



2025 South Dakota Legislature
House Bill 1022
ENROLLED

AN ACT

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

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

Section 1. That § 39-5-26 be AMENDED:

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

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

- (7) If it purports to be or is represented as a food for which a definition and standard of identity or composition has been prescribed by rules of the secretary under § 39-5-28 unless:
 - (a) It conforms to the definition and standard; and
 - (b) Its label bears the name of the food specified in the definition and standard and, insofar as may be required by such rules, the common names of optional ingredients, other than spices, flavoring, and coloring, present in the food;
- (8) If it purports to be or is represented as a food for which a standard of fill of container has been prescribed by rules of the secretary under § 39-5-28, and it falls below the standard of fill of container applicable thereto, unless its label bears, in the manner and form as the rules specify, a statement that it falls below the standard;
- (9) If it is not subject to the provisions of subdivision (7), unless its label bears:
 - (a) The common or usual name of the food, if any; and
 - (b) In case it is fabricated from two or more ingredients, the common or usual name of each ingredient, except that spices, flavorings, and colorings may, when authorized by the secretary, be designated as spices, flavorings, and colorings without naming each, provided that to the extent compliance with this subsection is impracticable, or results in deception or unfair competition, the secretary shall promulgate rules to establish exemptions;
- (10) If it purports to be or is represented for special dietary uses, unless its label bears information concerning its vitamin, mineral, and other dietary properties as the secretary determines to be, and by rules prescribed as, necessary in order fully to inform purchasers as to its value for the uses;
- (11) If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears labeling stating that fact, provided that to the extent compliance with this requirement is impracticable, the secretary shall promulgate rules to establish exemptions;
- (12) If it fails to bear, directly thereon or on its containers, as the secretary may by rules prescribe, the inspection legend and any other information as the secretary may require to effectuate the purposes of this chapter; or
- (13) If it is, or contains, any cell-cultured protein and does not clearly state in a prominent and conspicuous manner the words "cell-cultured" or "lab-grown" in

type of uniform size and prominence, immediately adjacent to the name of the food on the label.

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

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

I certify that the attached Act originated in
the:
House as Bill No. 1022

Received at this Executive Office
this ____ day of _____,
2025 at _____ M.

Chief Clerk

By _____
for the Governor

Speaker of the House

The attached Act is hereby
approved this _____ day of
_____, A.D., 2025

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2025
at _____ o'clock ___ M.

Secretary of the Senate

Secretary of State

House Bill No. 1022
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State