



2026 South Dakota Legislature
Senate Bill 81
ENROLLED

AN ACT

ENTITLED An Act to clarify the prohibition on injuring or harassing a service animal.

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

Section 1. That § 40-1-38 be AMENDED:

40-1-38. No person may maliciously beat, injure, attempt to injure, harass, intimidate, entice, distract, or otherwise interfere with any service animal accompanying a person with a disability. A violation of this section is a Class 1 misdemeanor.

For purposes of this section, "service animal" means a dog that is trained to do work or perform tasks for the benefit of an individual with a disability, as set forth in 28 C.F.R. § 36.104 (January 1, 2026), provided the work or tasks performed by the dog are directly related to the individual's disability. The crime deterrent effects of a dog's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks.

An Act to clarify the prohibition on injuring or harassing a service animal.

I certify that the attached Act originated in the:

Received at this Executive Office this ____ day of _____,

Senate as Bill No. 81

2026 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

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

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

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

Chief Clerk of the House

Secretary of State

Senate Bill No. 81
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State