



2026 South Dakota Legislature
House Bill 1077
ENROLLED

AN ACT

ENTITLED An Act to consider a cultivated-protein food product to be adulterated food.

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

Section 1. That § 39-4-2 be AMENDED:

39-4-2. For the purposes of this title, food is deemed to be adulterated:

- (1) If any substance has been mixed and packed with the food to reduce, lower, or injuriously affect the food's quality or strength;
- (2) If any substance has been substituted wholly or in part for the food;
- (3) If any valuable constituent of the food has been wholly or in part abstracted;
- (4) If the food is mixed, colored, powdered, coated, or stained to conceal damage or inferiority;
- (5) If the food contains any poisonous or otherwise deleterious ingredient, added or natural, which may render the food injurious to health, provided that when the food is being prepared for shipment, it is preserved by an external application applied so that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise before eating, and directions for the removal of the preservative are plainly and conspicuously printed on the label of the package, the provisions of this chapter are construed as applying only when the products are ready for consumption;
- (6) If it consists in whole or in part of:
 - (a) A filthy, decomposed, or putrid animal or vegetable substance;
 - (b) Any portion of any animal unfit for food;
 - (c) Any product of a portion of a diseased animal or of an animal that has been fed upon the uncooked offal from a slaughterhouse or other substance unfit for animal food, or of an animal that has died otherwise than by slaughter;

- (7) If in the manufacture, sale, distribution, transportation, or in the offering or exposing for sale, distribution, or transportation, it is not at all times securely protected from all filth, flies, dust, contamination, or other unclean, unhealthful, or insanitary conditions; or
- (8) If it is a cultivated-protein food product.

For purposes of this section, "cultivated-protein food product" means a food product having one or more sensory attributes that resemble a type of tissue originating from an agricultural food animal but that is derived from manufacturing cells, including processes in which stem cells that were initially isolated from an agricultural food animal are grown in vitro, and may be manipulated, as part of a manufacturing process.

An Act to consider a cultivated-protein food product to be adulterated food.

I certify that the attached Act originated in
the:
House as Bill No. 1077

Received at this Executive Office
this ____ day of _____,
2026 at _____ M.

Chief Clerk of the House

By _____
for the Governor

Speaker of the House

The attached Act is hereby
approved this _____ day of
_____, A.D., 2026

Attest:

Chief Clerk of the House

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2026
at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1077
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State