



## 2026 South Dakota Legislature

# Senate Bill 124

Introduced by: **Senator Voita**

1 **An Act to temporarily prohibit the manufacture, sale, and distribution of any product**  
 2 **containing cell-cultured protein, and to 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 During the period beginning July 1, 2026, and ending June 30, 2036, a person may  
 16 not sell, hold, offer for sale, or distribute in this state any product containing cell-cultured  
 17 protein, as defined in § 39-5-6.

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

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

24 Upon any conviction pursuant to this section, the department may proceed in  
 25 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. Cell-cultured protein does not include proteins  
 17 produced through microbial fermentation, enzymatic processing, traditional food  
 18 cultures, or biotechnology processes used in the manufacture of pharmaceuticals,  
 19 biologics, vaccines, dietary supplements, enzymes, or medical products, provided  
 20 those products are not intended to replicate meat or animal tissue for human  
 21 consumption;
- 22 (5) "Custom exempt plant," a person engaged in custom slaughtering and preparation  
 23 of meat food products for household use by the owner as provided in subdivision  
 24 39-5-11(2);
- 25 ~~(5)~~(6) "Federal Meat Inspection Act," the act of Congress approved March 4, 1907, as  
 26 amended and extended to January 1, 1991 (21 U.S.C.) and the imported meat  
 27 provisions of subsections 620(b), (c) as amended to January 1, 1991;
- 28 ~~(6)~~(7) "Inedible products renderer," any person engaged in the business of rendering  
 29 carcasses, or parts or products of the carcasses, of livestock, except rendering  
 30 conducted under inspection or exemption under this chapter;
- 31 ~~(7)~~(8) "Inspector," an employee or official of this state authorized by the secretary to  
 32 inspect livestock or carcasses, parts thereof, or meat food products under this  
 33 chapter;
- 34 ~~(8)~~(9) "Intrastate commerce," commerce wholly within this state;

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

- 1           26, under ~~such conditions as~~ those conditions the secretary may deem appropriate  
2           to effectuate the purposes of this chapter;
- 3       ~~(17)~~(18) "Meat processing establishment," an official establishment ~~as defined in this~~  
4           ~~section~~ engaged in the preparation or processing of meat food products;
- 5       ~~(18)~~(19) "Official certificate," any certificate prescribed by rules promulgated pursuant  
6           to chapter 1-26 by the secretary for issuance by an inspector or other person  
7           performing official functions under this chapter;
- 8       ~~(19)~~(20) "Official establishment," any establishment ~~in this state as determined by the~~  
9           ~~secretary~~ at which inspection of the slaughter of livestock or the preparation of  
10          livestock carcasses or parts thereof or meat products is maintained under this  
11          chapter;
- 12       ~~(20)~~(21) "Official inspection legend," any symbol prescribed by rules promulgated by the  
13          secretary pursuant to chapter 1-26 showing that an article was inspected and  
14          passed in accordance with this chapter;
- 15       ~~(21)~~(22) "Official mark," the official inspection legend or any other symbol prescribed by  
16          rules promulgated by the secretary pursuant to chapter 1-26 to identify the status  
17          of any article or animal under this chapter;
- 18       ~~(22)~~(23) "Prepared," slaughtered, canned, salted, rendered, boned, cut up, or otherwise  
19          manufactured or processed;
- 20       ~~(23)~~(24) "Retail dealer," any person engaged in selling carcasses, parts thereof, or meat  
21          food products of cattle, bison, sheep, swine, goats, equine, ratites, captive cervidae, and  
22          other species as requested by the owner and authorized by the secretary;
- 23       ~~(24)~~(25) "Retail store meat processor," a person engaged in the retail sale of food for  
24          human consumption, the retail sale of meat food products, and in the processing  
25          or preparation of meat or meat by-products for retail sale as meat food products;
- 26       ~~(25)~~(26) "Secretary," executive secretary of the South Dakota State Animal Industry  
27          Board, ~~or any person authorized to act in his stead~~;
- 28       ~~(26)~~(27) "Slaughtering establishment," an official establishment ~~as defined in this~~  
29          ~~section~~ engaged in the slaughtering of livestock; and
- 30       ~~(27)~~(28) "Veterinary inspector," an employee or official of this state, licensed to practice  
31          veterinary medicine in this state, and authorized by the secretary to inspect  
32          livestock or carcasses, parts thereof, or meat food products under this chapter.

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

1           **39-5-38.** Any carcass, part of a carcass, product made of cell-cultured protein, or  
 2 meat food product of any livestock or any dying, crippled, or diseased livestock that is  
 3 being transported in this state, or is held for sale or donation in this state after ~~such~~  
 4 transportation, and that:

5           (1) ~~Is or has been prepared, sold, transported, or otherwise distributed or offered~~  
 6 ~~or received for distribution in violation of this chapter; or~~

7           (2) ~~Is capable of use as human food and is adulterated or misbranded; or~~

8           (3) ~~In any other way~~ is in violation of this chapter,

9           ~~shall be~~ is liable to be proceeded against and seized and condemned, at any time,  
 10 by an action in the circuit court of ~~South Dakota~~ this state within the jurisdiction of which  
 11 the article or animal is found. During the time period beginning July 1, 2026, and ending  
 12 June 30, 2036, any product made of cell-cultured protein in violation of this chapter, is  
 13 liable to be proceeded against and seized and condemned, at any time, by an action in  
 14 the circuit court of this state within the jurisdiction of which the article or animal is found.

15           If the article or animal is condemned, ~~it shall~~ must, after entry of the decree, be  
 16 disposed of by destruction or sale as the court may direct and the proceeds, if sold, less  
 17 the court costs and fees, and storage and other proper expenses, ~~shall~~ must be paid into  
 18 the treasury of this state, but the article or animal ~~shall~~ may not be sold contrary to the  
 19 provisions of this chapter or federal law: ~~Provided, that upon~~ Upon the execution and  
 20 delivery of a good and sufficient bond conditioned that the article or animal ~~shall~~ may not  
 21 be sold or otherwise disposed of contrary to the provisions of this chapter or federal law,  
 22 the court may direct that ~~such~~ the article or animal be delivered to the owner ~~thereof,~~  
 23 subject to ~~such~~ supervision by authorized representatives of the secretary ~~of the Animal~~  
 24 ~~Industry Board as is necessary,~~ to ensure compliance with this chapter. When a decree of  
 25 condemnation is entered against the article or animal and it is released under bond,  
 26 destroyed, court costs ~~and,~~ fees, ~~and~~ storage costs, and other expenses ~~shall~~ must be  
 27 awarded against the person, if any, intervening as claimant of the article or animal.

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

29           During the period beginning July 1, 2026, and ending June 30, 2036, a person may  
 30 not manufacture for sale in this state any product containing cell-cultured protein.

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

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

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