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40-1-17. Exemptions from chapters 40-1 and 40-2. Nothing in this chapter or chapter 40-2 may be construed to interfere with an animal under the direct and proper care of a licensed veterinarian or with persons engaged in standard and accepted agricultural pursuits or animal husbandry practices.

In addition, the following are exempt from the provisions of this chapter and chapter 40-2:

- (1) Any usual and customary practice;
  - (a) In the production of food, feed, or fiber, including all aspects of the livestock industry;
  - (b) In the boarding, breeding, competition, exhibition, feeding, raising, service work, showing, training, transportation, and use of animals; or
  - (c) In the harvesting of animals for food or byproducts;
- (2) Any humane killing of an animal;
- (3) Any lawful hunting, trapping, fishing, or other activity authorized by the South Dakota Department of Game, Fish and Parks;
- (4) Any lawful pest, vermin, predator, and animal damage control, including the disposition of wild animals;
- (5) Any reasonable action taken by a person for the destruction or control of an animal known to be dangerous, a threat, or injurious to life, limb, or property; and
- (6) Any actions taken by personnel or agents of the board, the Department of Agriculture, Department of Game, Fish and Parks, or the United States Department of Agriculture in the performance of duties as prescribed by law.

**Source:** SDC 1939, § 40.2211; SL 1991, ch 331, § 30; SL 2014, ch 194, § 15.

[Chapter 40-1](#)

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