

2025 South Dakota Legislature

House Bill 1179**AMENDMENT 1179A
FOR THE INTRODUCED BILL**

1 **An Act to clarify certain labeling and sales requirements for homemade food items.**

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

3 **Section 1. That § 34-18-37 be AMENDED:**

4 **34-18-37.** Food prepared at a residence pursuant to §§ 34-18-35 and 34-18-36.1
5 may ~~not be sold unless it has a label that includes,~~ provided it is accompanied by
6 disclosures conveying the following information, in one of the formats required in section
7 2 of this Act:

- 8 (1) ~~Name~~ Common name of the ~~product~~ homemade food item;
- 9 (2) Name of the producer of the homemade food item;
- 10 (3) Physical address of production;
- 11 (4) Mailing address of the producer;
- 12 (5) Telephone number of the producer;
- 13 (6) Date the product was made or processed;
- 14 (7) Ingredients, in descending order of predominance;
- 15 (8) In the case of food sold in accordance with § 34-18-36.1, a directive to keep
16 refrigerated or frozen; and
- 17 (9) A disclaimer that states: "This product was **not produced in a commercial kitchen**
18 ~~produced at a residential property that is exempt from state licensing and~~
19 ~~inspection.~~ **inspection.** It has been home-processed in a kitchen that may also process common
20 food allergens such as tree nuts, peanuts, eggs, soy, wheat, milk, fish, and
21 crustacean shellfish."

22 **Section 2. That a NEW SECTION be added to chapter 34-18:**

23 Any meat products sold pursuant to this Act must be labeled as required in section
24 1, with the additional labeling requirement to disclose the name of the state-inspected
25 butcher shop at which the meat was processed.

1 **Section 3. That a NEW SECTION be added to chapter 34-18:**

2 The disclosures required by section 1 of this Act must be provided:

3 (1) On a label affixed to the package, if the homemade food item is packaged;

4 (2) On a label affixed to the container, if the homemade food item is offered for sale
5 from a bulk container;

6 (3) On a placard displayed at the point of sale, if the homemade food item is neither
7 packaged nor offered for sale from a bulk container; ~~or~~

8 (4) On the web page on which the homemade food item is offered for sale, if the
9 homemade food item is offered for sale on the Internet.

10 **Section 4. That a NEW SECTION be added to chapter 34-18:**

11 In addition to the labeling requirements in section 2 of this Act, if the homemade
12 food item is sold by a third-party vendor, the food must be sold in a separate section of
13 the store or in a separate display case from non-homemade food items. A sign must clearly
14 indicate that the foods are homemade and exempt from state licensing and inspection.

15 **Section 5. That a NEW SECTION be added to chapter 34-18:**

16 Nothing in § 34-18-37 or section 2 or 3 of this Act prevents the department from
17 investigating any report of foodborne illness. The department has authority to enforce this
18 Act, and may impose a civil penalty no greater than seventy-five dollars for each violation.
19 The secretary shall forward any civil penalty collected under this section to the state
20 treasurer, for deposit in the general fund. The department shall issue a written warning
21 before issuing a civil penalty.