



## 2026 South Dakota Legislature

# House Bill 1019

*Introduced by: The Chair of the Committee on Agriculture and Natural Resources at the request of the Department of Agriculture and Natural Resources*

1 **An Act to remove knowledge and intent from certain actions involving pesticide  
2 laws.**

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

4 **Section 1. That § 38-20A-13 be AMENDED:**

5 **38-20A-13.** If the secretary determines, based on the preponderance of evidence,  
6 that a registered pesticide or its labeling does not comply with the provisions of this  
7 chapter or rules promulgated under this chapter, the secretary may cancel the registration  
8 of that pesticide, subject to a hearing under the provisions of chapter 1-26.

9 **Section 2. That § 38-20A-26 be AMENDED:**

10 **38-20A-26.** No person may ~~knowingly or willfully~~ distribute, sell, or offer for sale  
11 within this state any pesticide ~~which that~~ is adulterated or misbranded, or any device  
12 ~~which that~~ is misbranded.

13 **Section 3. That § 38-20A-27 be AMENDED:**

14 **38-20A-27.** No person may ~~knowingly or willfully~~ distribute, sell, or offer for sale  
15 within this state ~~any~~:

16 (1) Any pesticide ~~which that~~ is not registered under the provisions of §§ 38-20A-4 to  
17 38-20A-13, inclusive; ~~or any~~

18 (2) Any pesticide, if any of the claims made or any of the directions for the pesticide's  
19 use differ in substance from the representations made in connection with its  
20 registration; ~~or any~~

21 (3) Any pesticide, if the composition of the pesticide differs from the composition  
22 represented in its registration.

1           The secretary may allow a change in the labeling or formula of a pesticide within a  
2 registration period without requiring reregistration of the pesticide.

3 **Section 4. That § 38-20A-28 be AMENDED:**

4           **38-20A-28.** No person may ~~knowingly or willfully~~ distribute, sell, or offer for sale  
5 within this state any pesticide, unless it is in the registrant's or the manufacturer's  
6 unbroken immediate container and there is affixed to the container, and to the outside  
7 container or wrapper, if one exists, through which the ingredient statement on the  
8 immediate container cannot be clearly read, a label bearing clearly and plainly the  
9 information required in this chapter.