



2020 South Dakota Legislature
House Bill 1125
ENROLLED

AN ACT

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

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

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

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

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

- (1) Name of the product;
- (2) Name of the producer;
- (3) Physical address of production;
- (4) Mailing address of the producer;
- (5) Telephone number of the producer;
- (6) Date the product was made or processed;
- (7) Ingredients; and
- (8) A disclaimer that states: "This product was not produced in a commercial kitchen.

It has been home-processed in a kitchen that may also process common food allergens such as tree nuts, peanuts, eggs, soy, wheat, milk, fish, and crustacean shellfish."

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

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

Any person selling non-temperature-controlled baked goods at the person's primary residence is exempt from the licensing and license fee provisions of this chapter if:

- (1) The non-temperature-controlled baked goods meet the requirements of § 34-18-37;
- (2) The non-temperature-controlled baked goods are sold in the seller's physical presence at:
 - (a) The seller's primary residence;
 - (b) A farmer's market;
 - (c) A roadside stand; or
 - (d) Other temporary sale venue; and
- (3) The seller, or a person residing at the seller's primary residence, personally delivers the non-temperature-controlled baked goods to the buyer at the completion of the sale.

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

I certify that the attached Act originated in the:

Received at this Executive Office this ____ day of _____,

House as Bill No. 1125

2020 at _____ M.

Chief Clerk

By _____
for the Governor

Speaker of the House

The attached Act is hereby approved this _____ day of _____, A.D., 2020

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2020
at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1125
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State