



2024 South Dakota Legislature  
**House Bill 1028**  
**ENROLLED**

AN ACT

**ENTITLED An Act to classify xylazine as a Schedule III controlled substance, establish permissible uses, and to declare an emergency.**

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

**Section 1. That chapter 34-20B be amended with a NEW SECTION:**

Any material, compound, mixture, or preparation that contains xylazine is a Schedule III controlled drug or substance, except in the following cases:

- (1) Dispensing, prescribing, or administering, to an animal, a drug containing xylazine that has been approved by the United States secretary of health and human services under 21 U.S.C. § 360b (January 1, 2024);
- (2) Dispensing, prescribing, or administering xylazine to an animal that is permissible under 21 U.S.C. § 360b(a)(4) (January 1, 2024);
- (3) Manufacturing, distributing, or using xylazine as an active pharmaceutical ingredient for manufacturing an animal drug:
  - (a) Approved under 21 U.S.C. § 360b (January 1, 2024); or
  - (b) Issued an investigation use exemption under 21 U.S.C. § 360b(j) (January 1, 2024);
- (4) Manufacturing, distributing, or using a xylazine bulk chemical for pharmaceutical compounding by a licensed pharmacist or veterinarian; or
- (5) Any other use approved or permissible under 21 U.S.C. § 301, et seq. (January 1, 2024).

**Section 2.** Whereas, this Act is necessary for the immediate preservation of the public peace, health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

An Act to classify xylazine as a Schedule III controlled substance, establish permissible uses, and to declare an emergency.

I certify that the attached Act originated in the:  
House as Bill No. 1028

Received at this Executive Office this \_\_\_\_ day of \_\_\_\_\_, 2024 at \_\_\_\_\_ M.

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

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

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

The attached Act is hereby approved this \_\_\_\_ day of \_\_\_\_\_, A.D., 2024

Attest:

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

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

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

Attest:

Filed \_\_\_\_\_, 2024 at \_\_\_\_\_ o'clock \_\_ M.

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

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

House Bill No. 1028  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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