

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

336B0411

SENATE BILL NO. 154

Introduced by: Senators Youngberg, Blare, Bolin, Cammack, Cronin, Curd, DiSanto, Ewing, Foster, Greenfield (Brock), Heinert, Jensen (Phil), Klumb, Kolbeck, Langer, Maher, Monroe, Nelson, Novstrup, Otten (Ernie), Partridge, Rusch, Russell, Schoenbeck, Smith (VJ), Soholt, Solano, Stalzer, Steinhauer, Sutton, White, Wiik, and Wismer and Representatives Wiese, Beal, Brunner, Chaffee, Chase, Duvall, Finck, Glanzer, Goodwin, Gosch, Greenfield (Lana), Gross, Hammock, Haugaard, Healy, Howard, Jensen (Kevin), Karr, Lesmeister, Marty, McCleerey, Mills, Milstead, Miskimins, Otten (Herman), Peterson (Kent), Pischke, Qualm, Rasmussen, Reed, Schoenfish, Smith (Jamie), Steele, Weis, and York

1 FOR AN ACT ENTITLED, An Act to authorize the production and transport of saltwater
2 aquatic life.

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

4 Section 1. That the code be amended by adding a NEW SECTION to read:

5 Terms used in this Act mean:

- 6 (1) "Saltwater aquaculture," the commercial propagation and rearing of saltwater aquatic
7 life including crustaceans, primarily for the consumption as human food;
- 8 (2) "Saltwater aquatic farm," a facility used for saltwater aquaculture including artificial
9 ponds, vats, tanks, raceways, and other facilities that an aquatic farmer owns or has
10 exclusive control of facilities for the sole purpose of producing saltwater aquatic life;
- 11 (3) "Saltwater aquatic life," aquatic species that are saltwater obligates or perform



1 optimally when raised in salinities closer to that of natural saltwater and need
2 saltwater to survive;

3 (4) "Secretary," the secretary of the Department of Agriculture.

4 Section 2. That the code be amended by adding a NEW SECTION to read:

5 A transportation permit is required prior to any importation or intrastate transportation of
6 saltwater aquatic life not exempted under section 4 of this Act. A transportation permit may be
7 used for multiple shipments within the thirty-day term of the permit if the source and the
8 destination of the shipments remain the same.

9 Section 3. That the code be amended by adding a NEW SECTION to read:

10 A transportation permit shall be obtained from the secretary prior to shipment of saltwater
11 aquatic life. An application for a transportation permit shall be accompanied by satisfactory
12 evidence, as determined by the secretary, that the shipment is free of any non indigenous species
13 of animal other than the saltwater aquatic species and either:

14 (1) The facility from which the saltwater aquatic life originated has provided
15 documentation of thirty-six or more consecutive months of negative testing by an
16 approved laboratory as free of any disease listed by the World Organization for
17 Animal Health (OIE) for that species following the testing guidelines outlined in the
18 OIE Aquatic Animal Health Code for crustaceans or the AFS Fish Health Blue Book
19 for other species, as appropriate; or

20 (2) The saltwater aquatic life to be imported or transported includes documentation of
21 negative testing for that specific lot by an approved laboratory as free of any disease
22 listed by the World Organization for Animal Health for crustaceans or in the AFS
23 Fish Health Blue Book for other species, as appropriate.

24 If a shipment authorized by the secretary under subdivision (1) of this section includes

1 saltwater aquatic life that originated in a foreign country, the shipment shall be quarantined at
2 the receiving facility according to a quarantine plan approved by the secretary. A shipment
3 authorized by the secretary under subdivision (2) of this section shall be quarantined at the
4 receiving facility according to a quarantine plan approved by the secretary. For purposes of this
5 section, the term, approved laboratory, means a laboratory approved by the secretary or the
6 United States Department of Agriculture, Animal and Plant Health Inspection Services.

7 Section 4. That the code be amended by adding a NEW SECTION to read:

8 A transportation permit is not required to transport or import saltwater aquatic life if:

- 9 (1) Previously processed for use as food or other purposes as unrelated to propagation;
- 10 (2) Transported directly to an outlet for processing as food or other food purposes if
11 accompanied by shipping documents;
- 12 (3) That is being exported if accompanied by shipping documents;
- 13 (4) That is being transported through the state and is accompanied by shipping
14 documents; or
- 15 (5) Transported intrastate within or between facilities licensed for saltwater aquaculture
16 by the secretary if accompanied by shipping documents.

17 Shipping documents shall include the place of origin, owner or consignee, destination,
18 number, species and satisfactory evidence, as determined by the secretary, of disease-free
19 certification.

20 Section 5. That the code be amended by adding a NEW SECTION to read:

21 No later than fourteen calendar days after a completed transportation permit application is
22 received, the secretary may approve or deny the transportation permit application. A copy of the
23 transportation permit shall accompany a shipment of saltwater aquatic life while in transit and
24 shall be available for inspection by the secretary.

1 Section 6. That the code be amended by adding a NEW SECTION to read:

2 A vehicle used for transporting aquatic life shall be identified with the driver license number
3 and the driver's name and town of residence as it appears on the license. A vehicle used to
4 transport aquatic life shall have identification displayed so that it is readily visible from either
5 side of the vehicle in letters and numbers not less than two and half inches high and
6 three-eighths inch wide. Identification may be permanently affixed to vehicles or displayed on
7 removable plates or placards placed on opposite doors of the vehicle or on the tanks carried on
8 the vehicle.

9 Section 7. That the code be amended by adding a NEW SECTION to read:

10 The secretary shall act as permit coordinator for aquatic farmers and shall assist aquatic
11 farmers to obtain permits. The secretary may promulgate rules, pursuant to chapter 1-26, as
12 necessary to regulate the transportation of saltwater aquatic life. The rules may establish:

- 13 (1) The form, procedures, and content for a transportation permit, and compliance
14 standards for a saltwater aquatic farm; and
15 (2) The procedures and methods for inspections and to establish a quarantine plan.