

## 2026 South Dakota Legislature

**House Bill 1254****AMENDMENT 1254A  
FOR THE INTRODUCED BILL**

1 **An Act to exempt any soil amendment used exclusively for agricultural purposes**  
2 **from sales tax, and to modify the definition of a soil amendment.**

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

4 **Section 1. That a NEW SECTION be added to chapter 10-45:**

5 There are specifically exempted from the provisions of this chapter and from the  
6 computation of the amount of tax imposed by it, the gross receipts from the sale of any  
7 soil amendment, as defined in § 38-19A-1, provided five hundred pounds or more of any  
8 one of these products is sold in a single sale to be used exclusively for agricultural  
9 purposes.

10 **Section 2. That § 38-19A-1 be AMENDED:**

11 **38-19A-1.** Terms as used in this chapter, unless the context otherwise requires,  
12 shall mean:

- 13 (1) "Brand," any trademark, product name, or other specific designation under which  
14 any individual soil amendment is offered for sale;
- 15 (2) "Bulk," nonpackaged form;
- 16 (3) "Distributing," importing, consigning, manufacturing, producing, compounding,  
17 mixing or blending any soil amendment, or offering for sale, selling, bartering, or  
18 otherwise supplying any soil amendment in this state;
- 19 (4) "Distributor," any person who distributes any soil amendment in this state;
- 20 (5) "Investigational allowance," any allowance for variations inherent in the taking,  
21 preparation and analysis of an official sample of a soil amendment;
- 22 (6) "Label," any display of all written, printed, or graphic matter upon the immediate  
23 container or statement accompanying a soil amendment;

- 1 (7) "Labeling," any written, printed, or graphic matter, upon or accompanying any soil  
2 amendment, or advertisements, brochures, posters, or television or radio  
3 announcements used in promoting the sale of such soil amendment;
- 4 (7A) "Manipulated manure," any animal or vegetable manure collected or stored in a  
5 manner consistent with practices commonly implemented in agricultural production  
6 that has been subjected to practices including composting, mechanical dewatering,  
7 or pelletizing or altered in any way to change chemical, physical, or biological  
8 characteristics;
- 9 (7B) "Microbe," any microbiological organism or mixture of microbiological organisms  
10 intended to produce any physical, chemical, biochemical, biological, or other  
11 change in the soil;
- 12 (8) "Minimum percentage," that percentage of soil amendment ingredient that shall be  
13 present in a product before the product may be accepted for registration when  
14 distributed in any form or manner;
- 15 (9) "Official sample," any sample of a soil amendment taken by the secretary and so  
16 designated;
- 17 (10) "Percent," percentage by weight;
- 18 (11) "Registrant," any person who shall register any soil amendments under the  
19 provisions of this chapter;
- 20 (12) "Secretary," the secretary of the Department of Agriculture and Natural Resources  
21 of the State of South Dakota;
- 22 (13) "Soil amending ingredient," any substance which will improve the physical,  
23 chemical, or other characteristic of the soil or improve crop production;
- 24 (14) "Soil amendment," any substance which is intended to improve the physical,  
25 chemical, or other characteristics of the soil or improve crop production, ~~except~~  
26 ~~the following: commercial fertilizer, unmanipulated animal manures,~~  
27 ~~unmanipulated vegetable manures, pesticides, lime or lime sludge produced by a~~  
28 ~~water treatment facility, sewage sludge, as defined in § 38-19-1, and compost as~~  
29 ~~defined in § 38-19-1;~~
- 30 (15) "Soil ingredient form," any ingredient or the chemical compound of an ingredient;
- 31 (16) "Ton," two thousand pounds avoirdupois net weight; and
- 32 (17) "Weight," the weight of that material offered for sale.