

# Medical Cannabis 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must submit the missing and incomplete information within the specified time frame or the application will be deemed withdrawn.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

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### Application Form

#### Allowable Location 44:90:03:01(4)

- 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 44:90:03:13
- Upload a signed copy of certification for principal officers and board members background checks 44:90:03:14

Organizational Documents 44:90:03:01(7)

- For corporations:
  - Articles of Incorporation **and**
  - Bylaws *OR* signed statement that no such document exists
- For 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
  - for LLPs and LLLPs Copy of Statement of Qualification
- For all entities:
  - Copy of any management agreement outside of the documents listed above

Submission of Fee

- Application Fee Paid

# Cultivation Facility – Operating Procedures

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## Management Plan

- ❑ Management plan submitted 44:90:03:05(1)
- ❑ People in charge of day-to-day operations are identified 44:90:03:05(1)
- ❑ Specific roles for each key person are described 44:90:03:05(1)

## Site Plan

- ❑ Site plan submitted that meets all requirements 44:90:03:05(2)
- ❑ Site plan identifies access from public right of way (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 44:90:03:05(2)(c)
- ❑ Site plan does not allow access from any business or residence, except another medical establishment with common ownership 44:90:04:04
- ❑ 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)(a)(b)
- ❑ 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)
- ❑ Diagram/description identifies: 44:90:03:06(3)
  - Type of lights to be used:\_\_\_\_\_
  - Approximate power requirements:\_\_\_\_\_
  - If applicable, greenhouses and other equipment to be used:\_\_\_\_\_
  - Including the approval listing by a Nationally Recognized Testing Laboratory (NRTL):\_\_\_\_\_
- ❑ *For indoor cultivation*, diagram/description identifies: 44:90:03:06(3)(5)
  - Ventilation,
  - Filtration,
  - Humidity control systems,
  - Approximate power requirements,
  - NRTL (Nationally Recognized Testing Laboratory) listings 44:90:03:06(3)(5)
- ❑ Irrigation systems, including their NRTL listing, are identified. 44:90:03:06(3)
- ❑ Electrical service to the site must support all necessary equipment. 44:90:03:06(4)
- ❑ Applicant must be able to demonstrate legal access to water from a municipal or other source (including septic systems, and public waste water systems)44:90:03:06(4)
  - \*\*Must have a letter from local municipality or other source as evidence that you have met this requirement\*\*
- ❑ Secure storage location for cannabis awaiting test results must be identified. 44:90:03:05(2)(a)
- ❑ Scales used for determining sale prices must have a certificate of conformance from a National Type Evaluation Program approved laboratory 44:90:04:25
- ❑ Pesticides must not be applied in same structure as a dispensary.(44:90:04:04(4)(c)
  - Upload copy of Certification of Co-Location if applicable

### Operating Days and Hours

- Days and hours of normal operation are specified 44:90:03:05(3)
  - Including any anticipated deviations (e.g., extended hours at harvest, closed on holidays, etc) 44:90:05:05
- Site will have personnel present during normal business hours for purposes of inspections 44:90:12:01(2)

### Cultivation Procedures 44:90:05:01

- Applicant lists all chemicals for each of the following: 44:90:03:06(7)
  - Insecticides
  - Fungicides
  - Fertilizers
  - Essential oils
- Applicant lists all active ingredients in each pesticide used 44:90:03:06(7)
- All pesticides listed are approved for use on cannabis 44:90:05:09
- Applicant describes the process 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
    - **Starting January 2025 all pesticide applicator licenses MUST be Commercial and pass categories G and 4.**
- Applicant specifies what will be done when cannabis fails a mandatory test 44:90:03:06(6)
- Applicant specifies plans to remediate batches that fail for microbial or mycotoxins testing 44:90:03:06(6) and 44:90:09:11(3) (i.e., submit updated SOP to include who will be remediating the product, how will the product be remediated including detailed steps).
- Applicant specifies plans to retest and/or destroy batches that fail for heavy metals or pesticides 44:90:03:06(6) and 44:90:09:11(3)

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

- *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)
- 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
- Assurances that all required labels and signs will be in place and safety data sheets will be maintained
- 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

- Security plan submitted 44:90:03:05(6)
- Company responsible for monitoring alarms is named 44:90:04:10

- All exterior doors, windows, and gates have alarm sensors present 44:90:04:10(1)
- *If site plan includes outdoor cultivation or dumpsters used for cannabis waste*, fences are shown and gates indicate motion sensors 44:90:05:06 44:90:04:10(1)
- Diagram illustrates placement of all security cameras, including: 44:90:04:07
  - At exterior doors to allow identification of persons entering or exiting the premises 44:90:04:07(1)
  - To allow the viewing, in its entirety, of any area where cannabis, cannabis plants, cannabis products, or cannabis waste are cultivated, stored, destroyed, or prepared for transfer, sale, or testing 44:90:04:07(3)
- 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 44:90:03:05(6)
- 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.
  - List battery backup run time: \_\_\_\_\_ 44:90:04:10(4)
  - Include battery spec sheet.
- Security camera resolution must be 720 pixel minimum.
  - List camera resolution: \_\_\_\_\_ 44:90:04:08(1)
  - Include camera spec sheet.
- Cameras must record 15 or more frames per second.
  - List camera frame rate: \_\_\_\_\_ 44:90:04:08(3)
  - Include camera spec sheet.
- The camera system must be IP compatible and support live viewing by department. 44:90:04:08(2)
  - Provide camera system program name: \_\_\_\_\_
    - Send invite for camera system access to [McQuestions@state.sd.us](mailto:McQuestions@state.sd.us), [Michael.Czmowski@state.sd.us](mailto:Michael.Czmowski@state.sd.us), and [Stephen.Garvin@state.sd.us](mailto:Stephen.Garvin@state.sd.us)
  - Provide login information for live viewing:
    - Username: \_\_\_\_\_
    - Password: \_\_\_\_\_
- The camera system must provide date and time stamps with the 24/7 recordings. 44:90:04:08(4) & (5)
- Battery backup for video recording must be two hours minimum.
  - List battery backup run time: \_\_\_\_\_ 44:90:04:08(6)
  - Include battery spec sheet.
- Video storage capability must be minimum of 90 days. 44:90:04:09
  - List video storage capacity: \_\_\_\_\_

### Additional Precautions/Prevention of Diversion 34-20G-64

- Applicant specifies procedures to prevent diversion or theft of product 44:90:03:05(8) 34-20G-64
  - Including how cannabis and cannabis products will be secured when site is unoccupied

### Waste Management Plan

- Waste management plan submitted 44:90:03:05(9)
- Applicant specifies how cannabis waste will be protected from diversion 44:90:03:05(8)
- Applicant describes how cannabis waste will be rendered unrecognizable and unfit for use 44:90:03:05(9)(a)
- Applicant identifies what will be done with cannabis waste (e.g., use of a specific hauler) or how composted 44:90:03:05(9)(b) & (c)

### Wastewater Plan

- Wastewater plan submitted 44:90:03:05(10)
- Applicant specifies which wastewater system they will be using from the following two options:
  - Public wastewater system
    - A pretreatment industrial use permit *OR* exemption letter from the Department of Agriculture and Natural Resources<sup>1</sup> is REQUIRED 44:90:03:05(10)(a)
  - 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

- Pre-employment screening procedures are specified in SOPs including 44:90:03:05(11)
  - A state criminal background check 44:90:03:05(11)
  - Prohibition of hiring anyone with disqualifying felony 44:90:03:01(8)
- Signed attestation that background checks have been completed for all medical cannabis establishment agents 44:90:03:01(8)

### Control of Access to Site

- Applicant has written procedures prohibiting unauthorized access to nonpublic areas, including a prohibition of anyone under 21 years of age 44:90:03:05(12) and 44:90:04:13 34-20G-65
- Applicant has procedures written in SOPs for allowing authorized access including the following requirements: 44:90:03:05(12) 44:90:04:13 44:90:04:14
  - Checking of identification
  - Issuing of visitor badges
  - Accompanying visitors while onsite

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<sup>1</sup> 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