

Committee: Senate Agriculture and Natural Resources Thursday, February 17, 2022 10:00 AM

Roll Call

Present: Sen. Cammack, Sen. Duvall, Sen. Klumb, Sen. Herman Otten, and Sen. V. J. Smith

Excused: Sen. Frye-Mueller and Sen. Heinert

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Senator V. J. Smith

MOTION: TO APPROVE THE MINUTES OF TUESDAY, FEBRUARY 15TH

Moved by: Klumb

Second by: Duvall

Action: Prevailed by voice vote

SB 201 : revise provisions regarding industrial hemp and to declare an emergency.

Presented by: Senator Joshua Klumb, District 20

Proponents: Katie Sieverding, South Dakota Industrial Hemp Association, Pierre (Handout(s) 1)

Ken Meyer, South Dakota Industrial Hemp Association, Pierre

Opponents: Derek Schiefelbein, Department of Agriculture and Natural Resources

MOTION: AMEND SB 201

201B

On page 2, line 1, of the Introduced bill, after "hemp" insert " with a total delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent, derived from or made by processing industrial hemp"

On page 2, line 3, of the Introduced bill, after "field " insert "or greenhouse "

On page 2, line 17, of the Introduced bill, delete " the transfer of hemp product between one or more state or federally licensed hemp processors during the process of processing state or federally approved, lab-tested biomass from licensed growers into a finished industrial hemp product" and insert " the product being processed by a state licensed hemp processor or the transfer of that product at no higher than five percent total delta-9 tetrahydrocannabinol between one or more licensed hemp processors during the process of processing state or federally approved, lab-tested biomass from a licensed grower into a finished industrial hemp product"

On page 3, line 26, of the Introduced bill, after "acre" insert " with a three hundred plant minimum"

On page 3, line 26, of the Introduced bill, after "greenhouse" insert " with a fifty plant minimum,"

On page 4, line 4, of the Introduced bill, after "38-35-3. " insert "Applicants for a research license must be affiliated with an accredited university. "

On page 4, line 7, of the Introduced bill, after "produced " insert "or processed "

On page 4, line 10, of the Introduced bill, after "seed" delete " and industrial hemp product"

On page 8, line 11, of the Introduced bill, after "dollars, " insert "a remediation fee not to exceed one hundred dollars per hour, "

On page 8, line 21, of the Introduced bill, after "Agriculture;" delete " and"

On page 8, line 24, of the Introduced bill, after "results" insert "; and

(3) Establish labeling requirements for industrial hemp products"

On page 8, line 28, of the Introduced bill, after "the " insert "total "

On page 8, line 29, of the Introduced bill, after "a " insert "total "

On page 8, line 32, of the Introduced bill, after "the " insert "total "

On page 9, line 4, of the Introduced bill, after "a " insert "total "

On page 9, line 12, of the Introduced bill, after "of " insert "total "

On page 9, line 16, of the Introduced bill, after "of " insert "total "

On page 10, after line 11, of the Introduced bill, insert: "

Section 17. That chapter 38-35 be amended with a NEW SECTION:

Industrial hemp used in wildlife food plots not intended to be harvested must be sampled by November 1 of the year planted. No cannabidiol varieties shall be grown for the purpose of wildlife food plots.

On page 10, line 13, of the Introduced bill, after "AMENDED:" delete "39-14-39. Terms used in this chapter mean:

- (1) "Brand name," any word, name, symbol, or device, or any combination thereof, identifying the commercial feed of a distributor or registrant and distinguishing it from that of others;
- (2) "Commercial feed," any material except unmixed seed, whole or processed, if not adulterated within the meaning of §§ 39-14-46 to 39-14-52, inclusive, and hemp, as defined in § 38-35-1 which is distributed for use as feed or for mixing in feed;
- (3) "Contract feeder," a person, who as an independent contractor, feeds commercial feed to animals pursuant to a contract whereby the commercial feed is supplied, furnished, or otherwise provided to the person and whereby the person's remuneration is determined all or in part by feed consumption, mortality, profits, or amount or quality of product;
- (4) "Customer formula feed," commercial feed which that consists of a mixture of commercial feeds and feed ingredients, each batch of which is manufactured according to the specific instructions of the final purchaser;
- (5) "Distribute," to offer for sale, sell, exchange, or barter, commercial feed; or to supply, furnish, or otherwise provide commercial feed to a contract feeder;
- (6) "Distributor," any person who distributes;
- (7) "Drug," any article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in animals other than man, and articles other than feed intended to affect the structure or any function of the animal body;
- (8) "Feed ingredient," each of the constituent materials making up a commercial feed;
- (9) "Label," a display of written, printed, or graphic matter upon or affixed to the container in which a commercial feed is distributed, or on the invoice or delivery slip with which a commercial feed is distributed;
- (10) "Labeling," all labels and other written, printed, or graphic matter upon a commercial feed, or any of its containers, or wrappers, or accompanying a commercial feed;
- (11) "Manufacture," to grind, mix, or blend, or further process a commercial feed for distribution;
- (12) "Mineral feed," a commercial feed intended to supply primarily mineral elements or inorganic nutrients;
- (13) "Official sample," a sample of commercial feed taken by the secretary of agriculture and natural resources or his agent in accordance with the provisions of § 39-14-62, 39-14-66, or 39-14-67;
- (14) "Percent" or "percentages," percentages by weights;
- (15) "Pet," any domesticated animal normally maintained in or near the household of the owner of the animal;
- (16) "Pet food," any commercial feed prepared and distributed for consumption by dogs and cats;
- (17) "Product name," the name of the commercial feed which that identifies it as to kind, class, or specific use;
- (18) "Specialty pet," any domesticated animal pet normally maintained in a cage or tank, such as gerbils, hamsters, canaries, psittacine birds, mynahs, finches, tropical fish, goldfish, snakes, and turtles;
- (19) "Specialty pet food," a commercial feed prepared and distributed for consumption by specialty pets; and
- (20) "Ton," a net weight of two thousand pounds avoirdupois."

On page 11, line 32, of the Introduced bill, after "SECTION:" delete "Section 17 of this Act is effective on the date that the secretary of the Department of Agriculture and Natural Resources

certifies that the United States Food and Drug Administration has approved hemp, or any substance derived from hemp, as an approved additive or defined ingredient in commercial feed for livestock."

Moved by: Duvall
Second by: Cammack
Action: Prevailed by voice vote

MOTION: DO PASS SB 201 AS AMENDED

Moved by: Cammack
Second by: Herman Otten
Action: Prevailed by Majority Members Elect (5-0-2-0)

Voting Yes: Cammack, Duvall, Klumb, Herman Otten, and V. J. Smith

Excused: Frye-Mueller and Heinert

Senator V.J. Smith passed the gavel to Chair Klumb.

JULIE BARTLING OF GREGORY COUNTY, GREGORY, SOUTH DAKOTA, TO THE GAME, FISH AND PARKS COMMISSION

Presented by: Tom Kirschenmann, Department of Game, Fish and Parks
Proponents: Julie Bartling, self, Gregory

MOTION: THAT THE SENATE ADVISE AND CONSENT TO THE APPOINTMENT OF JULIE BARTLING OF GREGORY COUNTY, GREGORY, SOUTH DAKOTA, TO THE GAME, FISH AND PARKS COMMISSION

Moved by: Duvall
Second by: V. J. Smith
Action: Prevailed by Majority Members Elect (5-0-2-0)

Voting Yes: Cammack, Duvall, Klumb, Herman Otten, and V. J. Smith

Excused: Frye-Mueller and Heinert

HB 1131 : provide for a revocation of hunting, trapping, or fishing privileges.

Presented by: Senator Ryan Maher, District 28
Proponents: Doug Abraham, South Dakota Landowner and Outfitter Alliance, Pierre
David Nauman, South Dakota Wildlife Federation Camo Coalition, Pierre
David Nauman, self, Pierre

MOTION: DO PASS HB 1131

Moved by: Cammack
Second by: V. J. Smith
Action: Prevailed by Majority Members Elect (5-0-2-0)

Voting Yes: Cammack, Duvall, Klumb, Herman Otten, and V. J. Smith

Excused: Frye-Mueller and Heinert

HAVING PASSED UNANIMOUSLY, THE CHAIR CERTIFIED HB 1131 AS UNCONTESTED AND AS SUCH BE PLACED ON THE CONSENT CALENDAR.

MOTION: ADJOURN

Moved by: V. J. Smith
Second by: Herman Otten
Action: Prevailed by voice vote

Amber Hodgkin, Committee Secretary

/s/ JOSHUA KLUMB
Joshua Klumb, Chair