

2025 South Dakota Legislature

House Bill 1109**AMENDMENT 1109A
FOR THE INTRODUCED BILL**

1 **An Act to prohibit the manufacture, sale, or distribution of cell-cultured meat in this**
2 **state, and to provide a penalty therefor.**

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

4 **Section 1. That a NEW SECTION be added to chapter 34-18:**

5 A person may not sell, hold, or offer for sale, or distribute cell-cultured meat in this
6 state.

7 A violation of this section is a Class 2 misdemeanor.

8 Upon receipt of a complaint, the Department of Health may inspect any food service
9 establishment, mobile food service establishment, or temporary food service
10 establishment for a possible violation of this section, as provided in § 34-18-27.3. If the
11 inspection indicates the establishment is in violation of this section, the department must
12 issue a stop-sale order.

13 Upon any conviction pursuant to this section, the department may, if warranted,
14 proceed in accordance with chapter 1-26 to suspend, revoke, or deny renewal of the
15 license of the food service establishment, mobile food service establishment, or temporary
16 food service establishment as provided under §§ 34-18-27.1 and 34-18-27.3.

17 For purposes of this section, the term "cell-cultured meat" means animal tissue
18 that is produced from animal cell cultures grown in a laboratory instead of by the
19 traditional practice of raising and slaughtering animals.

20 **Section 2. That § 39-5-38 be AMENDED:**

21 **39-5-38.** Any carcass, part of a carcass, a food product made of cell-cultured meat
22 as defined in section 3 of this Act, or meat food product of any livestock or any dying,
23 crippled, or diseased livestock that is being transported in this state, or is held for sale or
24 donation in this state after such transportation, and that-

1 ~~(1) Is or has been prepared, sold, transported, or otherwise distributed or offered or~~
2 ~~received for distribution in violation of this chapter; or~~
3 ~~(2) Is capable of use as human food and is adulterated or misbranded; or~~
4 ~~(3) In any other way is in violation of this chapter,~~
5 shall be is liable to be proceeded against and seized and condemned, at any time,
6 by an action in the circuit court of ~~South Dakota~~ this state within the jurisdiction of which
7 the article or animal is found. If the article or animal is condemned it ~~shall~~ must, after
8 entry of the decree, be disposed of by destruction or sale as the court may direct and the
9 proceeds, if sold, less the court costs and fees, and storage and other proper expenses,
10 shall be paid into the treasury of this state, but the article or animal ~~shall~~ may not be sold
11 contrary to the provisions of this chapter or federal law: ~~Provided, that upon.~~ Upon the
12 execution and delivery of a good and sufficient bond conditioned that the article or animal
13 ~~shall~~ may not be sold or otherwise disposed of contrary to the provisions of this chapter
14 or federal law, the court may direct that ~~such the~~ article or animal be delivered to the
15 owner thereof subject to ~~such~~ supervision by authorized representatives of the executive
16 secretary of the Animal Industry Board as is necessary to ensure compliance with this
17 chapter. When a decree of condemnation is entered against the article or animal and it is
18 released under bond, or destroyed, court costs ~~and~~, fees, ~~and~~ storage costs, and other
19 expenses ~~shall~~ must be awarded against the person, if any, intervening as claimant of the
20 article or animal.

21 **Section 3. That a NEW SECTION be added to chapter 39-5:**

22 A person may not manufacture for sale cell-cultured meat in this state.

23 A violation of this section is a Class 2 misdemeanor, after notice is provided
24 pursuant to § 39-5-42.

25 Upon any conviction pursuant to this section, the executive secretary of the Animal
26 Industry Board may, if warranted, proceed in accordance with chapter 1-26 to suspend,
27 revoke, or deny any of the violator's meat processing licenses described in § 39-5-11.1.

28 Cell-cultured meat products manufactured in violation of this section may be seized
29 and condemned pursuant to § 39-5-38, to be disposed of by action within the circuit court
30 of this state that has jurisdiction over the place where the product was found.

31 For purposes of this section, the term "cell-cultured meat" means animal tissue
32 that is produced from animal cell cultures grown in a laboratory or bioreactor instead of
33 by the traditional practice of raising and slaughtering animals.

- 1 **Section 4.** The provisions of this Act are repealed on June 30, 2035, and Code sections
- 2 amended by this Act will revert in word and substance to that which existed immediately prior
- 3 to the effective date of this Act.

AMENDED