

# SOUTH DAKOTA

## Food Safety Jurisdictions and Enforcement Authorities



Agency jurisdiction and responsibility for regulating food safety varies from state to state. While an agency may have jurisdiction over a facility or commodity, not all agencies issue licenses or routinely inspect every facility or commodity type. All of the State agencies which have jurisdiction to regulate food safety within the state are listed in the tables below, with their jurisdiction over a particular facility type or commodity denoted by the word “Authority” or “Split Authority” in the row of the facility or commodity type within their column.





# MANUFACTURER/PROCESSOR

FACILITY TYPE	SOUTH DAKOTA DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES	SOUTH DAKOTA DEPARTMENT OF HEALTH	SOUTH DAKOTA ANIMAL INDUSTRY BOARD	LOCAL AGENCIES
Food Processor		Split Authority <sup>2</sup>		Split Authority <sup>1</sup>
Food Repacked		Split Authority		Split Authority <sup>1</sup>
Food Salvager		Split Authority		Split Authority <sup>1</sup>
Bottled Water	Authority			
Ice	Authority			
Dietary Supplements		N <sup>3</sup>		N <sup>3</sup>
Warehouse				Authority <sup>1</sup>
Food Banks				Split Authority <sup>1</sup>
Seafood		N <sup>4</sup>		N <sup>4</sup>
Food Transport				
Beer/Wine				
Distilled Spirits				

**COMMENTS:**

<sup>1</sup> Sioux Falls City only.

<sup>2</sup> Defer most Processors to FDA. Only inspect small intra-state processors or at the request of the processor.

<sup>3</sup> Defer to FDA.

<sup>4</sup> No seafood facilities.



# DAIRY

FACILITY TYPE	SOUTH DAKOTA DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES	SOUTH DAKOTA DEPARTMENT OF HEALTH	SOUTH DAKOTA ANIMAL INDUSTRY BOARD	LOCAL AGENCIES
Grade-A Plant	Authority			
Raw Milk	Authority			
Cheese	Authority			
Yogurt	Authority			
Cream/Sour Cream	Authority			
Butter	Authority			
Ice Cream	Authority			
Milk Pooling	Authority			
<b>COMMENTS:</b>				





# MEAT/POULTRY

FACILITY TYPE	SOUTH DAKOTA DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES	SOUTH DAKOTA DEPARTMENT OF HEALTH	SOUTH DAKOTA ANIMAL INDUSTRY BOARD	LOCAL AGENCIES
Meat			Authority	
Poultry			*	
Rabbit				
Other Non-Amenable Species			Authority	
Custom Slaughter			Authority	
Livestock Inspection			Authority	
Pet Food – Raw	Authority			
Pet Food – Processed	Authority			
Egg Inspection/Grading	Authority			

**COMMENTS:**

\* Defer to USDA FSIS.





# ANIMAL FEED

FACILITY TYPE	SOUTH DAKOTA DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES	SOUTH DAKOTA DEPARTMENT OF HEALTH	SOUTH DAKOTA ANIMAL INDUSTRY BOARD	LOCAL AGENCIES
Feed	Authority			
Medicated Feed	Authority			
BSE Inspections	Authority			
Rendering Plant			Authority	
Grain	Authority			
<b>COMMENTS:</b>				





# RETAIL FOOD

FACILITY TYPE	SOUTH DAKOTA DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES	SOUTH DAKOTA DEPARTMENT OF HEALTH	SOUTH DAKOTA DEPARTMENT OF EDUCATION	LOCAL AGENCIES
Restaurant		Split Authority		Split Authority <sup>1</sup>
Food Service		Split Authority		Split Authority <sup>1</sup>
Grocery Store		Split Authority		Split Authority <sup>1</sup>
Market		Split Authority		Split Authority <sup>1</sup>
Convenience Stores		Split Authority		Split Authority <sup>1</sup>
Public/Private Schools			Authority	
Correctional Facilities		Split Authority <sup>2</sup>		Split Authority <sup>1</sup>
Hospitals		Authority		
Long-Term Care		Authority		
Nursing Homes		Authority		
Other Institutions		Split Authority		Split Authority <sup>1</sup>
Vending Machines				
Mobile Food Facilities		Split Authority		Split Authority <sup>1</sup>
Caterers		Split Authority		Split Authority <sup>1</sup>
Home Based Processors		Split Authority		Split Authority <sup>1</sup>

**Retail Food list continued on next page.**



# RETAIL FOOD (continued)

FACILITY TYPE	SOUTH DAKOTA DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES	SOUTH DAKOTA DEPARTMENT OF HEALTH	SOUTH DAKOTA ANIMAL INDUSTRY BOARD	LOCAL AGENCIES
Temporary Food Facilities		Split Authority		Split Authority <sup>1</sup>
Water Vending Machines				
Ice Vending Machines				
Farm Stands		Split Authority		Split Authority <sup>1</sup>
Farmers Markets		Split Authority		Split Authority <sup>1</sup>
Live Poultry Markets		N <sup>3</sup>		N <sup>3</sup>
Food Pantry				Authority <sup>1</sup>

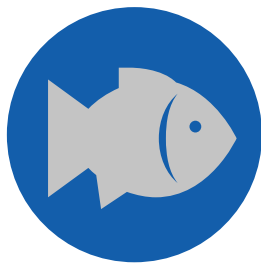
**COMMENTS:**

<sup>1</sup> Sioux Falls City only.

<sup>2</sup> On request.

<sup>3</sup> Not regulated.





# SHELLFISH/AQUACULTURE

FACILITY TYPE	SOUTH DAKOTA DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES	SOUTH DAKOTA DEPARTMENT OF HEALTH	SOUTH DAKOTA ANIMAL INDUSTRY BOARD	LOCAL AGENCIES
Shellfish Growing Areas	*	*		
Shellfish Post Harvest Handling				
Shellfish Depuration				
Shellfish Patrol				
Biotoxin Monitoring				
Aquaculture	Authority			
<b>COMMENTS:</b> * No program.				







# ORGANIC FOODS

FACILITY TYPE	SOUTH DAKOTA DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES	SOUTH DAKOTA DEPARTMENT OF HEALTH	SOUTH DAKOTA ANIMAL INDUSTRY BOARD	LOCAL AGENCIES
Organic Production				
Organic Food Handling				
Organic Food Processing				
<b>COMMENTS:</b> No state program.				





# PRODUCE

FACILITY TYPE	SOUTH DAKOTA DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES	SOUTH DAKOTA DEPARTMENT OF HEALTH	SOUTH DAKOTA ANIMAL INDUSTRY BOARD	LOCAL AGENCIES
Farms	Authority			
Packing Sheds	Authority			
Repackers	Authority			
Terminal Markets	N/A			
<b>COMMENTS:</b>				





# ENFORCEMENT AUTHORITY

Each state regulatory agency has enforcement authorities that are established through state laws, regulations, or administrative rules. These enforcement authorities enable the agency to perform their regulatory functions and ensure the safety of the food supply. Below are the authorities of each agency.

FACILITY TYPE	SOUTH DAKOTA DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES	SOUTH DAKOTA DEPARTMENT OF HEALTH	SOUTH DAKOTA ANIMAL INDUSTRY BOARD	LOCAL AGENCIES
Embargo/Quarantine	Authority	Authority		Authority*
Seizure	Authority	Authority		Authority*
Condemnation & Destruction	Authority	Authority		Authority*
Voluntary Condemnation & Destruction	Authority	Authority		Authority*
Stop Sale Orders	Authority	Authority		Authority*
Health Advisories	Authority	Authority		Authority*
Administrative Penalties	Authority			
Criminal Penalties	Authority	Authority		Authority*
Civil Penalties	Authority	Authority		Authority*

**Enforcement Authority list continued on next page.**





## ENFORCEMENT AUTHORITY (continued)

FACILITY TYPE	SOUTH DAKOTA DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES	SOUTH DAKOTA DEPARTMENT OF HEALTH	SOUTH DAKOTA ANIMAL INDUSTRY BOARD	LOCAL AGENCIES
Injunction	Authority	Authority		Authority*
Warning Letters	Authority	Authority	Authority	Authority*
License Suspension	Authority	Authority	Authority	Authority*
License Revocation	Authority	Authority	Authority	Authority*
Hearings	Authority	Authority	Authority	Authority*
Closure		Authority	Authority	Authority*
Mandatory Recall				
Inspection Warrant	Authority	Authority		Authority*
<b>COMMENTS:</b> * Sioux Falls only.				

