

South Dakota State Laws Affected by H.R. 4879

- I. Food
 - a. None
- II. Alcohol
 - a. Beer, Wine, and Liquor
 - i. Content Requirements
 1. These laws impose content requirements on alcoholic products offered for sale within the state. However, it should be noted that the Twenty-First Amendment may protect a state's ability to enforce such regulations even if they would otherwise be preempted by PICA.
 2. SDCL § 35-12-4 as modified by 2018
 3. South Dakota Laws Ch. 222 (HB 1067)
- III. Drugs
 - a. Recreational
 - i. Salvia
 1. Salvia divinorum or "Salvia" is a species of plant whose leaves have psychoactive properties when consumed or inhaled. Some laws criminalize the sale or possession of salvia, while others impose age restrictions for purchase.
 2. SD ST § 22-42-22
 - b. Tobacco
 - i. Fire Safety Standards
 1. These state laws require that any cigarettes offered for sale or sold in the state be tested in accordance with specific test methods and meet certain flammability standards. They are intended to reduce the risk of unintended fires caused by discarded cigarettes.
 2. S.D. Codified Laws § 34-49-2
 3. S.D. Codified Laws § 34-49-3
 4. S.D. Codified Laws § 34-49-4
 5. S.D. Codified Laws § 34-49-5
 6. S.D. Codified Laws § 34-49-6
 7. S.D. Codified Laws § 34-49-7
 8. S.D. Codified Laws § 34-49-8
 9. S.D. Codified Laws § 34-49-9
- IV. Fishing
 - a. None
- V. Wood and Lumber
 - a. None
- VI. Home Goods and Products
 - a. None
- VII. Live Animal Imports

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- a. Aquaculture
 - i. Infectious Salmon Anemia
 - 1. Infectious salmon anemia (ISA) is a viral disease of Atlantic salmon that affects fish farms, causing severe losses to infected farms. Federal regulations apply only to Maine producers (see 9 C.F.R. § 53.1), but other states have implemented additional laws that prohibit the importation of fish exposed to the disease or otherwise restrict the movement of particular fish.
 - 2. ARSD 41:09:08:03.03
 - ii. Aquaculture Import and Disease Reporting
 - 1. Many states require reporting of various communicable diseases found in fish farms. Additionally, many states require permits and/or health testing for importation of fish to fish farms.
 - 2. ARSD 41:09:08:03.03
 - iii. Viral Hemorrhagic Septicemia
 - 1. These laws impose import requirements or other restrictions on certain species of fish in order to prevent the spread of viral hemorrhagic septicemia, a disease that causes internal bleeding and death among infected animals. Previously, the federal government regulated this disease; however, on April 14, 2014 federal restrictions were removed with the thought that existing state-level regulation was effective and sufficient to limit spread of the disease.
 - 2. S.D. Admin. Rules § 41:09:08:03.03
- b. Cattle and Bison
 - i. Anthrax
 - 1. Anthrax is an infectious bacterial disease often found in cattle and sheep that causes sudden death and is transmissible to humans. Most often, it is spread through exposure to the spores formed during the decay of deceased animals. Federal regulation prohibits the interstate movement of animals affected by anthrax. However, states impose further restrictions on the importation of animals that have been or may have been exposed to the disease.
 - 2. ARSD 12:68:06:01
 - 3. SDCL § 40-14-2
 - 4. <http://www.aib.sd.gov/pdfs/2015-Reportable%20%20Quarantina%20Diseases.pdf>
 - ii. Brucellosis
 - 1. Brucellosis is a contagious and costly disease typically affecting cattle, bison, cervids (elk and deer), and swine that also affects humans. It is a bacterial infection that spreads from animals to people most often through ingestion of unpasteurized milk, cheese, and other dairy products. All 50 states participate in a voluntary program with the federal government to control

brucellosis in cattle, and many states impose additional regulations requiring testing, reporting, and regulating of imports.

2. ARSD 12:02:10:04

iii. Bovine Tuberculosis

1. In the early 19th century, bovine tuberculosis caused more deaths of cattle than all other diseases combined. It is a chronic bacterial disease of cows that can spread to humans, typically by the inhalation of aerosols or the ingestion of unpasteurized milk. All 50 states participate in a voluntary program administered in conjunction with the federal government requiring testing, quarantine, and destruction of diseased animals. In addition many states have enacted special legislation addressing the importation of cattle into the state.

2. ARSD 12:68:23:01

3. ARSD 12:68:04:36

4. ARSD 12:68:04:37

iv. Rabies

1. Rabies can occur in all warm-blooded animals and is always fatal if not treated promptly after exposure. All forms of livestock and companion animals are at risk for contracting the disease. Transmission often occurs through a bite from a rabid animal and as such the disease can travel between wild and domestic species. These laws prohibit the importation of animals exposed to rabies or impose additional restrictions to prevent the spread of this disease.

2. SDCL § 40-14-2

3. <http://www.aib.sd.gov/pdfs/2015-Reportable%20%20Quarantina%20Diseases.pdf>

c. Cervids

i. Chronic Wasting Disease (“CWD”): Restrictions

1. These laws impose import restrictions and other requirements to ensure that cervids entering the state are not carriers of chronic wasting disease. Some regulations require that only cervids that have been enrolled in a voluntary CWD Herd Certification Program and have undergone testing for the disease may enter the state. These laws are intended to protect local deer producers and wild deer populations.

2. ARSD 12:68:25:17

d. Bees

i. Import Requirements and Health Certifications

1. These laws impose certification, permitting, or registration requirements prior to the movement of bees into the state. They are intended to ensure the health of bee colonies prior to import

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2. ARSD 12:68:17:01
 3. ARSD 12:68:17:04
 - ii. Swine Vesicular Disease
 1. Swine vesicular disease causes lesions on the feet, snout, and mouth of swine, and is economically costly because it must be distinguished from foot-and-mouth disease. These laws restrict the importation of pigs to prevent the spread of swine vesicular disease.
 2. ARSD 12:68:06:01
 3. SDCL § 40-14-2
 4. <http://www.aib.sd.gov/pdfs/2015-Reportable%20%20Quarantina%20Diseases.pdf>
- VIII. Companion Animals
 - a. Dogs and Cats
 - i. Veterinary Inspection Requirements
 1. These laws impose veterinary health screening or permit requirements prior to selling dogs, cats, and other companion animals, or importing them into the state. They are intended to reduce the spread of communicable disease from one state to another.
 2. SD ST § 40-14-3
- IX. Products for Animals
 - a. Pet Food
 - i. Requirements of Manufacturers
 1. These laws impose licensing requirements on pet food manufacturers who wish to sell products within the state.
 2. S.D. Codified Laws § 39-14-40.1
 3. S.D. Codified Laws § 40-17-1
 4. S.D. Codified Laws § 40-17-4
- X. Dead Animals and Animal Parts
 - a. Animal Carcasses and Grease
 - i. Transport Requirements: Use of Leakproof Container
 1. These laws require that certain unsavory or odor-producing substances such as the carcasses of animals or grease be transported by licensed vehicles, packaged in a way that prevents spillage, or in a way that shields the load from public view. Others impose sanitization or recordkeeping requirements that must be carried out prior to transport. These laws are intended to provide for public health and sanitation.
 2. ARSD 12:68:09:05
 3. SDCL § 40-17-7
- XI. Invasive Pests, Plants, and Disease
 - a. None
- XII. Procurement

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- a. Agricultural Goods
 - 1. These laws regulate government bid and solicitation preferences for products or services. Often they impose preferences for in-state producers of agricultural products.
 - 2. SDCL § 5-18A-26
- XIII. General Prohibitions
 - a. None
- XIV. Miscellaneous
 - a. Poisons of Agricultural Origin
 - i. Bitter Almonds
 - 1. Unlike sweet almonds, bitter almonds are toxic to humans. Though they are similar in appearance to sweet almonds, bitter almonds contain exponentially higher amounts of cyanide-compounds. Once heat-treated, bitter almonds can be used to make almond extract; however, in their raw form, the nuts can be lethal to humans even in small doses of only ten or more nuts if consumed by a child. Several states regulate labeling of bitter almonds or otherwise prohibit their sale as a poison.
 - 2. SDCL § 34-20-1