



SOUTH DAKOTA MEDICAL CANNABIS PROGRAM

600 EAST CAPITOL AVENUE
PIERRE, SD 57501-2536

“MC MINUTE”

06/16/23

- ❖ **Establishment certificate renewals** – Establishments are required to annually renew their certifications. In order for the Department to begin the review process, the renewal application and the fee must be submitted at least 30 days prior to expiration (you may begin this process anytime within 60 days prior to expiration). Remember, if your certificate expires, no business activity can be conducted until the application has been processed and you have received your certificate. (ARSD 44:90:03:02).

- ❖ **Mandatory testing requirements -- Attention cultivators and manufacturers!** Per ARSD 44:90:09:01, in addition to the current mandatory tests, effective July 1, 2023, the following tests are required for cannabis and cannabis products prior to transfer for retail sale:
 - Mycotoxins
 - Metals
 - Pesticides
 - Solvents

Important: Any product that has passed testing, has a production date prior to July 1 on the label, and has been packaged for retail sale prior to July 1st does not need to be tested for the above items.

- ❖ **Mandatory testing requirements - Attention dispensaries!**
 - Current product with a production date prior to July 1 does not require the new testing requirements.
 - Product with a production date of July 1 or later does require testing for heavy metals, pesticides, mycotoxins, and solvents.
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- ❖ **Advertising** –Be sure you are aware of all requirements regarding sponsored ads on social media platforms. (ARSD 44:90:10:16 – 44:90:10:18)

- ❖ **Inventory tracking**- Reminder that vape cartridges need to be entered and tracked in milligrams,not grams. (ARSD 44:90:11:03)

- ❖ **Labeling** –All product labels are required to have:
 - The registration number of cultivating, manufacturing, or dispensary involved in the cultivating, manufacturing, or sale of the item;
 - The batch numbers;
 - The cultivation date of the cannabis flower or trim;
 - The production date of the cannabis products

- ❖ **METRC Product Categories**—To assist you with entering product into METRC using the correct identifying category, we have summarized the categories available in METRC. Please see the attached chart.

- ❖ **Authorization Form**—Attached is a sample consent form that can be utilized with medical cannabis patients to voluntarily share their personal information in order to communicate more effectively regarding their individual medical needs or product use. Establishments may use this form or create one of their own to keep on file.

Legislative Updates!

The following statutory changes will go into effect July 1, 2023, unless otherwise stated. Please plan accordingly:

Title of Bill	Description	Bill #
Modify debilitating medical conditions for medical cannabis use.	Adds AIDS/HIV, ALS, multiple sclerosis, Crohn’s disease, epilepsy and seizure, post-traumatic stress disorder, and cancer or its treatment (if associated with severe or chronic pain, nausea/vomiting, or severe wasting) to the list of debilitating medical conditions eligible for medical cannabis use. Repeals the petition process for disabling conditions in § 34-20G-26.	SB1
Revise memberships of the Medical Marijuana Oversight Committee	Changes the membership of the Medical Marijuana Oversight Committee to include two Senators, two Representatives, one physician, one PA, one NP, one chief of police from a municipality with a population of 50,000 or more, one sheriff, one professional counselor or addiction counselor, and one qualifying patient. Membership removed included representatives from DOH, DPS, DCI, AG Office, cannabis testing establishment and person with experience in medical cannabis policy development/implementation	SB 134
All medical cannabis establishments to maintain certain cardholder data and to declare an emergency (Effective date March 8, 2023)	Allows cardholders to authorize medical cannabis establishments to maintain the cardholder’s name and other personally identifiable information for the limited purpose of receiving direct communication regarding the cardholder’s individual medical needs or use of a specific product.	SB 198

<p>Prohibit the issuance of a written certification to a pregnant woman or breastfeeding mother for purposes of medical cannabis use</p>	<ul style="list-style-type: none"> ▪ Prohibits a practitioner from issuing a written certification for medical cannabis use to a pregnant or breastfeeding woman ▪ Clarifies that severe nausea associated with pregnancy does not qualify as a debilitating medical condition 	<p>HB 1053</p>
<p>Revise provisions regarding the duties of the medical marijuana oversight committee</p>	<p>Updates the duties of the Medical Marijuana Oversight Committee to include evaluating and making recommendations related to any medical or clinical aspects of the medical cannabis program.</p>	<p>HB 1132</p>
<p>Provide a medical cannabis patient a registry identification card fee waiver in certain circumstances</p>	<p>Provides for a waiver of the fee for a medical cannabis registry card for patients whose initial certification from their practitioner was for 60 days or less. The patient may only receive one fee waiver per calendar year</p>	<p>HB 1150</p>
<p>Modify acceptable conduct for practitioners related to medical cannabis</p>	<p>Prohibits practitioners from:</p> <ul style="list-style-type: none"> ▪ Offering discounts, deals, or other financial incentives for making an appointment for the purpose or receiving written certification for medical cannabis use ▪ Conducting the medical assessment required for the bona-fide practitioner-patient relationship in a space licensed for the sale of alcohol, or ▪ Charging a patient based on the term of a written certification issued to the patient. ▪ Makes it a Class 2 misdemeanor for an entity to offer discounts, deals, or other financial incentives for making an appointment for the purpose of receiving a written certification for medical cannabis use or charging a patient based on the duration of a written certification issued to the patient. 	<p>HB 1154</p>