

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 that 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.~~