



2026 South Dakota Legislature

House Bill 1077

Introduced by: **Representative Auch**

1 **An Act to consider a cultivated-protein food product to be adulterated food.**

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

3 **Section 1. That § 39-4-2 be AMENDED:**

4 **39-4-2.** For the purposes of this title, ~~food shall be~~ is deemed to be adulterated:

5 (1) If any substance has been mixed and packed with ~~it so as~~ the food to reduce,
6 lower, or injuriously affect ~~its~~ the food's quality or strength;

7 (2) If any substance has been substituted wholly or in part for ~~it~~ the food;

8 (3) If any valuable constituent ~~thereof~~ of the food has been wholly or in part
9 abstracted;

10 (4) If ~~it be~~ the food is mixed, colored, powdered, coated, or stained ~~in a manner~~
11 ~~whereby to conceal~~ damage or inferiority ~~is concealed~~;

12 (5) If ~~it contain~~ the food contains any poisonous or otherwise deleterious ingredient,
13 added or natural, which may render ~~it~~ the food injurious to health, ~~provided that~~
14 ~~when in the preparation of food products~~ the food is being prepared for shipment,
15 ~~they are~~ it is preserved by an external application applied ~~in such manner so~~ that
16 the preservative is necessarily removed mechanically, or by maceration in water,
17 or otherwise before eating, and directions for the removal of ~~such~~ the preservative
18 ~~shall be~~ are plainly and conspicuously printed on the label of the package, the
19 provisions of this chapter ~~shall be~~ are construed as applying only when ~~such~~ the
20 products are ready for consumption;

21 (6) If it consists in whole or in part of ~~a~~;

22 (a) A filthy, decomposed, or putrid animal or vegetable substance, ~~or of any~~;

23 (b) Any portion of any animal unfit for food, ~~whether manufactured or not; or~~
24 ~~if it is the~~;

25 (c) Any product of a portion of a diseased animal or of an animal ~~which that~~
26 has been fed upon the uncooked offal from a slaughterhouse or other

1 substance unfit for animal food, or of ~~one~~ an animal that has died otherwise
2 than by slaughter; ~~or~~

3 (7) If in the manufacture, sale, distribution, transportation, or in the offering or
4 exposing for sale, distribution, or transportation, it is not at all times securely
5 protected from all filth, flies, dust, contamination, or other unclean, unhealthful, or
6 insanitary conditions; or

7 (8) If it is a cultivated-protein food product.

8 For purposes of this section, "cultivated-protein food product" means a food
9 product having one or more sensory attributes that resemble a type of tissue originating
10 from an agricultural food animal but that is derived from manufacturing cells, including
11 processes in which stem cells that were initially isolated from an agricultural food animal
12 are grown in vitro, and may be manipulated, as part of a manufacturing process.