



## 2025 South Dakota Legislature

# House Bill 1116

Introduced by: **Representative Bahmuller**

1 **An Act to repeal a reporting requirement and adopt provisions regarding the use of**  
 2 **industrial hemp.**

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

4 **Section 1. That § 39-14-39 be AMENDED:**

5 **39-14-39.** Terms used in this chapter mean:

- 6 (1) "Brand name," any word, name, symbol, or device, or any combination thereof,  
 7 identifying the commercial feed of a distributor or registrant and distinguishing it  
 8 from that of others;
- 9 (2) "Commercial feed," any material except unmixed seed, whole or processed, if not  
 10 adulterated within the meaning of §§ 39-14-46 to 39-14-52, inclusive, ~~which~~ that  
 11 is distributed for use as feed or for mixing in feed;
- 12 (3) "Contract feeder," a person who, ~~as~~ as an independent contractor, feeds commercial  
 13 feed to animals pursuant to a contract whereby the commercial feed is supplied,  
 14 furnished, or otherwise provided to the person and whereby the person's  
 15 remuneration is determined all or in part by feed consumption, mortality, profits,  
 16 or amount or quality of product;
- 17 (4) "Customer formula feed," commercial feed ~~which~~ that consists of a mixture of  
 18 commercial feeds and feed ingredients, ~~each~~ each batch of which is manufactured  
 19 according to the specific instructions of the final purchaser;
- 20 (5) "Distribute," to offer for sale, sell, exchange, or barter, commercial feed; or to  
 21 supply, furnish, or otherwise provide commercial feed to a contract feeder;
- 22 (6) "Distributor," any person who distributes;
- 23 (7) "Drug," any article intended for use in the diagnosis, cure, mitigation, treatment,  
 24 or prevention of disease in animals other than man, and articles other than feed  
 25 intended to affect the structure or any function of the animal body;
- 26 (8) "Feed ingredient," each of the constituent materials making up a commercial feed;

- 1 (9) "Label," a display of written, printed, or graphic matter upon or affixed to the  
 2 container in which a commercial feed is distributed, or on the invoice or delivery  
 3 slip with which a commercial feed is distributed;
- 4 (10) "Labeling," all labels and other written, printed, or graphic matter upon a  
 5 commercial feed or any of its containers or wrappers or accompanying a  
 6 commercial feed;
- 7 (11) "Manufacture," to grind, mix, or blend, or further process a commercial feed, for  
 8 distribution;
- 9 (12) "Mineral feed," a commercial feed intended to supply primarily mineral elements  
 10 or inorganic nutrients;
- 11 (13) "Official sample," a sample of commercial feed taken by the secretary of agriculture  
 12 and natural resources or ~~his~~ the secretary's agent in accordance with the provisions  
 13 of § 39-14-62, 39-14-66, or 39-14-67;
- 14 (14) "Percent" or "percentages," percentages by weights;
- 15 (15) "Pet," any domesticated animal normally maintained in or near the household of  
 16 the owner of the animal;
- 17 (16) "Pet food," any commercial feed prepared and distributed for consumption by dogs  
 18 and cats;
- 19 (17) "Pet treat," any edible product intended for pets and specialty pets, which does not  
 20 provide complete and balanced nutrition and is provided intermittently for training,  
 21 reward, or entertainment;
- 22 ~~(18)~~ (18) "Product name," the name of the commercial feed ~~which~~ that identifies it as to  
 23 kind, class, or specific use;
- 24 ~~(18)~~ (19) "Specialty pet," any domesticated animal pet normally maintained in a cage or  
 25 tank, such as gerbils, hamsters, canaries, psittacine birds, mynahs, finches,  
 26 tropical fish, goldfish, snakes, and turtles;
- 27 ~~(19)~~ (20) "Specialty pet food," a commercial feed prepared and distributed for  
 28 consumption by specialty pets; and
- 29 ~~(20)~~ (21) "Ton," a net weight of two thousand pounds avoirdupois.

30 **Section 2. That a NEW SECTION be added to chapter 39-14:**

31 Industrial hemp or any substance derived from industrial hemp may be used in this  
 32 state as an ingredient in pet food, specialty pet food, pet treats, and horse feed, provided  
 33 that the industrial hemp or substance derived from industrial hemp contains a  
 34 concentration of no more than three-tenths of one percent tetrahydrocannabinol.

1 **Section 3. That a NEW SECTION be added to chapter 39-18:**

2 Any balm or lotion product containing industrial hemp may be used in this state as  
3 an animal remedy, provided:

4 (1) It is applied topically;

5 (2) It complies with the requirements of this chapter; and

6 (3) It contains a concentration of no more than three-tenths of one percent  
7 tetrahydrocannabinol.

8 **Section 4. That § 38-35-19 be REPEALED.**

9 ~~The attorney general shall annually collect and compile information, statistical and~~  
10 ~~otherwise, which will, as far as practicable, present an accurate survey and may be useful~~  
11 ~~in the study of the effect legalizing industrial hemp has had on controlled substance and~~  
12 ~~marijuana prosecutions in this state, including the extent and character of alleged crimes~~  
13 ~~not prosecuted or dismissed, the operations of police in drug investigations, the charging~~  
14 ~~discretion of prosecuting attorneys, and the administration of criminal justice due to the~~  
15 ~~legalization of industrial hemp. All information collected under this section shall be~~  
16 ~~reported annually to the Governor and Legislature by December first each year.~~