



STATE OF SOUTH DAKOTA

OFFICE OF THE GOVERNOR

LARRY RHODEN | GOVERNOR

The Honorable Jon Hansen
Speaker of the House
500 East Capitol Avenue
Pierre, South Dakota 57501

February 9, 2026

Dear Mr. Speaker and Members of the House of Representatives,

I write to you regarding the issue of cell-cultured protein, especially in light of House Bill 1077.

As a lifelong rancher, I understand agricultural producers take pride in raising our food, and we've never been afraid of competition in that regard. South Dakota's values allow our ag producers to thrive in a competitive national and global economy. House Bill 1077 departs from those values by imposing a permanent ban on a category of lawful, federally regulated food products. While you won't catch me eating these products, it is against our values to ban products just because we don't like them. Therefore, I return House Bill 1077 with my VETO.

Fortunately, House Bill 1077 need not be the last word on this issue this Session. I have spoken with some of the leaders on this issue and conveyed my support for legislation that:

1. Imposes a five-year temporary moratorium to permit further study within the existing regulatory framework and allows the pending litigation in other states to further unfold;
2. Respects constitutional limits and reduces the risk of unnecessary litigation; and
3. Preserves South Dakota's long-standing commitment to our values.

Senate Bill 124 is still available for such an approach, and I will support that bill with the appropriate amendment.

By banning federally allowed products based on production methods rather than safety, House Bill 1077 sets a precedent that could ultimately harm South Dakota agriculture. Other states could adopt similar policies to restrict access to their markets for South Dakota crops or livestock, based not on quality or safety, but on policy disagreements over how those products are produced.

These food products are subject to federal review and approval and are regulated by the Food and Drug Administration and the United States Department of Agriculture. States retain authority

to protect public health and safety, but that authority must be exercised consistently with the federal framework governing food production and inspection.

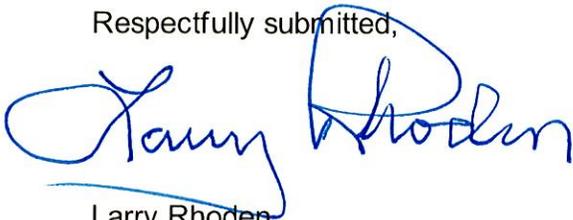
House Bill 1077 raises significant legal concerns, as we have seen in active litigation in other states. Food products approved and regulated under federal law are part of a national marketplace. By categorically and permanently prohibiting the sale and transportation of these products within South Dakota, the bill risks placing an undue burden on interstate commerce, proposes a protectionist economic benefit to in-state industries, and invites expensive constitutional challenges.

A temporary moratorium to allow for further study, data collection, and coordination with federal regulators is a more appropriate course of action.

For these reasons, I return House Bill 1077 with my VETO, and I am calling for a more measured approach: a temporary moratorium to permit further study within the existing regulatory framework. This approach respects constitutional limits, reduces the risk of unnecessary litigation, and preserves South Dakota's long-standing commitment to free markets and agricultural leadership. I look forward to seeing this approach in an amended version of Senate Bill 124.

As Governor, I believe government is best when it is limited. We should respect the freedoms of our people, and we should not set precedent that violates our own values. For these reasons I object to House Bill 1077, and I ask that you sustain my VETO.

Respectfully submitted,



Larry Rhoden
Governor

cc: The Honorable Monae Johnson, Secretary of State
The Honorable Tonnis H. Venhuizen, Lieutenant Governor