



2025 South Dakota Legislature

House Bill 1022

Introduced by: The Chair of the Committee on Agriculture and Natural Resources at the request of the Department of Agriculture and Natural Resources

1 **An Act to prohibit the misbranding of any cell-cultured protein product.**

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

3 **Section 1. That § 39-5-26 be AMENDED:**

4 **39-5-26.** For purposes of this chapter, the term "misbranded" ~~shall apply~~ applies
 5 to any carcass, part thereof, or meat food product under one or more of the following
 6 circumstances:

- 7 (1) If its labeling is false or misleading ~~in any particular; or;~~
- 8 (2) If it is offered for sale under the name of another food; ~~or~~
- 9 (3) If it is an imitation of another food, unless its label bears, in type of uniform size
 10 and prominence, the word "imitation" and immediately thereafter, the name of the
 11 food imitated; ~~or~~
- 12 (4) If its container is so made, formed, or filled as to be misleading; ~~or~~
- 13 (5) If in a package or other container, ~~unless it bears a label showing:~~
 14 (a) The name and place of business of the manufacturer, packer, or distributor;
 15 and
 16 (b) An accurate statement of the quantity of the contents in terms of weight,
 17 measure, or numerical count; ~~Provided, provided that under clause (b) of~~
 18 ~~this subdivision,~~ reasonable variations may be permitted, and exemptions
 19 as to small packages may be established, by ~~regulations~~ rules prescribed
 20 by the secretary of the Animal Industry Board; ~~or~~
- 21 (6) If any word, statement, or other information required by or under authority of this
 22 chapter to appear on the label or other labeling is not prominently placed thereon
 23 with ~~such~~ conspicuousness ~~(as compared with other words, statements, designs,~~
 24 ~~or devices, in the labeling),~~ and in ~~such terms as to~~ terms that render it likely to
 25 be read and understood by the ordinary individual under customary conditions of
 26 purchase and use; ~~or~~

- 1 (7) If it purports to be or is represented as a food for which a definition and standard
2 of identity or composition has been prescribed by ~~regulations~~ rules of the secretary
3 under § 39-5-28 unless:
- 4 (a) It conforms to ~~such~~ the definition and standard; and
- 5 (b) Its label bears the name of the food specified in the definition and standard
6 and, insofar as may be required by ~~such regulations~~ rules, the common
7 names of optional ingredients ~~(, other than spices, flavoring, and coloring),~~
8 present in ~~such~~ the food; ~~or~~
- 9 (8) If it purports to be or is represented as a food for which a standard ~~or standards~~
10 of fill of container ~~have~~ has been prescribed by ~~regulations~~ rules of the secretary
11 under § 39-5-28, and it falls below the standard of fill of container applicable
12 thereto, unless its label bears, in ~~such~~ the manner and form as ~~such~~ the ~~regulations~~
13 rules specify, a statement that it falls below ~~such~~ the standard; ~~or~~
- 14 (9) If it is not subject to the provisions of subdivision (7), unless its label bears:
- 15 (a) The common or usual name of the food, if any ~~there be~~; and
- 16 (b) In case it is fabricated from two or more ingredients, the common or usual
17 name of each ~~such~~ ingredient; ~~except that~~ spices, flavorings, and colorings
18 may, when authorized by the secretary, be designated as spices, flavorings,
19 and colorings without naming each; ~~Provided, provided that,~~ to the extent
20 ~~that~~ compliance with ~~the requirements of clause (b) of this subdivision (9)~~
21 this subsection is impracticable, or results in deception or unfair
22 competition, ~~exemptions shall be established by regulations promulgated~~
23 by the secretary the secretary shall promulgate rules to establish
24 exemptions; ~~or~~
- 25 (10) If it purports to be or is represented for special dietary uses, unless its label bears
26 ~~such~~ information concerning its vitamin, mineral, and other dietary properties as
27 the secretary determines to be, and by ~~regulations~~ rules prescribed as, necessary
28 in order fully to inform purchasers as to its value for ~~such~~ the uses; ~~or~~
- 29 (11) If it bears or contains any artificial flavoring, artificial coloring, or chemical
30 preservative, unless it bears labeling stating that fact; ~~Provided, provided that,~~ to
31 the extent ~~that~~ compliance with ~~the requirements of this subdivision (11)~~ this
32 requirement is impracticable, ~~exemptions shall be established by regulations~~
33 promulgated by the secretary the secretary shall promulgate rules to establish
34 exemptions; ~~or~~

1 (12) If it fails to bear, directly thereon or on its containers, as the secretary may by
2 ~~regulations~~ rules prescribe, the inspection legend and ~~such~~ any other information
3 as the secretary may require ~~in such regulations~~ to effectuate the purposes of this
4 chapter; or

5 (13) If it is, or contains, any cell-cultured protein and does not clearly state in a
6 prominent and conspicuous manner the words "cell-cultured" or "lab-grown" in
7 type of uniform size and prominence, immediately adjacent to the name of the
8 food on the label.

9 For purposes of this section, "cell-cultured protein" means a product that is
10 produced for use as human food, made wholly or in part from any cell culture or the DNA
11 of a host animal, and grown or cultivated outside a live animal. This section does not apply
12 to the process of embryo transfer in livestock.