

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must submit the missing and incomplete information within the specified time frame or the application will be deemed withdrawn.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

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

Dispensary – Operating Procedures

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 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 (sales floor, receiving area, storage of cannabis, storage of cash, etc) 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 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
- Signed certification of co-location 44:90:04:04
- Site plan identifies where patients/caregivers can park 44:90:03:09(7)

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)
- Site will have personnel present during normal business hours for purposes of inspections 44:90:12:01(2)

Marketing Practices

- Applicant identifies the types of products to be dispensed 44:90:03:09(2)
- Applicant identifies whether it will package bulk cannabis or cannabis products at the point of sale (ex. Deli style) 44:90:10:01
- Applicant describes tamper-evident, child-resistant, opaque packaging (ex. Exit packaging) 44:90:10:01 and 44:90:10:01.01
- Applicant identifies a licensed source of cannabis and cannabis products 44:90:03:09(1)
- Applicant describes advertising plans 44:90:03:09(4)
 - Including signage
 - 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) and 44:90:10:15(2)
- Applicant specifies procedures for verifying identification 44:90:03:09(3)
- Applicant specifies procedures for limiting purchases to legal amounts 44:90:03:09(3)
- Applicant identifies point-of-sale software 44:90:03:09(6)
 - Including documentation of interoperability with the inventory tracking system (API agreement with METRC)
- Applicant describes how location promotes patient access (e.g., easy to get to) 44:90:03:09(9)
- Applicant describes accessibility for individuals with disabilities 44:90:03:09(8)
- Scales must have a certificate of conformance from a National Type Evaluation Program 44:90:04:25

Workplace Safety Plan 44:90:03:05 (4) and 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)
- 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 indicates public parking*, 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.
- 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 products, or cannabis waste are manufactured, stored, destroyed, or prepared for transfer, sale, or testing 44:90:04:07(3)
 - 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
- Security cameras at doors set to record outside normal business hours 44:90:04:08(5)
- 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, Michael.Czmowski@state.sd.us, and 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

- 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

Dispensaries are also required to submit a waste management plan for in-house disposal

- 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/form from Department of Agriculture and Natural Resources¹ 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)

¹ 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

Control of Access to Site

- Applicant has written procedures prohibiting unauthorized access to nonpublic areas, including a prohibition of anyone under 18 years of age except for cardholders 44:90:03:05(12) and 44:90:04:13
- Applicant has 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

