

# State of South Dakota

SEVENTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2001

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## HOUSE BILL NO. 1298

Introduced by: Representatives Lintz, Duenwald, Hargens, and Teupel and Senators  
Diedrich (Larry), Hainje, and Symens

1 FOR AN ACT ENTITLED, An Act to regulate the manufacture, labeling, storage, and  
2 distribution of certain ruminant livestock feeds and to declare an emergency.

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

4 Section 1. That chapter 39-14 be amended by adding thereto a NEW SECTION to read as  
5 follows:

6 All ruminant livestock feed distributed in South Dakota shall contain a statement on the label  
7 declaring whether or not the feed was produced in a feed manufacturing facility that handles or  
8 stores any ingredient or product containing an ingredient that is prohibited from use in livestock  
9 feed pursuant to 21 CFR 589.2000, as amended to March 1, 2001. The secretary of agriculture  
10 shall provide the appropriate format for such label statements in rules promulgated pursuant to  
11 chapter 1-26.

12 Section 2. That § 39-14-60 be amended to read as follows:

13 39-14-60. The secretary of agriculture may promulgate rules, pursuant to chapter 1-26, for  
14 commercial feeds and pet foods:

15 (1) To provide procedures for registration of commercial feed;

- 1       (2)    To provide procedures for contested case hearings and commercial feed registration
- 2            amendments;
- 3       (3)    To provide guidelines for commercial feed records;
- 4       (4)    To provide guidelines for commercial feed good manufacturing practices;
- 5       (5)    To establish weed seed adulteration limits;
- 6       (6)    To establish labeling standards for commercial feed;
- 7       (7)    To establish customer-formula feed directions and warning and caution statements for
- 8            labels; ~~and~~
- 9       (8)    To provide procedures for entry into premises and access to records by department
- 10           personnel for the purpose of inspecting commercial feed manufacturing practices; and
- 11       (9)    For the express purpose of protecting the public health, welfare, and safety and the
- 12            health and welfare of the South Dakota livestock industry, to regulate the use,
- 13            manufacture, storage, or distribution of ruminant livestock feeds if animal proteins as
- 14            defined in 21 CFR 589.2000, as amended to March 1, 2000, are present in the
- 15            manufacturing, storage, or distribution facility or premises.

16       In the interest of uniformity, the secretary by rule shall consider and may adopt the

17 regulations, official definition of feed ingredients and official feed terms adopted by the

18 Association of American Feed Control Officials and published in the official publication of that

19 organization and any regulation promulgated pursuant to the authority of the Federal Food,

20 Drug, and Cosmetic Act (21 U.S.C. § 301, et seq.), provided that the secretary may under this

21 chapter promulgate such rules.

22       Section 3. Whereas, this Act is necessary for the immediate preservation of the public peace,

23 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and

24 effect from and after its passage and approval.