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September 3, 2021

Honorable Steve Barnett
Secretary of State
500 E. Capitol
Pierre, SD 57501

RE: Attorney General's Statement – initiated measure making ingestion of a controlled substance a petty offense

Dear Secretary Barnett,

Enclosed is a copy of a proposed initiated measure, in final form, that the sponsor submitted to this Office. In accordance with state law, I hereby file the enclosed Attorney General's Statement for this initiated measure.

By copy of this letter, I am providing a copy of the Statement to the sponsors.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jason R. Ravensborg".

Jason R. Ravensborg
ATTORNEY GENERAL

JRR/dd
Enc.

Cc/encl: Payton Behrend

Title: An initiated measure making the unauthorized ingestion of a controlled drug or substance a petty offense

Explanation:

Under state law, controlled drugs or substances are those placed on one of four schedules by the Legislature. The established schedules can be found in chapter 34-20B of state law. These controlled drugs and substances include those that have no medical use, some potential for abuse or dependency, or are only available by prescription.

State law currently prohibits the ingestion of a controlled drug or substance unless the person has a valid prescription for the substance ingested. The maximum penalty for the unlawful ingestion of a Schedule I or II controlled drug or substance is 5 years in prison and a \$10,000 fine. The maximum penalty for the unlawful ingestion of a Schedule III or IV controlled drug or substance is 2 years in prison and a \$4,000 fine.

This measure re-classifies the unlawful ingestion of all controlled drugs or substances, regardless of schedule, as a petty offense. Petty offenses are civil proceedings under state law. For a petty offense, a judgment of \$25 may be imposed. No time in jail may be imposed for a petty offense.