



2026 South Dakota Legislature

Senate Bill 81

Introduced by: Senator Howard

1 **An Act to clarify the prohibition on injuring or harassing a service animal.**

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

3 **Section 1. That § 40-1-38 be AMENDED:**

4 **40-1-38.** No person may maliciously beat, injure, attempt to injure, harass,
5 intimidate, entice, distract, or otherwise interfere with any service animal accompanying
6 a person with a disability ~~if the service animal is being controlled by the person and the
7 service animal is wearing a harness or other control device normally used for service
8 animals accompanying or leading persons with disabilities.~~ A violation of this section is a
9 Class-2~~1~~ misdemeanor.

10 For purposes of this section, "service animal" means a dog that is trained to do
11 work or perform tasks for the benefit of an individual with a disability, as set forth in 28
12 C.F.R. § 36.104 (January 1, 2026), provided the work or tasks performed by the dog are
13 directly related to the individual's disability. The crime deterrent effects of a dog's
14 presence and the provision of emotional support, well-being, comfort, or companionship
15 do not constitute work or tasks.