



Dispensary 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must submit the missing and incomplete information within the specified time frame, or the application will be deemed withdrawn.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

Dispensary – Operating Procedures

➤ 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](#)
- Each area includes a description of activities to take place (sales floor, receiving area, storage of cannabis, etc.). 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
- Site plan explicitly indicates one of the following methods for verification of patient/caregiver status prior to entry into areas containing cannabis (ex. Sales floor): 44:90:08:01
 - Verification at an external cashier window or ticket window, followed by unlocking an exterior door to admit the individual into the building.
 - Verification at a cashier window or ticket window located in an entryway with a locked interior door that prevents access to any area containing cannabis, followed by unlocking the interior door.
 - Verification by an agent outside a locked exterior or interior door, followed by unlocking the door.
- Site plan identifies where patients/caregivers can park. 44:90:03:09(7)
- If waste is to be stored outdoors, fences & gates must be indicated on the site plan. 44:90:04:26

➤ Marketing Practices

- ❑ Identify a licensed source of cannabis and cannabis products. 44:90:03:09(1)
- ❑ Identify the types of products to be dispensed. 44:90:03:09(2)
- ❑ Identify whether packaging bulk cannabis or cannabis products at the point of sale (ex. Deli style). 44:90:03:09
 - If weighing cannabis or cannabis products, scales must be on site, and they 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 picture of the scale(s) and certificate sticker(s).
- ❑ Describe tamper-evident, child-resistant, opaque packaging (ex. Exit packaging). 44:90:10:01, 44:90:10:01.01
- ❑ Describe advertising plans, including onsite signs. 44:90:03:09(4)
 - Dispensary signs may not appeal to persons under 21 years of age, make specific medical claims, or depict cannabis consumption. 44:90:10:14:01(1), 44:90:10:15(2)
- ❑ Specify procedures for verifying identification. 44:90:03:09(3), SDCL 34-20G-70(2)
- ❑ Specify procedures for limiting purchases to legal amounts. 44:90:03:09(3), SDCL 34-20G-70(3)
- ❑ Identify point-of-sale software. 44:90:03:09(6)
 - Including documentation of interoperability with the inventory tracking system (API agreement with METRC), *if a new system*.
- ❑ Describe how location promotes patient access (e.g., easy to get to). 44:90:03:09(9)
- ❑ Describe accessibility for individuals with disabilities. 44:90:03:09(8)

➤ 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 alarm 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 stored, destroyed, or prepared for transfer, sale, or testing. 44:90:04:07(3)
- Cameras at doors separating sales floor from nonpublic areas. 44:90:04:07(2)
 - Cameras must be positioned as to allow identification of persons entering or exiting non-public areas
- 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.
- Camera Specifications, Including:
 - All security cameras set to record 24/7, except security cameras at doors set to record outside normal business hours. 44:90:04:08(5)
 - **Motion sensor activated cameras do not meet requirements.**
 - 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 and time stamps. 44:90:04:08(4)
 - 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 Precautions/Prevention of Diversion 44:90:03:05(8)
 - Specify procedures to prevent diversion or theft of product including how cannabis and cannabis products will be secured when site is unoccupied.
- Waste Management Plan 44:90:03:05(9)
 - ****Dispensaries are also required to submit a waste management plan for in-house disposal****
 - 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 cardboard 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 picture of the scale(s) and certificate sticker(s).
 - 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\(10\)](#)
 - **Dispensaries are required to submit a wastewater plan****
 - 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