

FORM 6

South Dakota Department of Health
Notice of Public Hearing to Adopt Rules

A public hearing will be held in Kneip Building Conference Room #3, 700 Governor’s Drive, Pierre, SD, on September 28, 2023 at 1:00 PM (Central) to consider the amendment of proposed Administrative Rules of South Dakota numbered

§§ 44:90:01:01, 44:90:02:16, 44:90:03:02.01, 44:90:03:16, 44:90:03:17, 44:90:04:25, 44:90:06:01, 44:90:07:04, 44:90:07:10, 44:90:08:04, 44:90:09:01, 44:90:09:07.01, 44:90:10:01, 44:90:10:12, 44:90:11:01, 44:90:11:03, 44:90:11:06, 44:90:13:01; 44:90:13:02

The effect of the rules will be to update and clarify definitions related to medical cannabis; revise allowable amounts of cannabis product and scale certification for scales used to weigh and measure cannabis product; define additives and terpenes in the manufacturing process; clarify that all sales of cannabis and cannabis products must be in a certified medical cannabis dispensary; clarify the definition of final form of cannabis prior to retail sale; remove exemption of pre-roll cannabis from testing requirements; add expiration dates and use by dates to packaged cannabis product; clarify use of inventory tracking system plant tags; increase the establishment certification fee to reflect inflationary increase allowed by statute; and repeal the petition process for debilitating conditions.

The reason for adopting the proposed rules is to update rules to meet industry standards for medical cannabis and increase the certification fee for establishments based on inflation percentage as allowed by statute. The repeal of the petition process for debilitation conditions is the result of SB 1 from the 2023 legislative session.

Persons interested in presenting amendments, data, opinions, and arguments for or against the proposed rules may appear in-person at the hearing, or mail or e-mail them to the South Dakota Department of Health, Medical Cannabis Program, 600 East Capitol Avenue, Pierre, SD 57501 or by going to <http://rules.sd.gov>. The deadline to submit any such written comments for consideration by the Department is October 9, 2023.

After the written comment period, the Department of Health will consider all written and oral comments it receives on the proposed rules. The Department of Health may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

For Persons with Disabilities: This hearing will be located at a physically accessible place. Please contact the Department of Health at least 48 hours before the public hearing if you have special needs for which special arrangements can be made by calling 605-773-3361.

Copies of the proposed rules may be obtained without charge from the South Dakota Department of Health, 600 East Capitol Avenue, Pierre, SD 57501 or <http://rules.sd.gov>.

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