

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must submit the missing and incomplete information within the specified time frame or the application will be deemed withdrawn.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

Product Manufacturing Facility – 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)
- *If edibles will be manufactured:* Identify food service manager 44:90:07:09(2)
 - *Upload a copy of certified food service manager's certificate*

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
- 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)
- Diagram illustrating in which areas of the premises each manufacturing activity will occur 44:90:03:08(5)
 - Extraction, edibles preparation, refrigerated storage, cooking or heating, packaging, etc
 - Specifically denotes areas or includes a separate diagram illustrating the areas of the premises where any solvent, chemical, or potentially hazardous substance will be stored 44:90:03:08(6)

- Secure storage for cannabis product awaiting test results must be provided 44:90:09:09
- If co-located, upload signed certification of co-location 90:04:04
- Plans for ventilation and filtration systems that reduce the risk of fire or respiratory harm within the facility 44:90:03:08(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)

Manufacturing Processes

- Applicant provides a detailed list of the products that will be manufactured onsite 44:90:03:08(1)
- *If extraction/concentration will take place*, the applicant describes: 44:90:03:08(2)
 - The extraction methods to be used
 - The solvents to be used
 - The equipment to be used
- *If extraction using solvents will take place*, refer to 44:90:07:07 and 44:90:07:08 for complete list of solvents. 44:90:03:08(8)
 - A list of extraction equipment including:
 - For each piece of extraction equipment, its listing by UL or another NRTL **AND**
 - An assessment by a licensed engineer or local fire official that the equipment is safe for its intended use
 - An assessment by a licensed engineer or the equipment manufacturer that the equipment is a closed-loop system capable of recovering unused solvent 44:90:03:08(9)
 - Ventilation equipment in place 44:90:03:08(7) and 44:90:07:02(1)
 - A gas detection system must be used 44:90:07:07 & 8
 - Extraction equipment must have an emergency shut-off switch
- *If edibles will be manufactured*: 44:90:07:09(1)
 - Food establishment licensed obtained
 - Upload copy of food service license
- Applicant indicates how they will remediate cannabis or cannabis products, 44:90:03:08(4)
 - Remediation plans specified by:
 - Product type (example flower, gummies, tincture, concentrate, etc)
 - Types of tests failed (example mycotoxins, microbials, etc)
 - Reminder the following failures cannot be remediated: Heavy metals, solvents, and pesticides.
 - Manufacturing processes to be used (Example, if you are sending the product offsite to be remediated, location must be specified in the SOPs)
- Scales used for determining sale prices must have a certificate of conformance from a National Type Evaluation Program 44:90:04:25

Workplace Safety Plan 44:90:03:05(4)(5) and 44:09:04:15

- ❑ *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)
- ❑ Diagram illustrates placement of all security cameras, including: 44:90:04:07
 - At exterior doors and gates 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)
- ❑ 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 SDCL 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/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)

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

- 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 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

