

2026 South Dakota Legislature

House Bill 1019

**AMENDMENT 1019A
FOR THE INTRODUCED BILL**

1 **An Act to ~~remove knowledge and intent from certain actions involving pesticide laws~~**
2 **revise provisions regarding pesticide 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 may cancel the registration of a pesticide, subject to
6 a hearing under the provisions of chapter 1-26, if the secretary determines, ~~based on the~~
7 preponderance of evidence, that a ~~that the~~ registered pesticide or its labeling ~~does:~~
8 (1) ~~Does~~ not comply with the provisions of this chapter or rules promulgated under
9 this chapter,
10 ~~the secretary may cancel the registration of that pesticide, subject to a hearing~~
11 under the provisions of chapter 1-26; or
12 (2) ~~Is~~ adulterated or misbranded.

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

14 **38-20A-26.** ~~No person may knowingly or willfully distribute, sell, or offer for sale~~
15 within this state any pesticide which ~~that~~ is adulterated or misbranded, or any device
16 which ~~that~~ is misbranded.

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

18 **38-20A-27.** ~~No person may knowingly or willfully distribute, sell, or offer for sale~~
19 within this state any:
20 (1) ~~Any pesticide which~~ is not registered under the provisions of §§ 38-20A-4 to
21 38-20A-13, inclusive; or any

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

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

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

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

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