CHAPTER 20:51:02

INTERNSHIP REQUIREMENTS

Section

20:51:02:04. Registration. The board ~~shall~~ may grant a certificate as a pharmacy intern to any person who has ~~registered~~ applied with the board on a form provided by the board and paid a non-refundable fee of forty dollars. The board may not grant internship credit for experience obtained prior to the ~~individual's~~ person's registration as a pharmacy intern. ~~A person who is~~ The following persons are eligible for registration by the board as a pharmacy intern must meet one of the following qualifications:

(1) A person who is enrolled in an Accreditation Council for Pharmacy Education (ACPE) accredited school or college of pharmacy and has completed one week of classes;

(2) A pharmacist applicant who is a graduate of an ~~ACPE approved~~ ACPE-approved professional degree program of a school or college of pharmacy, and is awaiting examination for pharmacist licensure;

(3) A ~~graduate~~ person who has established educational equivalency by obtaining a Foreign Pharmacy Graduate Examination Committee Certificate, for the purpose of obtaining practical experience as a requirement for licensure as a pharmacist pursuant to § 20:51:01:10; or

(4) A pharmacist licensure applicant awaiting board requirements for licensure or re-licensure.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 22 SDR 133, effective April 25, 1996; 31 SDR 35, effective September 19, 2004; 36 SDR 21, effective August 17, 2009; 52 SDR 27, effective September 15, 2025.

General Authority: SDCL ~~36-11-10,~~ 36-11-11(1), 36-11-25.

Law Implemented: SDCL 36-11-10, 36-11-25.

20:51:02:10. Practical experience defined. The term "practical experience," as it relates to qualification for licensure, means the ~~pharmacy intern's~~ following, when performed by the pharmacy intern under the immediate supervision of a pharmacist:

(1) The practice of pharmacy, as defined in SDCL 36-11-2.2~~,~~; and ~~the~~

(2) The functions authorized to pharmacists in SDCL 36-11-19.1~~, under the immediate and personal supervision of a pharmacist~~.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 22 SDR 133, effective April 25, 1996; 52 SDR 27, effective September 15, 2025.

General Authority: SDCL 36-11-11, 36-11-25.

Law Implemented: SDCL 36-11-16(6), 36-11-25.

20:51:02:11. Supervising pharmacist requirements. A pharmacist who agrees to supervise the practical experience of a pharmacy intern shall agree to abide by pharmacy law and rules. A pharmacist must be readily available and in ~~continuous~~ communication with the pharmacy intern during all professional activities of the practical experience. A pharmacy intern may receive written or verbal prescriptions if the pharmacist reviews and makes the necessary professional determinations about the medication order.

A pharmacist shall verify the accuracy of all information entered into the prescription software platform by the pharmacy intern. The identity of the pharmacist must be included in the prescription record.

The pharmacist shall inspect the prepared prescription and verify the accuracy of the preparation, and its labeling, prior to dispensing the prescription to the patient or the patient's representative.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 22 SDR 133, effective April 25, 1996; 26 SDR 92, effective January 6, 2000; 50 SDR 138, effective June 2, 2024; 52 SDR 27, effective September 15, 2025.

General Authority: SDCL 36-11-11(1), 36-11-25.

Law Implemented: SDCL 36-11-25.

20:51:02:14. Credit given for military and research activities. The Board of Pharmacy may ~~allow~~ approve up to ~~400~~ four hundred hours of intern credit, outlined in ARSD 20:51:02:10, for suitable military ~~and~~ or research activities in the field of pharmacy as part of the experience requirement.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 36-11-11, 36-11-25.

Law Implemented: SDCL 36-11-25.

20:51:02:18 Disciplinary actions. For a pharmacy intern's violation of state or federal statutes, or pharmacy laws or rules of any state, the board may:

(1) Revoke the pharmacy intern certificate;

(2) Suspend the pharmacy intern certificate until further order of the board or for a specified period;

(3) Not renew the pharmacy intern certificate;

(4) Prohibit permanently, until further order of the board, or for a specified period, the engaging in specified procedures, methods, or acts;

(5) Impose a probationary period;

(6) Refer the pharmacy intern to the health professionals assistance program; or

(7) Issue a letter of concern or public reprimand.

General Authority: SDCL 36-11-25.

Law Implemented: SDCL 36-11-25.

CHAPTER 20:51:05

RESTRICTED PROFESSIONAL PRACTICES

Section

20:51:05:00 Definitions.

20:51:05:01 Transferred.

20:51:05:02 Transferred.

20:51:05:03 Repealed.

20:51:05:04 Repealed.

20:51:05:05 Repealed.

20:51:05:06 Transferred.

20:51:05:07 Transferred.

20:51:05:08 Repealed.

20:51:05:09 Repealed.

20:51:05:10 Repealed.

20:51:05:11 Repealed.

20:51:05:12 Repealed.

20:51:05:13 Repealed.

20:51:05:14 No advertising permitted on prescription blanks furnished to doctors, Repealed.

20:51:05:15 ~~Controlled drug to be dispensed only by prescription~~ Prescription required to dispense a drug.

20:51:05:15.01 Identification required for controlled drug prescription.

20:51:05:15.02. Delivery of a prescription.

20:51:05:15.03. Authorized filling of a prescription.

20:51:05:16 Prescription for Schedule II controlled drug requires date and signature of prescriber -- Not refillable, Repealed.

20:51:05:17 Oral prescription permitted for Schedule II controlled drug in emergency.

20:51:05:18 Partial filling of prescription for Schedule II controlled drug, Repealed.

20:51:05:19 Prescription required to dispense Schedule III or IV controlled drug -- Refill restricted, Repealed.

20:51:05:20 Legend drug to be dispensed by prescription only -- Refill restricted, Repealed.

20:51:05:21 Labeling of prescription container for controlled or noncontrolled legend drug.

20:51:05:22 Distribution of drugs to prescribers or pharmacies.

20:51:05:23 Distribution of dialysate or dialysis devices by the manufacturer or manufacturer's agent to a patient -- Exempt from pharmacy licensure.

20:51:05:00. Definitions. Terms used in this chapter mean:

(1) "Controlled drug," a substance as defined in SDCL 36-11-2.1 that is controlled under the provisions of SDCL chapter 34-20B and is listed in SDCL 34-20B-12 to 34-20B-26, inclusive; and

(2) "Legend drug," a substance as defined in SDCL 34-20B-28.1.

Source: 8 SDR 101, effective February 28, 1982; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 50 SDR 138, effective June 2, 2024.

General Authority: SDCL 36-11-11(1).

Law Implemented: SDCL ~~36-11-20~~ 36-11-2.1.

20:51:05:15. ~~Controlled drug to be dispensed only by prescription~~ Prescription required to dispense a drug.

~~A pharmacist may not dispense a controlled drug unless the controlled drug is dispensed pursuant to the prescription of a prescriber licensed to prescribe controlled drugs. A pharmacist shall exercise sound professional judgment with respect to the legitimacy of prescription orders. A facsimile transmission of a Schedule II controlled drug prescription must comply with the requirements of § 44:58:08:18.03.~~

~~A prescription must be dated and signed on the date issued. The prescription must bear:~~

~~(1) The name and address of the patient;~~

~~(2) The controlled drug name, strength, dosage form, quantity prescribed, and directions for use; and~~

~~(3) The name, address, and registration number of the prescriber.~~

~~If an oral prescription for a Schedule II controlled drug is not permitted, a prescription order must be written in ink, or typewritten, and manually dated and signed by the prescriber or issued and signed electronically where permissible by law. A prescription for a Schedule II controlled drug may not be filled later than six months after the date of issuance.~~ A pharmacist may dispense a drug only pursuant to a valid prescription issued by a licensed prescriber.

The prescription must contain:

(1) The full legal name and address of the patient;

(2) The drug name, strength, dosage form, quantity prescribed, and directions for use;

(3) The name and address of the prescriber, and

(4) The prescriber’s signature and the date of issuance.

For controlled drug prescriptions, the prescription must include the prescriber's federal registration number.

Source: SL 1975, ch 16, § 1; transferred from § 20:51:05:01, 8 SDR 101, effective February 28, 1982; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 26 SDR 92, effective January 6, 2000; 40 SDR 40, effective September 16, 2013; 50 SDR 138, effective June 2, 2024.

General Authority: SDCL 36-11-11(1)~~(4)~~.

Law Implemented: SDCL 36-11-2.2.

~~**Cross References:**~~

~~Facsimile transmission of Schedule II prescriptions, § 44:58:08:18.03.~~

~~Manner of issuance of prescriptions, § 44:58:08:05.~~

20:51:05:15.02. Delivery of a prescription. A prescription may be delivered to a pharmacist by the following methods if permitted by law:

(1) In writing;

(2) Via facsimile;

(3) Verbally; or

(4) Electronically.

A pharmacist or intern shall promptly reduce an oral prescription to a written record filed or electronically recorded in the same manner as a written prescription. A handwritten, or facsimile prescription must be manually signed by the prescriber.

Source:

General Authority: SDCL 36-11-11(1).

Law Implemented: SDCL 36-11-2.2.

Cross References:

Fascimile transmission of Schedule II prescriptions, § 44:58:08:18.03.

Manner of issuance of prescriptions, § 44:58:08:05.

20:51:05:15.03. Authorized filling of a prescription. A prescription may not be refilled except as designated on the original prescription or as subsequently authorized by the prescriber. Each refill must be entered on the back of the original prescription or captured electronically and must include the quantity dispensed, the date refilled, and the initials or name of the dispensing pharmacist.

Any prescription renewed by the prescriber constitutes a new and separate prescription, must be assigned a new serial number, and is subject to the restrictions in this section.

A prescription may be filled under the following conditions:

(1) Legend non-controlled drugs may only be refilled for the total quantity on the prescription order and not filled or refilled after twelve months from original date of issue. If the prescriber is unable to be contacted to authorize refills, the pharmacist may fill up to a thirty-day supply of a noncontrolled legend drug, if in the professional judgement of the pharmacist, the drug is necessary to maintain the patient's health.

(2) Schedule III and IV controlled substances may only be refilled as authorized on the prescription up to five times within six months after the date of issue. The partial dispensing of refills may not exceed the total amount authorized on the prescription.

Schedule II controlled substances may not be refilled. A pharmacist may partially fill a prescription for a Schedule II controlled drug according to the procedures set forth in §§ 44:58:08:18 and 44:58:08:18.01, 21 C.F.R. §§ 1306.12 and 1306.13 (April 2, 2026). A prescription for a Schedule II controlled drug may not be filled later than six months after the date of issuance.

Source:

General Authority: SDCL 36-11-11(1).

Law Implemented: SDCL 36-11-2.2.

20:51:05:16. Prescription for Schedule II controlled drug requires date and signature of prescriber -- Not refillable. ~~No pharmacist may dispense a Schedule II controlled drug for which a written prescription is required under federal or state law until a prescription bearing the date of issue and the written signature of the prescriber has been delivered to the pharmacy or issued and signed electronically where permissible by law. No pharmacist may refill a Schedule II controlled drug prescription~~ Repealed.

Source: SL 1975, ch 16, § 1; transferred from § 20:51:05:02, 8 SDR 101, effective February 28, 1982; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 26 SDR 92, effective January 6, 2000; 40 SDR 40, effective September 16, 2013.

~~**General Authority:** SDCL 36-11-11(1).~~

~~**Law Implemented:** SDCL 36-11-11.~~

20:51:05:18. Partial filling of prescription for Schedule II controlled drug. ~~A pharmacist may partially fill a prescription for a Schedule II controlled drug according to the procedures set forth in §§ 44:58:08:18 and 44:58:08:18.01, 21 C.F.R. §§ 1306.12 and 1306.13 (January 24, 2024)~~ Repealed.

Source: 8 SDR 101, effective February 28, 1982; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 26 SDR 92, effective January 6, 2000; 50 SDR 138, effective June 2, 2024.

~~**General Authority:** SDCL 36-11-11(1).~~

~~**Law Implemented:** SDCL 36-11-11.~~

~~**Cross Reference:** Prescriptions, chapter 44:58:08.~~

20:51:05:19. Prescription required to dispense Schedule III or IV controlled drug -- Refill restricted. ~~A pharmacist may not dispense a Schedule III or IV controlled drug without a written, oral, or electronic prescription from a prescriber. The prescription may be delivered to a pharmacist orally or by handwritten order, facsimile, or electronic equipment, if permitted by law. A pharmacist or intern shall promptly reduce an oral prescription to a written record filed or electronically recorded in the same manner as though it was a written prescription. The pharmacist may refill the prescription, if authorized on the prescription, up to five times within six months after the date of issue. The partial dispensing of refills may not exceed the total amount authorized on the prescription. Each refill must be entered on the back of the prescription or captured electronically and must indicate the quantity dispensed, the date refilled, and the initials or name of the dispensing pharmacist. After six months or the dispensing of all authorized refills, whichever comes first, a new controlled drug prescription is required, either orally, in writing, or electronically, if permitted by law, from the prescriber. Any prescription renewed by the prescriber is considered a new and separate prescription, must be assigned a new serial number, and is subject to the restrictions in this section.~~

~~If a prescription software platform is used to maintain patient files, the program must provide retrieval of original prescription information for those prescription orders that are currently authorized for refilling. The original hard copy, facsimile, or electronic prescription must be stored at the pharmacy and maintained for two years from the last dispensing date. The identity of the pharmacist dispensing a refill must be included in the record.~~

~~A pharmacist may not fill an expired prescription for a controlled drug prior to authorization from the prescriber~~ Repealed.

Source: 8 SDR 101, effective February 28, 1982; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 26 SDR 92, effective January 6, 2000; 40 SDR 40, effective September 16, 2013; 50 SDR 138, effective June 2, 2024.

~~**General Authority:** SDCL 36-11-11(1), 36-11-68.~~

~~**Law Implemented:** SDCL 36-11-2.2, 36-11-20, 36-11-68.~~

20:51:05:20. Legend drug to be dispensed by prescription only -- Refill restricted. ~~A pharmacist may dispense a legend drug or medicine only pursuant to the written, oral, or electronic prescription of a licensed prescriber. A prescription may be delivered to a pharmacist by handwritten order, facsimile, or electronic equipment, if permitted by law. A pharmacist or intern shall reduce an oral prescription promptly to a written record filed or electronically recorded in the same manner as a written prescription. A noncontrolled legend drug prescription may not be refilled except as designated in the original prescription or as subsequently authorized by the prescriber and not after twelve months from the original issue date. Each refill must be entered on the back of the original prescription or captured electronically and must indicate the quantity dispensed, the date refilled, and the initials or name of the dispensing pharmacist. If the prescriber is unable to be contacted to authorize refills, the pharmacist may fill up to a thirty-day supply of a noncontrolled legend drug, if in the professional judgement of the pharmacist, the drug is necessary to maintain the patient's health.~~

~~If a prescription software program is used to maintain patient files, the program must provide on-line retrieval of all original prescription information for those prescription orders that are currently authorized for refilling. The identity of the pharmacist refilling the prescription must be included in the record. The original hard copy, facsimile, or electronic version must be filed and retained for two years from the last dispensing date. The prescription software program must contain daily back-up functionality to protect against record loss and have the capability to print the documentation of the record at the board's request.~~

~~A prescription renewed by the prescriber is a new and separate prescription, must be assigned a new serial number, and is subject to the same restrictions in this section~~ Repealed.

Source: SL 1975, ch 16, § 1; transferred from §§ 20:51:05:06 and 20:51:05:07, 8 SDR 101, effective February 28, 1982; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 26 SDR 92, effective January 6, 2000; 40 SDR 40, effective September 16, 2013; 50 SDR 138, effective June 2, 2024.

~~**General Authority:** SDCL 36-11-11(1), 36-11-68.~~

~~**Law Implemented:** SDCL 36-11-2.2, 36-11-20, 36-11-68.~~

20:51:05:21. Labeling of prescription container for controlled or noncontrolled legend drug. A pharmacist filling a prescription for a controlled or noncontrolled legend drug shall attach to each container a label ~~showing~~ including:

(1) ~~the~~ The date dispensed~~,~~;

(2) ~~the~~ The name, address, and telephone number of the pharmacy;

(3) ~~the~~ The serial number of the prescription;

(4) ~~the~~ The name of the prescriber;

(5) ~~the~~ The name of the patient;

(6) ~~the~~ The directions for, and precautions, if any, when using the drug;

(7) ~~the~~ The name, strength, and quantity of the drug;

(8) ~~the~~ The number of refills remaining; and

(9) ~~the~~ The initials of the dispensing pharmacist.

All drugs dispensed for a specific nursing facility patient, including over-the-counter medications, are considered prescription medications and must be labeled as required in § 44:73:08:04.

Source: 8 SDR 101, effective February 28, 1982; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 26 SDR 92, effective January 6, 2000; 50 SDR 138, effective June 2, 2024.

General Authority: SDCL 36-11-11(1), 36-11-46.6.

Law Implemented: SDCL 36-11-46.6.

Cross Reference: Storage and labeling of medications ~~and drugs~~, § 44:73:08:04.

CHAPTER 20:51:06

PHARMACY PRACTICE AND LICENSURE

Section

20:51:06:01. Application for pharmacy license -- Annual renewal required. A pharmacist operating a pharmacy in this state shall apply, on forms provided by the board, each year to the board for a license to operate the pharmacy. The fee for initial licensure is two hundred dollars and the fee for license renewal is two hundred dollars. The licensure fees are non-refundable.

Source: SL 1975, ch 16, § 1; 2 SDR 56, effective February 11, 1976; 4 SDR 85, effective June 19, 1978; 11 SDR 151, effective May 15, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 24 SDR 160, effective May 26, 1998; 50 SDR 138, effective June 2, 2024; 52 SDR 27, effective September 15, 2025.

General Authority: SDCL 36-11-11(3), 36-11-32.

Law Implemented: SDCL 36-11-32, 36-11-35.

20:51:06:02. Ownership or control by pharmacist required. A pharmacy permit may not be issued to any pharmacist applicant unless the applicant is the owner, or part owner, of the place of business for which a pharmacy registration is applied for, or unless application is made jointly with a ~~registered~~ pharmacist. If the owner of the place of business for which a pharmacy ~~registration~~ licensure is applied for is not a pharmacist, the owner must sign an affidavit, on a form prescribed by the board, delegating full and complete authority to the pharmacist-in-charge for active management of the pharmaceutical services in the place of business.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 50 SDR 138, effective June 2, 2024.

General Authority: SDCL 36-11-11(3).

Law Implemented: SDCL 36-11-32~~, 36-11-34~~.

20:51:06:02.01. Pharmacist-in-charge -- Definition -- Duties. An application for a license to conduct a pharmacy as specified in § 20:51:06:02 must indicate the pharmacist-in-charge~~. For purposes of this section, the term "pharmacist-in-charge," means a pharmacist manager or pharmacist licensed in this state who has been designated by the pharmacy owner~~, as defined in SDCL 36-11-2.

The pharmacist-in-charge must:

(1) Be employed or under contract for pharmacy services at the pharmacy;

(2) Establish policy and procedure for the pharmacy;

(3) Supervise all pharmacy employees;

(4) Establish recordkeeping systems for the purchase, safekeeping, storage, compounding, sale, and return of drugs; and

(5) Establish, implement, and document an ongoing quality assurance program in order to maintain and improve facilities, equipment, personnel performance, and the provision of patient care.

The pharmacist-in-charge shall notify the board immediately upon termination of employment~~. A new pharmacist-in-charge must be designated by the pharmacy owner as specified in § 20:51:06:02.~~

Source: 26 SDR 92, effective January 6, 2000; 50 SDR 138, effective June 2, 2024; 52 SDR 27, effective September 15, 2025.

General Authority: SDCL 36-11-11(1)(3).

Law Implemented: SDCL 36-11-32,~~ 36-11-34,~~ 36-11-37.

20:51:06:04. Grounds for suspending or revoking. ~~Keeping a pharmacy open for the transaction of business without a pharmacist on duty, physically present in the building, and in charge of the pharmacy, except as provided in § 20:51:06:10, are grounds for suspension or revocation of the pharmacy license~~ Repealed.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 50 SDR 138, effective June 2, 2024; 52 SDR 27, effective September 15, 2025.

~~**General Authority:** SDCL 36-11-11(3).~~

~~**Law Implemented:** SDCL 36-11-44, 36-11-48.~~

20:51:06:09. Permit expires one hundred twenty days after death of pharmacist owner. ~~Except in the event of the death of the pharmacist owner, a pharmacy license is void if the pharmacist owner ceases to be in active management of the pharmacy. If a pharmacist owner dies, the pharmacy may not be kept open for business without a pharmacist on duty and in charge. A pharmacy license in the name of a deceased pharmacist becomes void unless transfer of the license has been made within the one hundred twenty-day period to a pharmacist owner~~ Repealed.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 50 SDR 138, effective June 2, 2024; 52 SDR 27, effective September 15, 2025.

~~**General Authority:** SDCL 36-11-11(3).~~

~~**Law Implemented:** SDCL 36-11-38.~~

20:51:06:10. Provisions for pharmacist temporary absence from pharmacy. Where the premises includes a licensed pharmacy and a general merchandise area, it is not a violation of SDCL chapter 36-11 ~~or § 20:51:06:04~~ if public entrances to the general merchandise area are kept open for business without a pharmacist on duty in the pharmacy, provided all entrances to the prescription department are closed for the transaction of business and a sign bearing the words "pharmacy services closed" has been posted by the pharmacist before leaving the premises. The prescription department must include sufficient security measures to protect the department from theft or access by unauthorized personnel. The prescription department must be secured by a continuous partition or wall, extending from the floor to the permanent ceiling, with doors capable of being securely locked to isolate the prescription department.

If the prescription department lacks the barrier and is closed, the entire business must be closed, locked, and secured to protect the area from theft or access by unauthorized personnel.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 50 SDR 138, effective June 2, 2024; 52 SDR 27, effective September 15, 2025.

General Authority: SDCL 36-11-11(3).

Law Implemented: SDCL 36-11-44, 36-11-48(2)(6).

CHAPTER 20:51:13

SPECIAL RESTRICTIONS

Section

20:51:13:05. ~~Reserved.~~ Remote drop site -- Designation -- Ownership. A licensed pharmacy may designate a remote drop site where a patient or a designated person may pick up a dispensed prescription. The pharmacy utilizing the site retains ownership of any medications deposited at the site until received by the patient or designated person.

Source:

General Authority: SDCL 36-11-11(16).

Law Implemented: SDCL 36-11-1, 36-11-10, 36-11-74.

20:51:13:05.01 Remote drop site -- Requirements. The pharmacist-in-charge must ensure the following remote drop site requirements are met:

(1) The site has a locked cabinet for storage of prescription packages;

(2) Access to the locked cabinet is limited to trained designated staff;

(3) Prescription packages are placed in the locked cabinet immediately upon delivery to the site;

(4) Only the minimum information needed to determine the patient is listed on the outside packaging. If a designated person is to pick up the prescription, the person's name is also listed on the outside packaging;

(5) The identity of the patient or designated person is verified;

(6) The person picking up the prescription signs the receipt or log; and

(7) A designated staff member inventories the packages at least weekly and provides a list of unclaimed packages to the pharmacy staff.

Source:

General Authority: SDCL 36-11-11(16).

Law Implemented: SDCL 36-11-1, 36-11-10, 36-11-74.

20:51:13:05.02. Remote drop site -- Recordkeeping. The following records must be maintained in the pharmacy;

(1) A list of all staff at the site who have been trained and have access to the prescription packages;

(2) A list of all prescriptions delivered to the site;

(3) Documentation of at least quarterly visits to the site by pharmacy staff; and

(4) Documentation of at least annual visits to the site by a pharmacist employee of the pharmacy.

Source:

General Authority: SDCL 36-11-11(16).

Law Implemented: SDCL 36-11-1, 36-11-10, 36-11-74.

20:51:13:05.03 Remote drop site -- Board approval. For a pharmacy to utilize a remote drop site, approval from the board must be obtained.

To obtain approval, the pharmacist-in-charge shall submit the following to the board:

(1) The name, address, and license number of the pharmacy;

(2) The name and address of the remote drop site;

(3) The policies and procedures for the remote drop site; and

(4) Security requirements for the site, including an image of the locked cabinet

All changes made to an approved remote drop site must be reported to and approved by the board prior to implementation.

Source:

General Authority: SDCL 36-11-11(1)(16).

Law Implemented: SDCL 36-11-2.2(3), 36-11-74.

20:51:13:05.04. Remote drop site -- Administration. The board shall review each remote drop site at least annually. Upon notification of any adverse issues at a remote drop site, the board shall investigate the reported issue. Upon investigation, if the board determines the approval requirements are not being maintained the board shall notify the pharmacist-in-charge, in writing, that a remote drop site approval is suspended pending full review by the board at the next regularly scheduled meeting.

Source:

General Authority: SDCL 36-11-11(16).

Law Implemented: SDCL 36-11-1, 36-11-10, 36-11-74.

20:51:13:06. Off-site medication control in a hospital or medical clinic -- Approval -- Requirements. A licensed pharmacy may provide drugs as defined in SDCL 36-11-2.1 to a hospital or medical clinic for dispensing to patients when access to a pharmacy is limited. The pharmacy providing the medications retains ownership of the medications until dispensed to the patient and shall ensure proper storage and recordkeeping. For medications to be maintained off-site in a hospital or medical clinic, State Board of Pharmacy approval must be granted.

To receive board approval, the pharmacist-in-charge ~~must submit documenation that includes the following requirements:~~ shall provide the board with the address of the hospital or clinic, a drug list, and the drug quantities to be dispensed to patients.

To maintain board approval, the pharmacist-in-charge shall ensure:

(1) ~~Address of the hospital or clinic;~~

~~(2) Drug list and drug quantities;~~

~~(3)~~ Drugs be kept in a locked cabinet with access only by authorized licensed healthcare professionals;

~~(4)~~(2) Prior to dispensing a medication, there must be a drug order in the patient's record, and a copy of the drug order or prescription is sent to the pharmacy;

~~(5)~~(3) Dispensing at the hospital or medical clinic must be done by the prescriber, or, if the label is prepared by a nurse, the label must otherwise comply with § 20:51:05:21 and the ~~precriber~~ prescriber must verify the drug and the directions prior to dispensing;

~~(6)~~(4) A written information sheet must be provided to the patient at time of dispensing for each drug;

~~(7)~~(5) Inventory of all drugs stored off-site must include a record of each time a drug is dispensed from the supply; and

~~(8)~~(6) Pharmacy staff must conduct an on-site inspection at the off-site location at least every ninety days. The inspection must verify inventory of drugs, expiration dates, proper storage

conditions, and review of applicable policies and procedures with authorized hospital or medical clinic staff. Documentation of the inspection must be stored at the licensed pharmacy and retained for two years.

Source: 52 SDR 27, effective September 15, 2025.

General Authority: SDCL 36-11-11(1)(3).

Law Implemented: SDCL 36-11-2.2, 36-11-14.

CHAPTER 20:51:14

GENERAL ADMINISTRATION

Section

20:51:14:01. Annual pharmacist license renewal. The non-refundable fee for an annual pharmacist license renewal is one hundred twenty-five dollars.

Source: SL 1975, ch 16, § 1; 6 SDR 103, effective May 5, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 15 SDR 20, effective August 9, 1988; 23 SDR 26, 23 SDR 47, effective August 26, 1996; 28 SDR 24, effective September 2, 2001; 52 SDR 27, effective September 15, 2025.

General Authority: SDCL 36-11-23.

Law Implemented: SDCL 36-11-23.

20:51:14:05. Operational waiver request. The board may grant an operational waiver to modify or waive the requirements of this article if the waiver improves the quality of or access to pharmacy services. The board may not waiver licensure, registration, education, or examination requirements.

A request for a waiver must be presented to the board on a form provided by the board and outlined in ARSD 20:51:14:06. All waiver requests on behalf of a pharmacy must be submitted by the pharmacist-in-charge. The board shall consider the waiver request at its next available regularly scheduled meeting and may approve the waiver if:

(1) The waiver will improve the quality of or access to pharmacy services;

(2) The waiver will not adversely affect, directly or indirectly, the health, safety, or well-being of the public; and

(3) The practices under the waiver are equivalent or superior to those prescribed by the ruling being waived.

The board shall deny any waiver if the board determines the above requirements have not been met.

If a waiver is granted, the board shall provide the licensee or pharmacist-in-charge with written notice, which must be kept at the licensed or practice location and be available for review during any inspection by the board.

Source:

General Authority: SDCL 36-11-1, SDCL 36-11-11.

Law Implemented: SDCL 36-11-1, SDCL 36-11-10.

20:51:14:06. Waiver application. A licensee or pharmacist-in-charge requesting a waiver shall submit an application on a form provided by the board. The application shall include the following information:

(1) The license number of the licensee responsible for overseeing the waiver;

(2) The specific location where the waiver will be implemented;

(3) The reason for the waiver request;

(4) A description of the process or practice that is being implemented to improve the quality of or access to pharmacy services at the location;

(5) The rule that needs to be waived to improve quality or access through the new process or practice;

(6) A description of how the process will be monitored to ensure patient quality and safety are not compromised; and

(7) The proposed timeframe for which the waiver will be requested.

Source:

General Authority: SDCL 36-11-1, SDCL 36-11-11.

Law Implemented: SDCL 36-11-1, SDCL 36-11-10.

20:51:14:07. Waiver administration. The board shall review each waiver at least annually, unless the board approves a different review interval. Upon notification of any adverse issues resulting from a waiver, the board shall notify the licensee or pharmacist-in-charge, in writing, that a waiver is suspended pending full review by the board at the next available regularly scheduled meeting. During the suspension, the licensee or pharmacist-in-charge must ensure compliance with all rules in this chapter, including rules that were waived.

Source:

General Authority: SDCL 36-11-1, SDCL 36-11-11.

Law Implemented: SDCL 36-11-1, SDCL 36-11-10.

CHAPTER 20:51:15

PHARMACIES IN HOSPITALS,

NURSING FACILITIES, OR RELATED FACILITIES

Section

20:51:15:02. Pharmaceutical services supervised by pharmacist. ~~All pharmaceutical services in a part-time pharmacy must be performed either by, or under the personal supervision of a licensed pharmacist~~, Repealed.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 52 SDR 27, effective September 15, 2025.

~~**General Authority:** SDCL 36-11-11, 36-11-33.~~

~~**Law Implemented:** SDCL 36-11-33.~~

20:51:15:10. Part-time pharmacy license -- Fee -- Renewal. The fee to apply for a part-time pharmacy license is one hundred sixty dollars. The fee for renewal of a part-time pharmacy license is one hundred sixty dollars. The license and renewal fees are non-refundable.

Source: SL 1975, ch 16, § 1; 2 SDR 56, effective February 11, 1976; 4 SDR 85, effective June 19, 1978; 11 SDR 151, effective May 15, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 24 SDR 160, effective May 26, 1998; 50 SDR 138, effective June 2, 2024; 52 SDR 27, effective September 15, 2025.

General Authority: SDCL 36-11-11(3), 36-11-33.

Law Implemented: SDCL 36-11-33.

20:51:15:12. ~~Supervision~~ Storage of drugs located in areas other than the pharmacy. ~~Drugs and medications located in areas of a facility, other than in the pharmacy, must be under the general supervision of the pharmacist-in-charge.~~ The pharmacist-in-charge of every facility shall maintain the following information:

(1) Location of medications;

(2) List of medications at each location;

(3) A record of monthly checks of all storage locations by pharmacy employees; and

(4) What employees of the facility have access to those medications.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 50 SDR 138, effective June 2, 2024.

General Authority: SDCL 36-11-11(1)(4).

Law Implemented: SDCL 36-11-33~~, 36-11-34~~.

20:51:15:13. Access to pharmacy -- Records. Except as provided below, only a licensed pharmacist may have access to the pharmacy.

If the pharmacist is absent from the hospital, nursing facility, hospice program, or other related facility, a registered nurse or licensed practical nurse designated by the hospital, nursing facility, hospice program, or other related facility may obtain, from the pharmacy, a drug or medication necessary to administer to a patient in carrying out treatment and medication orders as prescribed by a licensed prescriber when the drug is not available in floor supplies, or the emergency drug kit, to meet the immediate need of the patient. The nurse shall leave in the pharmacy, on a suitable form, a record of any drugs removed, showing the name of the patient, the name of the drug, the dosage form and strength, the amount taken, and the date and time the drugs were removed, and shall sign the record. The nurse shall leave the record and the container from which the dose was taken, ~~in order that it may be properly~~ to be checked by the pharmacist. These records must be retained in the pharmacy for two years.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 50 SDR 138, effective June 2, 2024; 52 SDR 27, effective September 15, 2025.

General Authority: SDCL 36-11-11(1)(4), 36-11-33.

Law Implemented: SDCL 36-11-2.2, 36-11-33, ~~36-11-34,~~ 36-11-68.

20:51:15:15. Pharmacist controls emergency drugs in health care facilities. A pharmacist of a licensed pharmacy in a hospital, nursing facility, hospice program, or related facility may provide, upon written request of the health care facility's prescribers, a defined supply of drugs in an emergency drug kit or crash cart. The emergency drugs must meet the immediate therapeutic needs of a patient to prevent harm to the patient due to a delay in obtaining the drugs from the pharmacy. The emergency drugs must remain the property of the licensed pharmacy and must be stored on-site in a suitable, controlled location in the health care facility. The pharmacy staff shall inspect all emergency drugs at least monthly.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 26 SDR 92, effective January 6, 2000; 50 SDR 138, effective June 2, 2024; 52 SDR 27, effective September 15, 2025.

General Authority: SDCL 36-11-11(1)(4), 36-11-33.

Law Implemented: SDCL 36-11-2.2, 36-11-33~~, 36-11-34~~.

20:51:15:15.01. Pharmacist controls emergency kit in nursing facility. A licensed pharmacy may provide to a nursing facility a limited quantity of controlled legend drugs, a limited amount of noncontrolled legend drugs, and nonprescription drugs, for emergency and supportive treatment, if requested in writing by the medical director. The provider pharmacy shall retain control of all medications provided in emergency kits.

The provider pharmacist shall comply with the following requirements:

(1) The medical director, director of nursing, and provider pharmacist shall jointly determine and prepare a limited list of emergency drugs by identity and quantity;

(2) No more than ten different controlled drugs may be stored in the emergency kit, which may not contain more than twenty doses of any controlled drug;

(3) There must be a policy in place ~~that~~ outlining the timing of the nursing staff ~~must notify~~ notifying the provider pharmacy of any drug taken from the emergency kit;

(4) The provider pharmacy staff shall inventory and restock the contents of the emergency kit after reported use or at least monthly;

(5) The emergency kit must be stored in a suitable, controlled location in the nursing facility to prevent the unauthorized access of the drugs within it. The emergency kit exterior must be labeled clearly~~, that~~ to indicate it is an emergency kit and is for emergency use only. The emergency kit must contain the name, strength, quantity, and expiration date of drugs contained therein; and

(6) The provider pharmacy must provide each facility where an emergency kit is placed with a contact number to a pharmacist twenty-four hours a day.

All other controlled and noncontrolled legend medications must be obtained from a ~~pharmacy~~ licensed ~~to dispense to patients~~ pharmacy of the patient's choosing pursuant to SDCL 34-12B-1 and 34-12B-2.

Source: 26 SDR 92, effective January 6, 2000; 50 SDR 138, effective June 2, 2024; 52 SDR 27, effective September 15, 2025.

General Authority: SDCL 36-11-11(1)(4).

Law Implemented: SDCL 36-11-2.2, 36-11-33~~, 36-11-34~~.

20:51:15:18. Storage of a patient's own medication. The pharmacist-in-charge shall have a policy and procedure in place regarding medications brought into the facility by a patient. The medications must be stored in a manner that prevents unintended access, including patient access, harm, theft, or diversion. The patient's health record must contain documentation including medications that are being stored.

For any of a patient's own medications that are controlled substances, an inventory must be taken and include a physical count of each controlled medication.

Source:

General Authority: SDCL 36-11-11.

Law Implemented: SDCL 36-11-2.2(3), 36-11-10, 36-11-33.

CHAPTER 20:51:17

AUTOMATED MECHANICAL DISTRIBUTION AND DISPENSING DEVICES

Section

20:51:17:01.02. Pharmacist shall review first-dose prescription drug order -- Exception. The first dose of a prescription drug may not be removed from an automated mechanical distribution device until a pharmacist has reviewed the prescriber's orders. In a health care facility, medical staff may request, in writing, ~~a defined number of~~ drugs that may be removed without review by a pharmacist in an emergency situation.

Source: 26 SDR 92, effective January 6, 2000; 50 SDR 138, effective June 2, 2024.

General Authority: SDCL 36-11-11(5).

Law Implemented: SDCL ~~36-11-2.2, 36-11-34~~ 36-11-2.2(3).

20:51:17:02. Procedures for distributing or dispensing drugs in automated mechanical distribution and automated prescription dispensing device. Drugs may be distributed or dispensed by an automated mechanical distribution device or by an automated prescription dispensing device under the following conditions:

(1) The automated device is controlled by the pharmacist-in-charge. The pharmacist-in-charge shall develop policies and procedures to address all situations in which drugs are stocked, secured, removed, and accounted for;

(2) The automated device must be stocked with a supply of drugs by a pharmacist or a person authorized by the pharmacist-in-charge. The pharmacist shall maintain electronic or written stocking, distribution, and dispensing records;

(3) The pharmacist-in-charge shall designate the persons who have access to all or part of the automated device in which drugs or medicines are stored;

(4) All drugs stored in the device must be correctly labeled. The label must contain the following information:

(a) The name of each drug;

(b) The strength of each drug;

(c) The manufacturer's lot or internal control number of each drug; and

(d) The expiration date of each drug;

(5) When using automated mechanical or electronic devices as pharmaceutical tools, the pharmacy must arrange to provide pharmaceutical services if the device fails; and

(6) Notwithstanding any provisions of this section, the pharmacist-in-charge of the pharmacy is responsible for maintaining and enforcing written procedures that establish safeguards for distributing or dispensing drugs and medicines through the automated device.

Source: SL 1975, ch 16, § 1; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 22 SDR 32, effective September 14, 1995; 26 SDR 92, effective January 6, 2000; 50 SDR 138, effective June 2, 2024.

General Authority: SDCL 36-11-11(5), 36-11-72(6).

Law Implemented: SDCL ~~36-11-2.2, 36-11-34,~~ 36-11-2.2(3), 36-11-46.4, 36-11-46.6.

CHAPTER 20:51:17

AUTOMATED MECHANICAL DISTRIBUTION AND DISPENSING DEVICES

Section

20:51:17:03. Stand-alone automated mechanical distribution device and automated prescription dispensing device -- License required. When a stand-alone automated mechanical distribution device or an automated prescription dispensing device is used to store, distribute, dispense, or track drugs, where there is no pharmacy license on the premises, the owner of the device must apply to the board to license the automated device as a pharmacy.

Source: 50 SDR 138, effective June 2, 2024.

General Authority: SDCL 36-11-11(5), 36-11-72(6).

Law Implemented: SDCL 36-11-30, 36-11-33, ~~36-11-34~~.

CHAPTER 20:51:19

CONTINUING EDUCATION

Section

20:51:19:02. Active pharmacist defined. ~~An active pharmacist is a licensed pharmacist practicing pharmacy according to SDCL 36-11-2(1)~~ Repealed.

Source: 4 SDR 54, effective February 26, 1978; 12 SDR 151, 12 SDR 155, effective July 1, 1986.leave

~~**General Authority:** SDCL 36-11-10, 36-11-11.~~

~~**Law Implemented:** SDCL 36-11-23.2.~~

20:51:20:01. Input of drug information into prescription software program to be by pharmacist or under supervision of pharmacist. Only a pharmacist, technician, or intern may input prescription information into a prescription software platform. The pharmacist must certify the accuracy of the information entered and verify the prescription order. The identity of the pharmacist must be included in the record.

Source: 5 SDR 77, effective March 20, 1979; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 50 SDR 138, effective June 2, 2024.

General Authority: SDCL 36-11-11(12), 36-11-68.

Law Implemented: SDCL 36-11-2.2(1)(3), 36-11-25~~, 36-11-34~~, 36-11-68.

20:51:20:02. Requirements for storing prescription information. If a prescription software platform is used to store prescription information, the platform must:

(1) Maintain the confidentiality and integrity of the information contained in the platform;

(2) Be capable of producing a hard-copy daily summary of controlled substance transactions;

(3) Provide on-line retrieval of original prescription order information for those prescription orders that are currently authorized for refilling;

(4) Be capable of recording and storing all dates of any prescription refill and the initials of the pharmacist~~, as required by §§ 20:51:05:18 to 20:51:05:20, inclusive~~;

(5) Be capable of producing a patient profile indicating all drugs being dispensed and the date of all prescription refills; and

(6) Be capable of being reconstructed in the event of a computer malfunction or accident resulting in destruction of the platform.

Source: 5 SDR 77, effective March 20, 1979; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 50 SDR 138, effective June 2, 2024.

General Authority: SDCL 36-11-11(12), 36-11-68.

Law Implemented: SDCL 36-11-68.

20:51:21:01.01. Prepackaging and repackaging. In a pharmacy, prepackaging and repackaging may be done only by a pharmacist. An intern or a technician may perform prepackaging and repackaging under the ~~direct~~ immediate supervision of a pharmacist. All packaged drugs may be dispensed or distributed only from the premises where the drugs are prepackaged or repackaged. ~~Such~~ The prepackaged or repackaged drugs may only be distributed to a location that is under the same ownership as, or is affiliated with, the premises where drugs are prepackaged or repackaged. Any container used for prepackaging or repackaging must meet United States Pharmacopeia compendium requirements. A drug's packaging must meet the requirements of § 20:51:13:02.01 for the drug to be returned for credit or redispensing.

For purposes of this section:

(1) "~~Prepackaged~~ Prepackage," means to prepare a drug in a container for dispensing, prior to the receipt of an order. The packaging may be in a unit dose, single dose, or unit of issue package for use in a unit dose dispensing system, in a container suitable for a traditional dispensing system, or in a customized patient drug package; and

(2) "~~Repackaged~~ Repackage," means to prepare a unit dose, single dose, unit of issue package, customized patient drug package, or traditional dispensing system package for dispensing pursuant to an existing order.

Source: 29 SDR 37, effective September 26, 2002; 50 SDR 138, effective June 2, 2024.

General Authority: SDCL 36-11-11(1).

Law Implemented: SDCL ~~36-11-2.2~~ 36-11-2.2(3).

20:51:21:07. Pharmacist to be responsible for delivery of medications to healthcare facility. A pharmacist is responsible for the delivery of medications packaged in a unit dose or unit of issue- system to a healthcare facility. Medications shall be delivered before the scheduled time of administration to the patient.

Source: 8 SDR 5, effective July 26, 1981; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 18 SDR 95, effective November 25, 1991; 29 SDR 37, effective September 26, 2002; 50 SDR 138, effective June 2, 2024.

General Authority: SDCL 36-11-11(1).

Law Implemented: SDCL ~~36-11-34~~ 36-11-2.2(1)(3).

20:51:22:05. Support personnel. Support personnel are those persons other than a licensed pharmacist, a registered pharmacy intern, or a registered pharmacy technician, who may perform delivery, billing, custodial, maintenance, clerical and other nontechnical duties assigned by the pharmacist under the pharmacist's general supervision ~~including delivery, billing, cashier, custodial, maintenance, and clerical functions~~.

Appropriately trained pharmacy support personnel may perform the following nontechnical functions involving the handling of prescription drugs, delegated to them by the pharmacist:

(1) Placing a prescription container into a bag or sack for delivery to the patient as part of the sales transaction after the accuracy of the prescription has been verified by the pharmacist;

(2) Opening drug shipments and affixing appropriate inventory or price stickers to drug stock bottles or containers;

(3) Answering telephones and filing processed, hard-copy prescriptions and other pharmacy records;

(4) Receiving a patient's request for a prescription refill, excluding the processing of the refill request; and

(5) Delivering drugs to patient care areas, long-term care facilities, patient residences, or patient employment locations, excluding the restocking of automated medication distribution systems.

Source: 31 SDR 35, effective September 19, 2004; 50 SDR 138, effective June 2, 2024.

General Authority: SDCL 36-11-11(1)~~(13)~~.

Law Implemented: SDCL ~~36-11-2(26), 36-11-25~~ 36-11-1, 36-11-10.

20:51:22:06. Identification of pharmacy support personnel. A pharmacy support person shall, while on duty, wear a visible identification badge that clearly identifies the person as a pharmacy support person and depicts the ~~person's~~ person's first name.

Source: 50 SDR 138, effective June 2, 2024.

General Authority: SDCL 36-11-11(1)~~(13)~~.

Law Implemented: SDCL ~~36-11-2(26), 36-11-25~~ 36-11-1, 36-11-10.

20:51:27:02. Application form. The application form for licensure of a nonresident pharmacy must include the information required by SDCL 36-11-19.3 and:

(1) Evidence of licensure in good standing in the nonresident pharmacy's home state;

(2) A description of any disciplinary action against the nonresident pharmacy or the nonresident pharmacy owner, in the home state or any other state within the last four years and the reason for the action;

(3) If the pharmacist-in-charge is not the sole owner or part owner of the merchandise and fixtures of the nonresident pharmacy, an affidavit as described in SDCL ~~36-11-34~~ 36-11-32;

(4) A list of all other states in which the pharmacy is licensed;

(5) A description of pharmacy services provided to patients located in ~~South Dakota~~ this state; and

(6) An inspection performed by the regulatory or licensing agency of the home state, any accreditation agency recognized by the board, or the United States Food and Drug Administration, that has been conducted on-site at the nonresident pharmacy within the last four years, and any deficiencies on the inspection that require corrective action.

Source: 24 SDR 40, effective October 5, 1997; 50 SDR 138, effective June 2, 2024; 52 SDR 27, effective September 15, 2025.

General Authority: SDCL 36-11-11(3).

Law Implemented: SDCL 36-11-19.3, 36-11-19.4.

20:51:27:03. Application fee. The fee to accompany the initial application for a nonresident pharmacy license and each application for renewal is two hundred dollars. The fees are non-refundable.

Source: 24 SDR 40, effective October 5, 1997; 24 SDR 160, effective May 26, 1998; 50 SDR 138, effective June 2, 2024.

General Authority: SDCL 36-11-11(3), 36-11-19.3, 36-11-19.5.

Law Implemented: SDCL 36-11-19.3, 36-11-19.5.

20:51:27:04. Report of change in ownership or location -- Application required. The owner of a nonresident pharmacy or persons delegated by the owner shall report the following to the board:

(1) Change in pharmacist-in-charge, notify within ten days of change in position status;

(2) Ownership change, notify within thirty days after the transaction. The license of a nonresident pharmacy is not transferable to a new owner. Any new majority owner of a nonresident pharmacy must apply for licensure pursuant to § 20:51:27:02;

(3) Change in location, notify within thirty days after the transaction. If the location change is to a different state, a new application is required pursuant to § 20:51:27:02; and

(4) Closure of a nonresident pharmacy, notify at least ten days prior to closure.

Source: 24 SDR 40, effective October 5, 1997; 50 SDR 138, effective June 2, 2024; 52 SDR 27, effective September 15, 2025.

General Authority: SDCL 36-11-11(3), 36-11-37.

Law Implemented: SDCL 36-11-1, 36-11-10, 36-11-19.3, 36-11-19.5, 36-11-37.

20:51:28:02.01. Qualifications for interns to administer immunizations. A pharmacy intern may administer immunizations in a pharmacy if the intern:

(1) Is registered as a pharmacy intern in this state;

(2) Has successfully completed an approved training program;

(3) Is certified in cardiopulmonary resuscitation; and

(4) Is ~~directly~~ immediately supervised by a pharmacist who has a current authorization to administer immunizations in this state.

Source: 47 SDR 42, effective October 12, 2020.

General Authority: SDCL 36-11-11(1), ~~36-11-19.1,~~ 36-11-25.

Law Implemented: SDCL ~~36-11-19.1~~ 36-11-1, 36-11-10, 36-11-25.

20:51:28:02.02. Qualifications for pharmacy technicians to administer immunizations. A pharmacy technician may administer immunizations if the technician:

(1) Is registered as a certified pharmacy technician by the board defined in § 20:51:29:00;

(2) Has successfully completed an immunization training program approved by the board for technicians;

(3) Is certified in cardiopulmonary resuscitation;

(4) Is ~~directly~~ immediately supervised by ~~an on-site~~ a pharmacist who has a current authorization to administer immunizations in this state; and

(5) Completes one hour of continuing education related to immunizations annually.

All technician immunization training, continuing education, and cardiopulmonary resuscitation documents must be kept in the pharmacy for five years and available for inspection at any time.

Source: 50 SDR 138, effective June 2, 2024; 52 SDR 27, effective September 15, 2025.

General Authority: SDCL 36-11-11(1)(13), 36-11-19.1(1).

Law Implemented: SDCL ~~36-11-2(22)~~ 36-11-1, 36-11-2(23), 36-11-10, 36-11-19.1(1).

20:51:29:00. Definitions. Terms used in SDCL 36-11-2 have the same meaning when used in this chapter:

(1) ~~"~~"Certified technician,~~"~~" an individual described in SDCL ~~subdivision~~ 36-11-2~~(22)~~ who has gained certification through training and examination pursuant to § 20:51:29:06; and

(2) As used in this chapter, "pharmacy intern" has the definition set forth in § ~~20:51:02:04~~ 20:51:02:01.

Source: 31 SDR 35, effective September 19, 2004; 38 SDR 121, effective January 17, 2012; 50 SDR 138, effective June 2, 2024; 52 SDR 27, effective September 15, 2025.

General Authority: SDCL 36-11-11(1)(13).

Law Implemented: SDCL ~~36-11-2(22)~~ 36-11-1, 36-11-10 36-11-2(23), 36-11-25.

20:51:29:03. Initial application for registration. Any individual must submit an initial application for registration as a pharmacy technician to the board within thirty days of accepting employment in a licensed pharmacy located in South Dakota as a pharmacy technician.

The board may issue an initial pharmacy technician registration to any individual who is:

(1) Sixteen years of age or older; and

(2) Employed by a full-time or part-time pharmacy or enrolled in a pharmacy technician job exploration program through the high school the individual is attending.

Source: 31 SDR 35, effective September 19, 2004; 38 SDR 121, effective January 17, 2012; 50 SDR 138, effective June 2, 2024; 52 SDR 27, effective September 15, 2025.

General Authority: SDCL 36-11-11(1)(13).

Law Implemented: SDCL 36-11-2~~(22)~~(23).

20:51:29:07. Registration application form--Fee. The application ~~form for registration as a pharmacy technician must contain:~~

~~(1) The applicant's name, address, phone number, date of birth, gender, social security number, and email address;~~

~~(2) The applicant's work experience;~~

~~(3) Current and past places of employment; and~~

~~(4) A non-refundable fee~~ must be on a form approved by the board and be accompanied by the fee outlined in § 20:51:29:12.

Source: 31 SDR 35, effective September 19, 2004; 50 SDR 138, effective June 2, 2024; 52 SDR 27, effective September 15, 2025.

General Authority: SDCL 36-11-11(1)(13).

Law Implemented: SDCL 36-11-2~~(22)~~(23), 36-11-11(13).

20:51:29:12. Initial and renewal registration fee. The fee for initial registration is twenty-five dollars. The renewal fee for registration is twenty-five dollars. The registration fee must be paid at the time the initial application or the renewal application is submitted. The fees paid to the board are non-refundable.

Source: 31 SDR 35, effective September 19, 2004; 50 SDR 138, effective June 2, 2024; 52 SDR 27, effective September 15, 2025.

General Authority: SDCL 36-11-11(1)(13).

Law Implemented: SDCL 36-11-2~~(22)~~(23), 36-11-11(13).

20:51:29:13. Expiration of registration -- Requirements for renewal -- Continuing education. Registration as a pharmacy technician expires on October thirty-first and must be renewed annually. ~~Any registration not renewed on or before October thirty-first is delinquent.~~ To renew the registration, the pharmacy technician must submit to the board:

(1) A renewal application;

(2) The non-refundable renewal fee; and

(3) Proof of:

(a) Having completed, within the last twenty-four months, six hours of continuing education ~~within the last twenty-four months~~ that have not ~~previously~~ been utilized as continuing ~~education needed~~ education credit for a prior registration; or

(b) Current national certification from a pharmacy technician program accredited by the National Commission for Certifying Agencies.

An individual who continues employment as a pharmacy technician without a current registration may be subject to disciplinary actions as set forth in § 20:51:29:27.

Source: 31 SDR 35, effective September 19, 2004; 50 SDR 138, effective June 2, 2024; 52 SDR 27, effective September 15, 2025.

General Authority: SDCL 36-11-11(1)(13).

Law Implemented: SDCL 36-11-1, 36-11-2~~(22)~~(23), 36-11-10.

20:51:29:14. Registration verification. The pharmacist-in-charge of each pharmacy utilizing a pharmacy technician is responsible for verifying that any technician working in the pharmacy is registered with the board and compliant with all rules of this chapter. Any violation by the technician may be grounds for disciplinary action against the pharmacist-in-charge.

Source: 31 SDR 35, effective September 19, 2004; 50 SDR 138, effective June 2, 2024; 52 SDR 27, effective September 15, 2025.

General Authority: SDCL 36-11-11(1)(13).

Law Implemented: SDCL 36-11-2~~(22)~~(23), ~~36-11-2.2, 36-11-34~~.

20:51:29:16. Training and utilization of pharmacy technicians. The pharmacist-in-charge of a pharmacy shall ensure that a registered pharmacy technician receives adequate training in the tasks performed by technicians working at that pharmacy. A licensed pharmacy employing a registered pharmacy technician shall develop, implement, and periodically review written policies and procedures for training and utilizing technicians appropriate to the practice of pharmacy at that pharmacy. Each pharmacy shall specify the frequency of review in its policies. Each pharmacy shall document and maintain each registered pharmacy technician's training for the duration of employment. The pharmacy shall make its policies and procedures and documentation of ~~registerd~~ registered pharmacy technician training available for inspection by the board.

Source: 31 SDR 35, effective September 19, 2004; 38 SDR 121, effective January 17, 2012; 50 SDR 138, effective June 2, 2024; 52 SDR 27, effective September 15, 2025.

General Authority: SDCL 36-11-11(1)(13).

Law Implemented: SDCL 36-11-2~~(22)~~(23).

CHAPTER 20:51:30

TELEPHARMACY

Section

20:51:30:02. Application for remote pharmacy site. No remote pharmacy may be established, operated, or maintained unless the board issues a license. An application for licensure to establish, operate, or maintain a remote pharmacy ~~shall~~ must be made on a form provided by the board. The applicant shall submit an initial, non-refundable license fee of ~~$200~~ two hundred dollars and provide a set of blueprints and documentation showing that all requirements of this chapter have been met. The applicant shall demonstrate to the board that there is limited or no access to pharmacy services in the community where the pharmacy is to be located. When considering whether to approve an application, the board shall consider the needs of the community. The board shall approve or disapprove an application within ~~60~~ sixty days of receipt.

Source: 35 SDR 183, effective February 2, 2009.

General Authority: SDCL 36-11-11(1), 36-11-72(1).

Law Implemented: SDCL ~~36-11-72(1)~~ 36-11-1, 36-11-10, 36-11-30, 36-11-71(2).

20:51:30:03. Ownership or control by pharmacist required. The board may not issue a license to conduct a remote pharmacy to any pharmacist applicant unless the pharmacist applicant is an owner, or part owner, of the place of business from which the pharmacist ~~will~~ is to practice telepharmacy, or unless the non-pharmacist owner of the place of business from which the pharmacist ~~will~~ is to practice telepharmacy files an affidavit outlined in SDCL ~~subdivision 36-11-34(3)~~ subsection 36-11-32(1)(b) for the license year ending June thirtieth.

Source: 35 SDR 183, effective February 2, 2009; 52 SDR 27, effective September 15, 2025.

General Authority: SDCL 36-11-11(1), 36-11-72(1).

Law Implemented: SDCL ~~36-11-34, 36-11-72(1)~~ 36-11-1, 36-11-10, 36-11-32, 36-11-71(2).

20:51:30:05. License renewal. A remote pharmacy license expires on June ~~30~~ thirtieth of each year and may be renewed annually by filing an application provided by the board. The non-refundable renewal fee is ~~$200~~ two hundred dollars.

Source: 35 SDR 183, effective February 2, 2009.

General Authority: SDCL 36-11-72(1).

Law Implemented: SDCL 36-11-72(1)(a).

20:51:30:18. Use of automated prescription dispensing device. ~~If the remote pharmacy uses an automated mechanical dispensing device, the stocking and loading of this device must either be checked by a pharmacist, prior to use, or employ a secure barcoding system or its equivalent. Policies and procedures consistent with § 20:51:17:02 regarding the operation of the automated mechanical dispensing device must be developed and submitted by the pharmacist-in-charge to the board for consideration. After approval, these policies and procedures must be available at both the central pharmacy and the remote pharmacy~~, Repealed.

Source: 35 SDR 183, effective February 2, 2009; 50 SDR 138, effective June 2, 2024; 52 SDR 27, effective September 15, 2025.

~~**General Authority:** SDCL 36-11-11(1), 36-11-72(5)(6).~~

~~**Law Implemented:** SDCL 36-11-2.2, 36-11-71.~~

CHAPTER 20:51:34

CONTESTED CASE HEARING PROCEDURES

(Repealed)

Section

20:51:34:01. Applicability. ~~The following procedure applies to contested case proceedings for license, registration, or certificate applications and to disciplinary proceedings before the Board of Pharmacy~~ Repealed.

Source: 45 SDR 86, effective December 24, 2018.

~~**General Authority:** SDCL 36-11-11 (1)(2)(3)(10) and (13).~~

~~**Law Implemented:** SDCL 36-11-28, 36-11A-45.~~

20:51:34:02. Petitions for hearing. ~~An applicant for a license, registration, or certificate issued by the board may file a petition for hearing at any time during the processing of an application. The executive secretary may file a petition for hearing to initiate a disciplinary proceeding against a licensee or registrant. A petition for hearing shall be signed by the petitioner and contain the following information: the name and address of the applicant, licensee, or registrant; the basis for the request for hearing; recitation of the applicable statutes or regulations under which the petitioner is requesting board action; and the relief requested by the petitioner~~ Repealed.

Source: 45 SDR 86, effective December 24, 2018.

~~**General Authority:** SDCL 36-11-11(1)(2)(3)(10) and (13).~~

~~**Law Implemented:** SDCL 36-11-28, 36-11A-45.~~

20:51:34:03. Filing of petitions for hearing. ~~All petitions for hearng shall be filed with the executive secretary, who shall maintain the record of contested case proceedings held before the board~~ Repealed.

Source: 45 SDR 86, effective December 24, 2018.

~~**General Authority:** SDCL 36-11-11(1)(2)(3)(10) and (13).~~

~~**Law Implemented:** SDCL 36-11-28, 36-11A-45.~~

20:51:34:04. Scheduling of hearing. ~~Upon receipt of a petition for hearing, the board president may appoint an examiner to conduct the contested case hearing, or may schedule the contested case hearing before the board, as authorized by applicable statutes~~ Repealed.

Source: 45 SDR 86, effective December 24, 2018.

~~**General Authority:** SDCL 36-11-11(1)(2)(3)(10) and (13).~~

~~**Law Implemented:** SDCL 36-11-28, 36-11A-45.~~

20:51:34:05. Hearing procedure. ~~Contested case hearings shall be conducted in accordance with SDCL chapter 1-26. The parties to a hearing are the executive secretary and the applicant, licensee or registrant. A board member who has participated in any investigation of the matter before the board shall be disqualified from all deliberations and decisions~~ Repealed.

Source: 45 SDR 86, effective December 24, 2018.

~~**General Authority:** SDCL 36-11-11(1)(2)(3)(10) and (13).~~

~~**Law Implemented:** SDCL 36-11-28, 36-11A-45.~~

20:51:34:06. Final board decision. ~~If the board hears the proceeding, the board shall issue a final decision and require the parties to submit proposed findings of fact and conclusions of law for consideration at the board's next meeting. If a hearing examiner hears the proceeding, the examiner shall issue a proposed decision including findings of fact and conclusions of law. The examiner shall serve the proposed decision upon the board and the parties. The board may request that the parties appear before the board to present oral arguments and objections to the examiner's proposed decision. The board shall issue a final decision and accept, reject, or modify the findings, conclusions, and decisions of the examiner~~ Repealed.

Source: 45 SDR 86, effective December 24, 2018.

~~**General Authority:** SDCL 36-11-11(1)(2)(3)(10) and (13).~~

~~**Law Implemented:** SDCL 36-11-28, 36-11A-45.~~

20:51:34:07. Notice of decision. ~~The board shall issue a notice of decision, accompanied by the final board decision and findings of fact and conclusions of law, to the applicant, licensee, or registrant and executive secretary~~ Repealed.

Source: 45 SDR 86, effective December 24, 2018.

~~**General Authority:** SDCL 36-11-11(1)(2)(3)(10) and (13).~~

~~**Law Implemented:** SDCL 36-11-28, 36-11A-45.~~

20:51:34:08. Assessment of costs of disciplinary hearings. ~~The board may assess the costs associated with a contested case proceeding resulting in disciplinary action, against a licensee or registrant upon motion by the executive secretary. If requesting the assessment of costs, the executive secretary shall present a statement of costs to the board or hearing examiner at the time the board or hearing examiner submits proposed findings of fact and conclusions of law~~ Repealed.

Source: 45 SDR 86, effective December 24, 2018.

~~**General Authority:** SDCL 36-11-11(1)(2)(3)(10) and (13).~~

~~**Law Implemented:** SDCL 36-11-28, 36-11A-14, 36-11A-45.~~

20:51:34:09. Board member conflict of interest. ~~A board member may not participate in a contested case proceeding or disciplinary action if the board member:~~

~~(1) Is personally related to a party involved in the contested case proceeding or disciplinary action by two degrees of consanguinity;~~

~~(2) Has a direct financial interest in a party involved in the contested case proceeding or disciplinary action through employment or by contract;~~

~~(3) Directly supervises and is responsible for peer review of a party involved in the contested case proceeding or disciplinary action; or~~

~~(4) Has a spouse who has a direct financial interest in or directly contracts with a party involved in the contested case proceeding or disciplinary action. If a conflict of interest exists, the member shall make an oral statement of recusal on the record at the initiation of the hearing.~~

~~A recused member may not participate in board discussions or decision-making regarding that contested case proceeding or disciplinary action~~ Repealed.

Source: 45 SDR 86, effective December 24, 2018.

~~**General Authority:** SDCL 36-11-11(1)(2)(3)(10) and (13).~~

~~**Law Implemented:** SDCL 36-11-28, 36-11A-14, 36-11A-45.~~

20:51:34:10. Board member potential conflict of interest. ~~A potential conflict of interest is an indirect financial interest, or a personal relationship or another interest in a party involved in a contested case proceeding or disciplinary action that is different from that of the general public, and that a reasonable person would believe might result in bias or prejudgment. A board member shall disclose any potential conflict of interest in a contested case proceeding or disciplinary action on the record at the initiation of the hearing, or during the hearing, if the board member becomes aware of the existence of a potential conflict of interest at that time. Upon the board's own motion or the motion of a party, and considering the rule of necessity if maintenance of a quorum is an issue, the board may recuse a member with a potential conflict of interest if the board determines that the potential conflict of interest raises an unacceptable risk of bias or prejudgment in the contested case proceeding or disciplinary action~~ Repealed.

Source: 45 SDR 86, effective December 24, 2018.

~~**General Authority:** SDCL 36-11-11(1)(2)(3)(10) and (13).~~

~~**Law Implemented:** SDCL 36-11-28, 36-11A-14, 36-11A-45.~~