



2026 South Dakota Legislature

Senate Bill 123

Introduced by: **Senator Perry**

1 **An Act to prohibit the manufacture, sale, and distribution of any product containing**
 2 **cell-cultured protein, and provide a penalty therefor.**

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

4 **Section 1. That § 32-22-51.2 be AMENDED:**

5 **32-22-51.2.** The unloading of livestock as defined by ~~subdivision 39-5-6(11)~~ in
 6 § 39-5-6, is prohibited for the enforcement of violations of §§ 32-22-16 and 32-22-21.
 7 The officer shall issue to the driver of the vehicle at the point of violation a special
 8 overweight permit for the amount of the overload if the load cannot be adjusted to the
 9 legal limits without unloading. The permit authorized pursuant to this section is issued at
 10 the flat rate of one hundred dollars for an overweight permit. The flat rate shall include
 11 the cost of issuing the permit. This permit authorizes the driver to operate the overweight
 12 vehicle to the point of destination within the state or the point of exit from the state. This
 13 permit does not, however, exempt the operator from any other enforcement actions.

14 **Section 2. That a NEW SECTION be added to chapter 34-18:**

15 A person may not sell, hold, offer for sale, or distribute in this state any product
 16 containing cell-cultured protein, as defined in § 39-5-6.

17 A violation of this section is a Class 2 misdemeanor.

18 Upon receipt of a complaint, the department may inspect any food service
 19 establishment, mobile food service establishment, or temporary food service
 20 establishment for a possible violation of this section, as provided in § 34-18-27.3. If the
 21 inspection indicates the establishment is in violation of this section, the department must
 22 issue a stop-sale order.

23 Upon any conviction pursuant to this section, the department may proceed in
 24 accordance with chapter 1-26 to suspend, revoke, or deny renewal of the license of the

1 food service establishment, mobile food service establishment, or temporary food service
 2 establishment, as provided under §§ 34-18-27.1 and 34-18-27.3.

3 **Section 3. That § 39-5-6 be AMENDED:**

4 **39-5-6.** Terms used in this chapter mean:

- 5 (1) "Animal food manufacturer," any person engaged in the business of manufacturing
 6 or processing animal food derived wholly or in part from carcasses, or parts or
 7 products of the carcasses, of livestock;
- 8 (2) "Capable for use as human food," any carcass, or part or product of a carcass of
 9 any livestock, unless it is denatured or otherwise identified as required by rules
 10 promulgated pursuant to chapter 1-26 by the secretary to deter its use as human
 11 food, or it is naturally inedible by humans;
- 12 (3) "Carcass," any part, including viscera, of any slaughtered livestock, that is capable
 13 of being used for human food;
- 14 (4) "Cell-cultured protein," a product that is produced for use as human food, made
 15 wholly or in part from any cell culture or DNA of a host animal, and grown or
 16 cultivated outside a live animal;
- 17 (5) "Custom exempt plant," a person engaged in custom slaughtering and preparation
 18 of meat food products for household use by the owner as provided in subdivision
 19 39-5-11(2);
- 20 ~~(5)~~(6) "Federal Meat Inspection Act," the act of Congress approved March 4, 1907, as
 21 amended and extended to January 1, 1991 (21 U.S.C.) and the imported meat
 22 provisions of subsections 620(b), (c) as amended to January 1, 1991;
- 23 ~~(6)~~(7) "Inedible products renderer," any person engaged in the business of rendering
 24 carcasses, or parts or products of the carcasses, of livestock, except rendering
 25 conducted under inspection or exemption under this chapter;
- 26 ~~(7)~~(8) "Inspector," an employee or official of this state authorized by the secretary to
 27 inspect livestock or carcasses, parts thereof, or meat food products under this
 28 chapter;
- 29 ~~(8)~~(9) "Intrastate commerce," commerce wholly within this state;
- 30 ~~(9)~~(10) "Label," a display of written, printed, or graphic matter upon the immediate
 31 container ~~(not including package liners)~~ of any article;
- 32 ~~(10)~~(11) "Labeling," any label or other written, printed, or graphic matter upon or
 33 accompanying any article or any of its containers or wrappers;

- 1 ~~(11)~~(12) "Livestock," cattle, bison, sheep, swine, goats, equine, ratites, captive cervidae
2 as permitted under § 40-3-14, and other species as requested by the owner and
3 authorized by the secretary;
- 4 ~~(12)~~(13) "Livestock producer," any natural person, partnership, or corporation if over
5 fifty percent of his or its annual income is derived from production of agricultural
6 products and on whose farm the number of livestock is in keeping with the size of
7 the farm or the volume or character of the agricultural products produced thereon;
- 8 ~~(13)~~(14) "Meat," the edible part of the muscle of cattle, bison, sheep, swine, goats,
9 equine, ratites, captive cervidae, and other species as requested by the owner and
10 authorized by the secretary, which is skeletal or which is found in the tongue, in
11 the diaphragm, in the heart, or in the esophagus, with or without the accompanying
12 and overlying fat, and the portions of bone, skin, sinew, nerve, and blood vessels
13 which normally accompany the muscle tissue and which are not separated from it
14 in the process of dressing. It does not include the muscle found in the lips, snout,
15 or ears;
- 16 ~~(14)~~(15) "Meat broker," any person engaged in the business of buying or selling livestock
17 carcasses, parts thereof, or meat food products on commission, or otherwise
18 negotiating purchases or sales of ~~such~~ these articles other than for his own account
19 or as an employee of another person;
- 20 ~~(15)~~(16) "Meat by-product," any edible part other than meat, which has been derived
21 from one or more cattle, bison, sheep, swine, goats, equine, ratites, captive
22 cervidae, and other species as requested by the owner and authorized by the
23 secretary;
- 24 ~~(16)~~(17) "Meat food products," any product capable of use as human food which is made
25 wholly or in part from any meat or other portion of the carcass of any cattle, bison,
26 sheep, swine, goats, equine, ratites, captive cervidae, and other species as
27 requested by the owner and authorized by the secretary, excepting products ~~which~~
28 that contain meat or other portions of ~~such~~ carcasses only in a relatively small
29 proportion or historically have not been considered by consumers as products of
30 the meat food industry, and which are exempted from definition as a meat food
31 product by ~~regulations~~ rules promulgated by the secretary pursuant to chapter 1-
32 26, under ~~such conditions as~~ those conditions the secretary may deem appropriate
33 to effectuate the purposes of this chapter;
- 34 ~~(17)~~(18) "Meat processing establishment," an official establishment ~~as defined in this~~
35 ~~section~~ engaged in the preparation or processing of meat food products;

- 1 ~~(18)~~(19) "Official certificate," any certificate prescribed by rules promulgated pursuant
 2 to chapter 1-26 by the secretary for issuance by an inspector or other person
 3 performing official functions under this chapter;
- 4 ~~(19)~~(20) "Official establishment," any establishment ~~in this state as determined by the~~
 5 ~~secretary~~ at which inspection of the slaughter of livestock or the preparation of
 6 livestock carcasses or parts thereof or meat products is maintained under this
 7 chapter;
- 8 ~~(20)~~(21) "Official inspection legend," any symbol prescribed by rules promulgated by the
 9 secretary pursuant to chapter 1-26 showing that an article was inspected and
 10 passed in accordance with this chapter;
- 11 ~~(21)~~(22) "Official mark," the official inspection legend or any other symbol prescribed by
 12 rules promulgated by the secretary pursuant to chapter 1-26 to identify the status
 13 of any article or animal under this chapter;
- 14 ~~(22)~~(23) "Prepared," slaughtered, canned, salted, rendered, boned, cut up, or otherwise
 15 manufactured or processed;
- 16 ~~(23)~~(24) "Retail dealer," any person engaged in selling carcasses, parts thereof, or meat
 17 food products of cattle, bison, sheep, swine, goats, equine, ratites, captive
 18 cervidae, and other species as requested by the owner and authorized by the
 19 secretary;
- 20 ~~(24)~~(25) "Retail store meat processor," a person engaged in the retail sale of food for
 21 human consumption, the retail sale of meat food products, and in the processing
 22 or preparation of meat or meat by-products for retail sale as meat food products;
- 23 ~~(25)~~(26) "Secretary," executive secretary of the South Dakota State Animal Industry
 24 Board, ~~or any person authorized to act in his stead~~;
- 25 ~~(26)~~(27) "Slaughtering establishment," an official establishment as defined in this
 26 section engaged in the slaughtering of livestock; and
- 27 ~~(27)~~(28) "Veterinary inspector," an employee or official of this state, licensed to practice
 28 veterinary medicine in this state, and authorized by the secretary to inspect
 29 livestock or carcasses, parts thereof, or meat food products under this chapter.

30 **Section 4. That § 39-5-38 be AMENDED:**

31 **39-5-38.** Any carcass, part of a carcass, product made of cell-cultured protein, or
 32 meat food product of any livestock or any dying, crippled, or diseased livestock that is
 33 being transported in this state, or is held for sale or donation in this state after ~~such~~
 34 transportation, and that:

1 ~~(1) Is or has been prepared, sold, transported, or otherwise distributed or offered~~
 2 ~~or received for distribution in violation of this chapter; or~~
 3 ~~(2) Is capable of use as human food and is adulterated or misbranded; or~~
 4 ~~(3) In any other way is in violation of this chapter,~~
 5 ~~shall be~~ is liable to be proceeded against and seized and condemned, at any time,
 6 by an action in the circuit court of ~~South Dakota~~ this state within the jurisdiction of which
 7 the article or animal is found. If the article or animal is condemned, ~~it shall~~ must, after
 8 entry of the decree, be disposed of by destruction or sale as the court may direct and the
 9 proceeds, if sold, less the court costs and fees, and storage and other proper expenses,
 10 ~~shall~~ must be paid into the treasury of this state, but the article or animal ~~shall~~ may not
 11 be sold contrary to the provisions of this chapter or federal law: ~~Provided, that upon.~~ Upon
 12 the execution and delivery of a good and sufficient bond conditioned that the article or
 13 animal ~~shall~~ may not be sold or otherwise disposed of contrary to the provisions of this
 14 chapter or federal law, the court may direct that ~~such~~ the article or animal be delivered to
 15 the owner thereof subject to ~~such~~ supervision by authorized representatives of the
 16 secretary ~~of the Animal Industry Board as is necessary,~~ to ensure compliance with this
 17 chapter. When a decree of condemnation is entered against the article or animal and it is
 18 released under bond, ~~or destroyed, court costs and,~~ fees, and storage costs, and other
 19 expenses ~~shall~~ must be awarded against the person, if any, intervening as claimant of the
 20 article or animal.

21 **Section 5. That a NEW SECTION be added to chapter 39-5:**

22 A person may not manufacture for sale in this state any product containing cell-
 23 cultured protein.

24 A violation of this section, after notice is provided pursuant to § 39-5-42, is a Class
 25 2 misdemeanor.

26 Upon any conviction pursuant to this section, the secretary may proceed in
 27 accordance with chapter 1-26 to suspend, revoke, or deny any of the violator's meat
 28 processing licenses described in § 39-5-11.1.

29 Meat food products containing cell-cultured protein, manufactured in violation of
 30 this section, may be seized and condemned pursuant to § 39-5-38, to be disposed of by
 31 action of the circuit court having jurisdiction over the location where the product was
 32 found.