



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.