

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

912R0656

HOUSE BILL NO. 1145

Introduced by: Representatives Russell, Brunner, Elliott, Feickert, Frerichs, Kirkeby, and Wink and Senators Maher, Bradford, and Peterson

1 FOR AN ACT ENTITLED, An Act to limit certain requirements associated with animal
2 identification systems.

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

4 Section 1. That chapter 40-3 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The signature, participation, or involvement, whether voluntary or mandatory, of an animal
7 owner in any private or government-operated animal identification system or animal trace back
8 system, whether voluntary or mandatory, does not give any state or federal agency or employee
9 the right to enter property owned or leased by the animal owner without probable cause and a
10 search warrant, unless the agency or employee has permission of the property owner and the
11 animal owner.

12 Section 2. That chapter 40-3 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 If, in the process of enrolling in or agreeing to participate in any animal identification
15 system, an animal owner is offered a contract allowing entry or access to property that the



1 animal owner owns or leases, the contract may pertain only to that specific animal identification
2 system. The contract shall be clearly stated in layman's terms and shall refer explicitly to
3 property access. Any provision in which an animal owner agrees to use tags or to follow other
4 animal identification guidelines or requirements shall be part of a separate contract.