



2026 South Dakota Legislature

House Bill 1159

Introduced by: **Representative Goodwin**

1 **An Act to impose a moratorium on industrial dairy operations.**

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

3 **Section 1.** Notwithstanding any other provision of law, a moratorium is imposed
 4 on any new or expanding industrial dairy operation that is permitted as a concentrated
 5 animal feeding operation under chapter 34A-2 and granted a conditional use permit by
 6 any county in this state, if the number of animal units at the new or expanding operation
 7 is to exceed seven thousand four hundred ninety-nine dairy cows.

8 Currently permitted and operating dairy operations may continue to operate at the
 9 scale identified in any permit approved prior to July 1, 2026.

10 The purpose of the moratorium is to:

11 (1) Allow the Department of Agriculture and Natural Resources to undertake an
 12 interdisciplinary process of data collection, review, consideration, and analysis of
 13 the potential economic and environmental impacts of industrial dairy operations in
 14 this state, and to make results available to the public; and

15 (2) Allow county governments time to update comprehensive land use plans and
 16 ordinances to match the scale of industrial dairy operations by:

17 (a) Requiring road agreements between townships and industrial dairy
 18 operations as part of conditional use permit approvals; and

19 (b) Implementing incremental, increasing setbacks proportional to the size of
 20 an industrial dairy operation; and

21 (3) Allow the Department of Agriculture and Natural Resources to determine whether
 22 it has adequate resources to determine the impact of industrial dairy operations on
 23 the watersheds of this state.

24 For purposes of this section, "industrial dairy operation" means a dairy with more
 25 than seven thousand four hundred ninety-nine head of dairy cows.

26 The moratorium is in effect through June 30, 2028.

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