

**44:90:01:01. Definitions.** Terms defined in SDCL 34-20G-1 have the same meaning when used in this article. As used in this article:

(1) “Action level” means the level of a contaminate that triggers action to prohibit a cannabis product from being sold;

(2) “Age-restricted cardholder” means a cardholder or nonresident cardholder who is under 18 years of age or who is a student as described in § 23:80:02:07;

(3) “Agent identification badge” means a credential provided by an establishment for use by an agent while performing work-related duties;

(4) “Allowable quantity of cannabis products” means an amount of cannabis products that may be possessed by a cardholder or nonresident cardholder pursuant to SDCL 34-20G-1(1)(b) and (c). This term does not apply to drugs approved by the Food and Drug Administration;

(5) “Analyte” means a chemical, compound, element, bacteria, yeast, fungus, or toxin that is identified or measured by testing;

(6) “Analytical test” means the use of a single technology to detect the presence or concentration of a single analyte on one or more matrices;

(7) “Authorized transfer” means the distribution of cannabis and cannabis products between medical cannabis establishments that is allowable within inventory tracking system procedures;

(8) “Batch” means a specific quantity of cannabis that is the same strain, grown under the same conditions, and harvested during a specified period of time from a specified cultivation area within a cultivation facility, with the exception of trim; or a specific quantity of cannabis products that is produced during a specified period of time using the same extraction or manufacturing method, formulation, and/or recipe;

(9) “Batch identifier” means a unique number or code assigned by an establishment to a quantity of cannabis or cannabis products for testing;

(10) “Cannabis beverage” means a liquid edible cannabis product with a concentration of less than one milligram of delta-9 tetrahydrocannabinol (THC) per ounce of liquid;

(11) “Cannabis extract” means the resin extracted from any part of a cannabis plant using a liquid or gaseous solvent other than water;

(12) “Cannabis oil” means an edible cannabis product using a food-safe oil as the primary noncannabis ingredient and with no added flavors, colors, or scents;

(13) “Cannabis testing facility designee” means a person or entity contracted or designated by the testing facility that has documented authorization from the testing facility and has completed the required training for the purposes of sample collection;

(14) “Cannabis waste” means cannabis flower or trim, cannabis seeds, cannabis products, byproducts containing cannabis, or cannabis plants, excluding stalks without trichomes and root balls, that have been designated for destruction;

(15) “Certificate of analysis” means a written report of the results of analytical testing, indicating whether the results comply with this article;

(16) “Chain of custody” means documentation of the handling of cannabis and cannabis products;

(17) “Collective” means two or more cardholders who physically assist each other in the act of cultivating or processing cannabis for medical use, except that the sharing of an enclosed, locked facility for cultivation by two or more cardholders in their own dwelling is not a collective;

(18) “Competitive application” means a medical cannabis establishment application that is scored numerically by the department, in cases where more applicants apply than are allowed by the local government;

(19) “Concentrated cannabis” or “cannabis concentrate” means cannabis extract or a preparation made by using heat, temperature, or mechanical means to separate cannabinoids from cannabis, including hashish;

(20) “Confirmation testing” means testing performed by, or at the direction of, the department to determine consistency and accuracy of tests offered by cannabis testing facilities;

(21) “Equivalent cannabis weight” means the weight, in ounces, that a given quantity of cannabis product counts against the total allowable amount of cannabis under SDCL 34-20G-1(1);

(22) “Exit packaging” means a bag, box, or other container for use in transporting cannabis or cannabis products after purchase at a dispensary;

(23) “Flower” means the pistillate reproductive organs of a mature cannabis plant, whether processed or unprocessed, including the flowers and buds of the plant;

(24) “Immature plant” means a nonflowering cannabis plant that measures 12 inches or more from the base of the main plant stalk to the most distant point of the plant's leaf stems or branches;

(25) “Index factor” means the annual percentage change in the consumer price index for urban wage earners and clerical workers as computed by the Bureau of Labor Statistics of the United States Department of Labor, for the year immediately preceding the year of adjustment;

(26) “Inhalable cannabis product” means a cannabis product that is intended to be consumed by inhalation;

(27) “Inherently hazardous substance” means any solvent or chemical, other than ethanol, with a flash point at or lower than 100 degrees Fahrenheit;

(28) “Inventory record” means a daily electronic record of all cannabis;

(29) “Inventory tracking system” means an electronic system specified by the department for the purposes of identifying and preventing diversion and protecting patients from unsafe cannabis or cannabis products;

(30) “ISO/IEC 17025 accreditation” means accreditation by the International Accreditation Service, the American Association for Laboratory Accreditation, the American National Standards Institute’s National Accreditation Board, or another laboratory accreditation board that the testing facility meets *General Requirements for the Competence of Testing and Calibration Laboratories* developed by the International Organization for Standardization and the International Electrotechnical Commission for a particular analyte and technology;

(31) “Low-income” means having a gross monthly household income that is 130 percent or less of the federal poverty level as defined by § 67:11:01:03;

(32) “Marketing layer” means the outermost layer of a retail sale container predominantly apparent and visible;

(33) “Matrix” means a component or substrate that contains an analyte being tested for;

(34) “Mature plant” means a cannabis plant that has flowered;

(35) “Nationally recognized testing laboratory” means an independent laboratory recognized by the Occupational Health and Safety Administration pursuant to 29 C.F.R. § 1910.7 (February 18, 2020);

(36) “Nonusable” means unfit for sale or, except for the purposes of remediation, transfer;

(37) “Remediation” means the further processing of a batch of cannabis or cannabis products that has failed testing, using a process approved by the department to address the reasons for the failure;

(38) “Representative sample” means the amount of cannabis and cannabinoids within the product being consistent and reasonably equally dispersed throughout the product or each portion of the product;

(39) “Sample identifier” means a unique number or code assigned to a sample to be tested by a testing facility, either by the establishment submitting the sample or an agent of the testing facility;

(40) “Seedling” means a nonflowering cannabis plant or rooted cutting that measures less than 12 inches from the base of the main plant stalk to the most distant point of the plant's leaf stems or branches;

(41) “Smokable form” means in a form of cannabis or cannabis product marketed to be heated in the presence of oxygen and inhaled through smoking;

(42) “Synthetic” means formulated or manufactured by a chemical process or by a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources;

(43) “Testing sample record” means a daily electronic record maintained by an establishment of batch identifiers, sample identifiers, and associated information;

(44) “Tincture” means a liquid edible cannabis product with a concentration of greater than one milligram of THC per ounce of liquid in the form of ethanol, propylene glycol, glycerin, or food safe oil;

(45) “Topical cannabis product” means a nonedible cannabis product that is intended to be applied externally to the skin;

(46) “Transaction record” means a daily electronic record created and maintained by a dispensary to track transactions with patients;

(47) “Transfer record” means a daily electronic record of any acquisition of seeds, seedlings, plants, cannabis, or cannabis products and any transfer of cannabis or cannabis products to another medical cannabis establishment;

(48) “Trim” means trichome-containing leaves of the cannabis plant that have been intentionally removed during cultivation; and

(49) “Vaporizer product” means an inhalable cannabis product containing concentrated cannabis that is heated below the point of combustion.

**Source:** 48 SDR 40, effective October 5, 2021; 49 SDR 9, effective August 8, 2022.

**General Authority:** SDCL 34-20G-72.

**Law Implemented:** SDCL 34-20G-72.

**Reference:** International Organization for Standardization & International Electrotechnical Commission. (2018). *ISO/IEC 17025:2017: General Requirements for the Competence of Testing and Calibration Laboratories*. <https://www.iso.org/standard/66912.html>. Cost: \$138.

**Cross-Reference:** Federal poverty level, § 67:11:01:03.