



# Cultivation Application Review Checklist

This checklist will be used by the department to review medical cannabis establishment applications. Applications missing items on this checklist will be considered deficient and incomplete. Applicants must submit the missing and incomplete information within the specified time frame, or the application will be deemed withdrawn.

The information provided in this checklist does not, and is not intended to, constitute legal advice; instead, all information, content, and materials available in this checklist are for informational purposes only. This checklist may not cover every applicable rule. Each medical cannabis establishment is responsible for reviewing and abiding by all the rules that apply to the activities being conducted by the respective establishment.

## All Applicants

- Application Form [44:90:03:01\(1\)](#)
- Submission of Fee [44:90:03:01\(9\)](#)
- Allowable Location [SDCL 34-20G-55](#)
  - Not within 1,000 feet of a public or private school
- Proof of Property Owner Consent [44:90:03:01\(3\)](#)
  - Deed to property
  - OR
  - Both** of the following:
    - Current lease **AND**
    - Letter from landlord specifically referencing type of cannabis activity
- Local Licenses, Permits, or Registration [44:90:03:01\(4\)](#)
  - \*\*Form-E must be renewed annually including a signature within the last 12 months\*\***
  - Form E signed by local government stating the applicant has met the requirements
- Principal Officers/Board Members [44:90:03:01\(6\)](#), [SDCL 34-20G-55](#)
  - Copy of driver's license/non-driver ID for each principal officer or board member
    - All principal officers/board members are 21 years of age or older
    - At least one principal officer is a resident of South Dakota
      - The address must be a physical address, PO boxes are not accepted
  - Upload a signed copy of certification of no prior revocation [Form 44:90:03:13](#)
  - Upload a signed copy of certification for principal officers and board members background checks [Form 44:90:03:14](#)
- Organizational Documents [44:90:03:01\(7\)](#)
  - Corporations:
    - Articles of Incorporation **and**

- Bylaws *OR* signed statement that no such document exists
- LLCs:
  - Copy of Articles of Organization **and**
  - Operating Agreement *OR* signed statement that no such agreement exists
- Partnerships, LPs, LLPs, LLLPs:
  - Copy of Partnership agreement *OR* signed statement that no such agreement exists
- LLPs and LLLPs
  - Copy of Statement of Qualification

## Cultivation – Operating Procedures

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- Management Plan 44:90:03:05(1)
  - Identify individuals in charge of day-to-day operations and their specific management roles.
- Operating Days and Hours
  - Days and hours of normal operation are specified. 44:90:03:05(3)
    - Including any anticipated deviations (e.g., extended holiday closures).
    - Including a statement that site will have personnel present during normal business hours for purposes of inspections. 44:90:12:01(2), SDCL 34-20G-69
- Site Plan 44:90:03:05(2)
  - Site plan does not allow access from any business or residence, except another medical establishment with common ownership. 44:90:04:04
    - If co-located, Signed certification of co-location. [Form](#)
  - Pesticides must not be applied in same structure as a dispensary. 44:90:04:04(4)(c)
  - Each area includes a description of activities to take place (e.g., clones/seedlings, vegetative plants, flowering plants, drying/curing, trimming). 44:90:03:05(2)
  - Secure storage location for cannabis awaiting test results must be identified. 44:90:03:05(2)
  - Site plan identifies access from public right of way. 44:90:03:05(2)(c)
    - Must be a diagram showing how to access the establishment. Examples of acceptable diagrams are:
      - Birdseye view using google maps
      - Blueprints/rendering of the location
- Cultivation Site Plan
  - Diagram or written plans indicate the approximate number of mature cannabis plants or size of plant canopy to be cultivated. 44:90:03:06(1)
  - Diagram or written plans indicate the approximate number of seedlings/clones to be cultivated. 44:90:03:06(2)
  - Identify equipment to be used: 44:90:03:06(3) & (5)
    - Type of lights to be used, including the approval listing issued by a Nationally Recognized Testing Laboratory (NRTL).
    - Irrigation systems, including their NRTL (Nationally Recognized Testing Laboratory) listing.
    - Ventilation, Filtration, and Humidity control systems, that reduce the potential for mold, including NRTL (Nationally Recognized Testing Laboratory) listings.

- If applicable, greenhouses and other equipment to be used, including the approval listing issued by a Nationally Recognized Testing Laboratory (NRTL).
- Demonstrate legal access to water. 44:90:03:06(4) *\*\*Must have a letter from local municipality or other source as evidence that you have met this requirement\*\**

#### ➤ Cultivation Procedures

- Scales must have a certificate of conformance from a National Type Evaluation Program and be certified by DPS once every 2 years. 44:90:04:25
  - Include a copy of the report from DPS.
- List all chemicals and active ingredients for each that will be present or used: 44:90:03:06(7)
  - Insecticides
  - Fungicides
  - Fertilizers
  - Essential oils
- All pesticides listed are approved for use on cannabis. 44:90:05:09
- Describe how pesticides will be applied. 44:90:05:08
  - Statement that an establishment agent with a current pesticide applicator license will apply pesticides. 44:90:05:07 & 44:90:05:08
    - Pesticide applicators license uploaded. **All pesticide applicator licenses MUST be Commercial and pass categories G and 4.**
- Specify what will be done when cannabis fails a mandatory test. 44:90:03:06(6)
- Specify plans to remediate batches that fail for microbial or mycotoxins testing. 44:90:03:06(6), 44:90:09:11(3)
  - SOP to include who will be remediating the product, how will the product be remediated including detailed steps.
- Specify plans to retest and/or destroy batches that fail for heavy metals or pesticides. 44:90:03:06(6), 44:90:09:11(3)

#### ➤ Workplace Safety Plan 44:90:03:05(4), 44:90:04:15

- *If ladders are used*, a description of precautions to be taken should align with OSHA regulation 29 C.F.R. § 1910.23 (November 18, 2016).
- A description of training to be provided on the use of personal protective equipment (PPE) 29 C.F.R. § 1910.32.
- Evidence that the applicant will provide gloves, eye protection, or respirators.
- A description of training to be provided on safe use of chemicals and the communication and reporting of safety hazards 29 C.F.R. § 1910.1200, *including cleaning chemicals*.
- Assurances that all required labels and signs will be in place and safety data sheets will be maintained.
- If any agricultural, industrial or other heavy equipment is on site:
  - Proof of thorough training in the safe operation of any heavy agricultural equipment, industrial equipment such as extraction and packaging equipment, and other heavy equipment such as forklifts.
  - Proof of completion of OSHA-approved certification courses prior to using any heavy agricultural or industrial equipment on the premises.

#### ➤ Security Plan 44:90:03:05(6)

- Company responsible for monitoring alarms is named. 44:90:04:10(2)

- Diagram illustrates placement of all security cameras and sensors, including: 44:90:04:07
  - Alarm sensors on all exterior doors, windows, and gates. 44:90:04:10(1)
  - Cameras at exterior doors to allow identification of persons entering or exiting the premises. 44:90:04:07(1)
  - Cameras allow the viewing, in its entirety, of any area where cannabis, cannabis products, or cannabis waste are cultivated, stored, destroyed, or prepared for transfer, sale, or testing. 44:90:04:07(3)
  - Outdoor lighting is indicated. 44:90:04:05
    - Lighting must be sufficient for observers to see and cameras to record any activity within ten feet of the entry.
  - If site plan includes outdoor cultivation or waste, fences & gates must be secured and indicate alarm sensors. 44:90:04:26, 44:90:04:10(1)
- Camera Specifications, Including:
  - Security camera resolution must be 720 pixels minimum. 44:90:04:08(1)
  - Cameras must record 15 or more frames per second. 44:90:04:08(3)
  - The camera system must provide date/time stamps and be set to record 24/7. 44:90:04:08(4)
    - **Motion sensor activated cameras do not meet requirements.**
  - Battery backup for video recording must be two hours minimum. 44:90:04:08(6)
  - Video storage capability must be minimum of 90 days. 44:90:04:09
  - The camera system must be IP compatible and support live viewing by department. 44:90:04:08(2)
    - Please include camera access credentials for DOH inspectors. Credentials must be verified by the department.
- Storage of security footage is identified as onsite or on third-party server. 44:90:04:09
  - *If security footage is onsite*, surveillance system storage device secured in a lockbox, cabinet, or closet and alarmed with motion and seismic sensors to protect from employee tampering or criminal theft. 44:90:04:09
- All persons with access to security footage are listed. 44:90:04:09
- Written procedures for protecting footage are listed. 44:90:04:09
- Alarm system specifications, including:
  - The alarm system must give an audible warning. 44:90:04:10(3)
  - The alarm system must be capable of being disabled remotely. 44:90:04:10(3)
  - The alarm system must notify the security company if power fails. 44:90:04:10(4)
  - Battery backup for the alarm system must provide four hours minimum run time. 44:90:04:10(4)
- **Additional Information**
  - Specify procedures to prevent diversion or theft of product, including how cannabis and cannabis products will be secured when site is unoccupied. 44:90:03:05(8)
  - Provide the following information for each vehicle that will be used to transport cannabis or cannabis products, including samples for testing: 44:90:04:18
    - Make, model, and license plate number.
    - Proof of a valid automobile insurance policy.
    - A description or photos of a secure, opaque, locking compartment to be used to secure cannabis and cannabis products.

- Verification that the vehicle has a functioning alarm system.
  - Verification, with photographs as necessary, that the vehicle cannot be identified as transporting cannabis or cannabis products.
- **Waste Management Plan 44:90:03:05(9)**
- Describe how cannabis waste will be rendered unrecognizable and unfit for use and what it will be mixed with. **44:90:03:05(9)(a) Shredded paper and carboard are no longer acceptable**
    - If waste will be weighed, scales must have a certificate of conformance from a National Type Evaluation Program and be certified by DPS once every 2 years. **44:90:04:25**
      - Include a copy of the report from DPS.
  - Specify how cannabis waste will be protected from diversion. **44:90:03:05(8)**
  - Identify what will be done with cannabis waste (e.g., use of a specific hauler) or how composted. **44:90:03:05(9)(b) & (c)**
  - If waste is to be stored outdoors, fences & gates must be secured, at least 6 feet high, and obscured from public view. **44:90:04:26**
- **Wastewater Plan 44:90:03:05(10)**
- Specify which wastewater system is used from the following two options:
    - Public wastewater system – A pretreatment industrial use permit *OR* exemption letter from Department of Agriculture and Natural Resources is **REQUIRED**. **44:90:03:05(10)(a)**
      - *If the establishment is located in any of the following places, please reach out to your city wastewater division in lieu of contacting DANR: Aberdeen, Brookings, Huron, Mitchell, Rapid City, Sioux Falls, and Watertown*
    - An onsite wastewater system (septic system) – A signed statement from establishment owner that the system complies with ARSD chapter 74:53:01. **44:90:03:05(10)(b)**
- **Pre-Employment Screening Procedures 44:90:03:05(11)**
- Pre-employment screening procedures are specified in SOPs including:
    - A state criminal background check. **SDCL 34-20G-61**
    - Prohibition of hiring anyone with disqualifying felony. **SDCL 34-20G-62**
  - Signed attestation that background checks have been completed for all medical cannabis establishment agents. **Form 44:90:03:01(8)**
- **Control of Access to Site**
- Written procedures prohibiting unauthorized access to nonpublic areas, including a prohibition of anyone under 18 years of age except for cardholders. **44:90:04:13**
  - Procedures for allowing authorized access including: **44:90:03:05(12), 44:90:04:13, 44:90:04:14**
    - Checking of identification
    - Issuing of visitor badges
    - Accompanying visitors while onsite