



2022 South Dakota Legislature

House Bill 1164

Introduced by: **Representative** Deutsch

1 **An Act to establish provisions for the regulation of certain products derived from**
2 **industrial hemp.**

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

4 **Section 1. That chapter 38-35 be amended with a NEW SECTION:**

5 The Department of Health shall promulgate rules, pursuant to chapter 1-26,
6 establishing testing requirements for the health and safety of any industrial hemp product
7 created by a processor using the isomerization or acetylation of cannabinoids and intended
8 for human consumption. The rules must provide:

9 (1) Certification standards, requirements for equipment, and qualifications for
10 personnel at laboratories approved by the Department of Health; and

11 (2) Procedures and standards for the testing of:

12 (a) Cannabinoid content and potency;

13 (b) Microbials;

14 (c) Mycotoxins;

15 (d) Metals;

16 (e) Pesticides; and

17 (f) Solvents.

18 **Section 2. That chapter 38-35 be amended with a NEW SECTION:**

19 The Department of Health shall promulgate rules, pursuant to chapter 1-26,
20 establishing labeling requirements for the health and safety of any industrial hemp product
21 created by a processor using the isomerization or acetylation of cannabinoids and intended
22 for human consumption. Labels must contain:

23 (1) The results of any testing mandated by the Department of Health;

24 (2) A statement that there may be health risks associated with the use of the product;

25 (3) Ingredients and possible allergens;

- 1 (4) The length of time it typically takes for a product to take effect;
- 2 (5) A nutritional fact panel; and
- 3 (6) Clear identification that the product is identifiable as an industrial hemp product.

4 **Section 3. That chapter 38-35 be amended with a NEW SECTION:**

5 An industrial hemp product created by a processor using the isomerization or
6 acetylation of cannabinoids and intended for human consumption may not be sold without
7 a label meeting the requirements established under any rule adopted under section 2 of
8 this Act. A violation of this section is a Class 1 misdemeanor.

9 **Section 4. That chapter 38-35 be amended with a NEW SECTION:**

10 If an industrial hemp product was created using the isomerization or acetylation of
11 cannabinoids, is intended for human consumption, and was processed outside of this
12 state, the product may not be sold at retail unless it meets substantially similar
13 requirements established under any rule adopted under sections 1 and 2 of this Act. A
14 violation of this section is a Class 1 misdemeanor.

15 **Section 5. That chapter 38-35 be amended with a NEW SECTION:**

16 An industrial hemp product created using the isomerization or acetylation of
17 cannabinoids and intended for human consumption may not be knowingly sold or
18 distributed to any person under the age of twenty-one years. A violation of this section is
19 a Class 1 misdemeanor.