

CHAPTER 44:90:02

REGISTRY IDENTIFICATION CARDS

Section

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- 44:90:02:17 Fees for registry identification cards.

44:90:02:02.01. Practitioner certification – Recommendation for cultivation of cannabis – Extended plant count. The department shall reject a recommendation for a South Dakota resident to cultivate an extended plant count not issued by a physician. The physician’s recommendation that the patient be allowed to cultivate an extended plant count expires 200 days after the date of the recommendation.

A physician’s recommendation for an extended plant count must specify the following reasons for the extended plant count:

(1) The research on which the physician relied in calculating the amount of cannabis required by the patient and that the risks associated with using that amount of cannabis are outweighed by the benefits;

(2) The difficulty the patient would experience in obtaining an adequate supply of cannabis from dispensaries due to the patient’s place of residence or level of disability;
and

(3) Any other factors justifying the recommendation.

Source:

General Authority: SDCL 34-20G-72(4).

Law Implemented: SDCL 34-20G-1(1), 34-20G-29, 34-20G-72(5).

44:90:02:16.01. Limits on inhalable cannabis products. Except as permitted by SDCL

34-20G-1(1)(d), no cardholder under 21 years of age may possess inhalable cannabis products.

Source:

General Authority: SDCL 34-20G-72(9).

Law Implemented: SDCL 34-20G-1(1)(b), 34-20G-2, 34-20G-3.

CHAPTER 44:90:10

PACKAGING, LABELING, AND ADVERTISING

Section

44:90:10:01 Packaging for retail sale – General requirements.

44:90:10:01.01 Packaging for transfer or sale – General requirements.

44:90:10:02 Packaging of cannabis flower or trim or inhalable cannabis products for retail sale.

44:90:10:03 Packaging of edible cannabis products for retail sale – Tinctures, oils, and beverages excluded.

44:90:10:04 Packaging of cannabis tinctures and oils for retail sale.

44:90:10:05 Packaging of cannabis beverages for retail sale.

44:90:10:06 Packaging of topical cannabis products for retail sale.

44:90:10:07 Labeling required.

44:90:10:08 Format of labeling – Font size – Multiple labels.

44:90:10:09 Labeling claims – Results of testing.

- 44:90:10:10 Expected effects – Time to take effect – Duration of effect.
- 44:90:10:11 Ingredients – Allergen warnings.
- 44:90:10:12 Contents – Net weight or volume – Nutritional information.
- 44:90:10:12.01 Required warnings – Indication that edible product contains cannabis – Side effects – Legal status of cannabis.
- 44:90:10:13 Identifying information – Establishment identification number – Batch – Dates.
- 44:90:10:14 Labeling prohibitions.
- 44:90:10:14.01 Prohibited forms of advertising.
- 44:90:10:15 Target audience – Establishments and adult cardholders only – Prohibition on advertising to practitioners.
- 44:90:10:16 Advertising on websites, social media and mobile applications.
- 44:90:10:17 Prohibited content – Advertisements.
- 44:90:10:18 Required information – Advertisements.
- 44:90:10:19 Nonconforming advertising.

44:90:10:01.01. Packaging for transfer or sale – General requirements. All cannabis or cannabis products shall be packaged for transfer or sale in containers that:

- (1) Are fully enclosable;
- (2) Are tamper-proof;
- (3) Are resealable;
- (4) Protect the packaged item from contamination;
- (5) Do not impart any toxic or deleterious substance to the packaged item; and
- (6) Except for bulk sale of flower or transfer thereof, are packaged in a child-resistant

container that is ready for sale to the patient or designated caregiver.

Shipping containers of flower are limited to ten pounds or less.

Source:

General Authority: SDCL 34-20G-72(5)(j).

Law Implemented: SDCL 34-20G-72(5).

44:90:10:12.01. Required warnings – Indication that product contains cannabis –

Side effects – Legal status of cannabis. The department shall design a standard symbol that indicates an item contains cannabis or cannabis extract that shall be used by all registered establishments. This standard symbol must appear on the front or most predominantly displayed area of the marketing layer of an edible cannabis product, no smaller than 1/2 inch by 1/2 inch.

Labels must contain the following warning statements in no smaller than six-point font:

(1) For all cannabis and cannabis products:

(a) Contains cannabis. For medical use by qualifying patients only. There may be health risks associated with the use of this product. There may be additional health risks associated with the use of this product for women who are pregnant, breastfeeding, or planning on becoming pregnant. Do not drive a motor vehicle or operate heavy machinery while using this product.;

(b) Cannabis has a high potential for abuse. This product has not been approved by the United States Food and Drug Administration for preventing or treating any condition or disease process.;

(2) For all cannabis flower and trim, including pre-rolled cannabis cigarettes: Not for retail sale to persons under 21 years of age.; and

(3) For all inhalable cannabis products: Possession by persons under 21 years old is illegal.

Source:

General Authority: SDCL 34-20G-72(7).

Law Implemented: SDCL 34-20G-72(5).

44:90:10:14.01. Prohibited forms of advertising. Unless and until the United States Drug Enforcement Administration removes marijuana or cannabis as a Schedule I controlled substance, no establishment may advertise:

(1) On a sign or billboard, except that a dispensary may advertise on signs on its own premises;

(2) By distributing handbills in public areas or on publicly owned property;

(3) Through direct mail, phone, text, or email without verifying the recipient is a cardholder or medical cannabis establishment and offering a permanent opt-out feature;

(4) Through publication, except that a dispensary may advertise on publications within its own premises;

(5) Through radio, television, and other media; or

(6) Through a practitioner or health care facility, by placing advertising material at a practitioner's office or health care facility, or by targeting the practitioner's or health care facility's patients through direct mail, phone, text, or email.

Source:

General Authority: SDCL 34-20G-72(5)(i).

Law Implemented: SDCL 34-20G-72(5).