



2020 South Dakota Legislature

House Bill 1125

HOUSE COMMERCE AND ENERGY ENGROSSED

Introduced by: **Representative** York

1 **An Act to revise conditions for selling non-temperature-controlled baked goods**
 2 **without license.**

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

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

5 **34-18-37. Labeling of baked and canned goods--Contents of label--**
 6 **Identification number.**

7 ~~No~~Unless otherwise provided in this section, no baked good or canned good may
 8 be sold unless it has a label that includes the following information:

9 (1) Name of the product;

10 (2) ~~Producer and contact information~~Name of the producer;

11 (3) Physical address of production;

12 (4) Mailing address of the producer;

13 (5) Telephone number of the producer;

14 ~~(3)~~(6) Date the product was made or processed;

15 ~~(4)~~(7) Ingredients; and

16 ~~(5)~~(8) Disclaimer. The disclaimer shall state that states: "This product was not produced
 17 in a commercial kitchen. It has been home-processed in a kitchen that may also
 18 process common food allergens such as tree nuts, peanuts, eggs, soy, wheat, milk,
 19 fish, and crustacean shellfish."

20 **Section 2.** That § 34-18-38 be AMENDED:

21 **34-18-38. Sale of non-temperature-controlled baked goods from primary**
 22 **residence--Exemption from licensure--Conditions for exemption.**

23 Any person selling non-temperature-controlled baked goods ~~from~~at the person's
 24 ~~own~~primary residence is exempt from the licensing and license fee provisions of this
 25 chapter ~~under the following conditions~~if:

- 1 (1) ~~Any non-temperature-controlled baked goods sold from a person's own primary~~
2 ~~residence is for consumption off the premises;~~
- 3 ~~(2) Any~~The non-temperature-controlled baked goods sold from a person's own primary
4 ~~residence meets~~ meet the requirements of § 34-18-37; ~~and~~
- 5 ~~(3)~~(2) The total gross receipts from the sale of non-temperature-controlled baked goods
6 ~~from the person's own primary residence does not exceed five thousand dollars in~~
7 ~~a calendar year~~ are sold in the seller's physical presence at:
- 8 (a) The seller's primary residence;
- 9 (b) A farmer's market;
- 10 (c) A roadside stand; or
- 11 (d) Other temporary sale venue; and
- 12 (3) The seller, or a person residing at the seller's primary residence, personally delivers
13 the non-temperature-controlled baked goods to the buyer at the completion of the
14 sale.