controlled drugs and substances.

Source: SL 1970, ch 229, § 11 (f) (3); SDCL Supp, § 39-17-142.

34-20B-92. Judicial review of department's decisions--Findings of fact conclusive. All final determinations, findings, and conclusions of the department under this chapter shall be final and conclusive decisions of the matters involved, except that any person aggrieved by such decision may obtain review of the decision in the circuit court. Findings of fact by the department, if supported by substantial evidence, shall be conclusive.

Source: SL 1970, ch 229, § 11 (g); SDCL Supp, § 39-17-143.

34-20B-93 to 34-20B-99. Repealed by SL 2016, ch 169, §§ 23 to 29.

34-20B-100. Contracts with government agencies or private organizations. The Department of Health is hereby authorized to contract with agencies of the federal, state, or local government or any private organization or foundation for the purposes of carrying out its functions under this chapter.

Source: SL 1974, ch 263; SDCL Supp, § 39-17-150.1.

34-20B-101, 34-20B-102. Repealed by SL 2016, ch 169, §§ 30, 31.

34-20B-103, 34-20B-104. Repealed by SL 1985, ch 278, § 54.

34-20B-105. Residential alcohol and drug abuse treatment program authorized at Human Services Center. The Department of Social Services may establish and operate a residential alcohol and drug abuse treatment program at the South Dakota Human Services Center at Yankton.

Source: SL 1975, ch 255, § 1; SDCL Supp, § 39-17-151.3; SL 1985, ch 278, § 57; SL 1989, ch 21, § 160; SL 2011, ch 1 (Ex. Ord. 11-1), § 163, eff. Apr. 12, 2011.

34-20B-106 to 34-20B-109. Repealed by SL 1985, ch 278, § 54.

34-20B-110. Repealed by SL 2016, ch 169, § 32.

34-20B-111, 34-20B-112. Repealed by SL 1985, ch 278, § 55.

34-20B-113. Severability of provisions and applications. If a provision of this chapter is held unconstitutional or invalid, all constitutional or valid provisions that are severable shall remain in effect. If a provision of this chapter is held unconstitutional or invalid in one or more of its applications, the provision shall remain in effect in all its valid applications that are severable.

Source: SL 1970, ch 229, § 15; SDCL Supp, § 39-17-154.

34-20B-114. Citation of chapter. This chapter may be cited as the State Drugs and Substances Control Act.

Source: SL 1970, ch 229, § 17; SDCL Supp, § 39-17-155.

This page left blank intentionally

CHAPTER 34-20A

TREATMENT AND PREVENTION OF ALCOHOL AND DRUG ABUSE

34-20A-98. Possession and administration of opioid antagonists by first responders. Any first responder trained in compliance with § 34-20A-101 and acting under a standing order issued by a physician licensed pursuant to chapter 36-4 may possess and administer opioid antagonists to a person exhibiting symptoms of an opiate overdose.

Source: SL 2015, ch 179, § 1.

34-20A-99. Opioid antagonist defined. For the purposes of §§ 34-20A-98 to 34-20A-103, inclusive, the term, opioid antagonist, means naloxone hydrochloride or any other similarly acting and equally safe drug approved by the federal Food and Drug Administration for the treatment of drug overdose.

Source: SL 2015, ch 179, § 2.

34-20A-100. First responder defined. For the purposes of §§ 34-20A-98 to 34-20A-103,

inclusive, the term, first responder, includes:

(1) A law enforcement officer as defined by subdivision 22-1-2(22);

(2) A driver and attendant responding to an emergency call as part of an ambulance service licensed pursuant to chapter 34-11; and

(3) A firefighter.

Source: SL 2015, ch 179, § 3.

34-20A-101. Training of first responders. Each first responder authorized to administer an opioid antagonist shall be trained in the symptoms of an opiate overdose; the protocols and procedures for administration of an opioid antagonist; the symptoms of adverse responses to an opioid antagonist, and protocols and procedures to stabilize the patient if an adverse response occurs; and the procedures for storage, transport, and security of the opioid antagonist. The training shall comply with the criteria established pursuant to § 34-20A-102, and may be provided by the employer of first responders at the employer's discretion.

Source: SL 2015, ch 179, § 4.

34-20A-102. Promulgation of rules for training, possession, and administration of opioid antagonists. The Board of Medical and Osteopathic Examiners shall promulgate rules, pursuant to chapter 1-26, establishing:

(1) The criteria for training a first responder to comply with the provisions of § 34-20A-101; and

(2) The requirements for a physician's issuance of a standing order to a first responder authorizing a prescription for the first responder's possession of an opioid antagonist and the protocols and procedures to be followed in administering an opioid antagonist.

Source: SL 2015, ch 179, § 5.

34-20A-103. Immunity from civil liability for injuries or death associated with administration of opioid antagonists. A physician who issues a standing order under the rules established pursuant to § 34-20A-102, a first responder acting under a standing order who administers an opioid antagonist in good faith compliance with the protocols for administering an opioid antagonist, and the first responder's employer, are not civilly liable for injuries, and may not be held to pay damages to any person, or the person's parents, siblings, children, estate, heirs, or devisees, for injuries or death associated with the administration of an opioid antagonist.

Source: SL 2015, ch 179, § 6.

34-20A-104. Possession and administration of opioid antagonists by person close to person at risk of overdose. A person who is a family member, friend, or other close third party to a person at risk for an opioid-related drug overdose may be prescribed, possess, distribute, or administer an opioid antagonist that is prescribed, dispensed, or distributed by a licensed health

care professional directly or by standing order pursuant to §§ 34-20A-104 to 34-20A-108, inclusive.

Source: SL 2016, ch 174, § 1.

34-20A-105. Prescription for opioid antagonist. A licensed health care professional may, directly or by standing order, prescribe an opioid antagonist to a person at risk of experiencing an opioid-related overdose, or prescribe to a family member, friend, or other close third party person the health care practitioner reasonably believes to be in a position to assist a person at risk of experiencing an opioid-related overdose.

Source: SL 2016, ch 174, § 2.

34-20A-106. Health care professional immunity from liability. A health care professional who is authorized to prescribe or dispense an opioid antagonist is not subject to any disciplinary action or civil or criminal liability for the prescribing or dispensing of an opioid antagonist to a person whom the health care professional reasonably believes may be in a position to assist or administer the opioid antagonist to a person at risk for an opioid-related drug overdose.

Source: SL 2016, ch 174, § 3.

34-20A-107. Prescription deemed issued for legitimate medical purpose. For the purpose of §§ 34-20A-104 to 34-20A-108, inclusive, any prescription issued pursuant to §§ 34-20A-104 to 34-20A-108, inclusive, is deemed to be issued for a legitimate medical purpose in the usual course of professional practice.

Source: SL 2016, ch 174, § 4.

34-20A-108. Duty or standard of care regarding opioid antagonists unaffected. The provisions of §§ 34-20A-104 to 34-20A-108, inclusive, do not establish a duty or standard of care with respect to the decision of whether to prescribe, dispense, or administer an opioid antagonist.

Source: SL 2016, ch 174, § 5.

34-20A-109. Definitions related to reporting person in need of emergency assistance for drug-related overdose. Terms used in §§ 34-20A-110 to 34-20A-113, inclusive, mean:

(1) "Drug-related overdose," an acute condition, including mania, hysteria, extreme physical illness, coma, or death resulting from the consumption or use of a controlled substance, or another substance with which a controlled substance was combined, and that a person would reasonably believe to be a drug overdose that requires medical assistance.

Source: SL 2017, ch 154, § 1.

34-20A-110. Immunity from arrest or prosecution for reporting person in need of emergency medical assistance for drug-related overdose. No person may be arrested or prosecuted for any misdemeanor or felony offense of possession, inhalation, ingestion, or otherwise taking into the body any controlled drug or substance if that person contacts any law enforcement or emergency medical services and reports that a person is in need of emergency medical assistance as the result of a drug-related overdose. A person qualifies for the immunities provided in §§ 34-20A-109 to 34-20A-113, inclusive, only if:

(1) The evidence for the charge or prosecution was obtained as a result of the person seeking medical assistance for another person;

(2) The person seeks medical assistance for another person who is in need of medical assistance for an immediate health or safety concern; and

(3) The person seeking medical assistance for another person remains on the scene and cooperates with medical assistance and law enforcement personnel.

Source: SL 2017, ch 154, § 2.

34-20A-111. Immunity from arrest or prosecution for reporting one's own need for emergency medical assistance for drug-related overdose. A person who experiences a drug-related overdose and is in need of medical assistance may not be arrested, charged, or prosecuted for any misdemeanor or felony offense of possession, inhalation, ingestion, or otherwise taking into the body any controlled drug or substance if that person contacts law enforcement or emergency medical services and reports that he or she is in need of medical assistance as the result of a drug-related overdose. A person qualifies for the immunities provided in this section only if the evidence for the charge or prosecution was obtained as a result of the drug-related overdose and the need for medical assistance.

Source: SL 2017, ch 154, § 3.

34-20A-112. Providing first aid or other medical assistance as mitigating factor--Limitations on immunity. Providing first aid or other medical assistance to someone who is experiencing a drug-related overdose may be used as a mitigating factor in a criminal prosecution for which immunity is not provided under §§ 34-20A-109 to 34-20A-113, inclusive. Nothing in §§ 34-20A-109 to 34-20A-113, inclusive, may be construed to:

(1) Bar the admissibility of any evidence obtained in connection with the investigation and prosecution of other crimes or violations committed by a person who otherwise qualifies for limited immunity pursuant to §§ 34-20A-109 to 34-20A-113, inclusive; or

(2) Limit, modify, or remove any immunity from liability currently available to public entities, public employees by law, or prosecutors.

Source: SL 2017, ch 154, § 4.

34-20A-113. One-time immunity. Any person seeking medical assistance or who reports a person is in need of medical assistance shall only qualify once for immunity under §§ 34-20A-109 to 34-20A-112, inclusive.

Source: SL 2017, ch 154, § 5.

This page intentionally left blank