

SOUTH DAKOTA STATE BOARD OF PHARMACY

3701 W. 49th Street, Suite 204
Sioux Falls, SD 57106
605-362-2737
www.pharmacy.sd.gov

Poison License Application

Fee: \$6.00

Application for a license to sell certain poisons at retail in the state of South Dakota by a person other than a registered pharmacist. *SDCL 34-20-8 & SDCL 34-20-10*

Contact Name: _____ Phone _____

Retail Name: _____

Address: _____

City/State/Zip: _____

Type of Business: _____
(General Merchandise, Grocery, Hardware, Hatchery, Elevator, Variety, Etc.)

Corporate Information for Renewal (if different than retail address):

Contact _____ Phone _____

Corporate Name _____

Corporate Address _____

Corporate City/State/ZIP _____

Being a citizen of the United States, of good moral character, and conducting a retail place of business in South Dakota as described herein, hereby apply for a license to keep for sale, and to sell at retail in original packages, those certain poisons, and enclose herewith the required fee of \$6.00.

I further state that I will comply with the law and regulations governing the retail sale of poisons including the keeping of a Poison Register where I will record every sale of poison, having the buyer sign as required by law.

I declare and affirm under the penalties of perjury that this application has been examined by me, and to the best of my knowledge and belief, is in all things true and correct.

Printed Name of Owner or Manager

Signature of Owner or Manager

Date

FOR SD BOP USE ONLY

Received _____ Check # _____ Amount _____ Approved _____ Issued _____

POISONS

South Dakota Codified Law

34-20-8. License required to sell poisons. No person, not a registered pharmacist, shall have authority to sell any poisons as provided in § 34-20-9 until he shall have procured a license from the State Board of Pharmacy to do so.

34-20-9. License permitted for sale of enumerated poisons—Addition of other products to list. Any dealer, not a registered pharmacist, being a citizen of the United States or a resident of South Dakota, and of good moral character, may procure a license as provided in this chapter to sell certain poisons, to wit:

- (1) Paris green, lead arsenate, calcium arsenate;
- (2) Preparations and mixtures intended for insecticidal and fungicidal use in which the active ingredients are organic compounds of mercury;
- (3) Copper carbonate, copper sulphate, copperas, formaldehyde, paradichlorobenzene, motor ether, stock dips;

and any dealer may procure a license as provided in this chapter to sell rat and gopher poisons, excepting such as contain any of the poisons set forth in schedule A in § 34-20-2. The State Board of Pharmacy and the secretary of agriculture by and with the approval of the attorney general shall have authority, subject to the requirements of chapter 1-26, to add, from time to time, to the above list similar products as they may come upon the market.

34-20-10. Issuance of license—Fee—Terms of License—Expiration and renewal. The State Board of Pharmacy upon receipt of an application in such form as it shall prescribe accompanied by a license fee of six dollars shall issue to such applicant a license to sell the poisons enumerated in § 34-20-9, provided that such application shall require the applicant to state that he will comply with the regulations governing the sale of poisons as provided for in §§ 34-20-12 to 34-20-15, inclusive. Such license shall be valid until the first day of January following the date of issue, and may be renewed upon payment to the secretary of the Board of Pharmacy of the fee prescribed herein.

34-20-11. Notice secretary of agriculture of license actions. The secretary of the State Board of Pharmacy shall immediately notify the secretary of the Department of Agriculture of the issuance or revocation of any license under § 34-20-10.

34-20-12. Sale in original packages only—Contents of label and warning. The poisons enumerated in § 34-20-9 shall be sold by licensees under § 34-20-10 only in original packages, and each package shall be labeled with the name of the active ingredients, a suitable method of antidotal treatment and marked in plain and conspicuous red letters not less than one-fourth inch high with the word, poison, and with the figure of the skull and crossbones in like size and color.

34-20-13. Registration of poison sales—Form of register—Inspection. Every licensee selling any of the poisons enumerated in § 34-20-9 shall keep a register in which he shall record the name of the purchaser, date of sale, the name and quantity of poison sold, and for what purpose. Such register in the following form:

Date Of Sale	Name of Poison or Preparation	Quantity	Purpose	Signature of Buyer or Person to Whom Delivered	Address	By Whom Introduced	By Whom Sold
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Shall be open at all times for inspection.

34-20-14. Sale of misbranded rodenticides and insecticides as misdemeanor—Statements constituting misbranding. It is a Class 2 misdemeanor for any person, firm, or corporation to sell, offer, expose, or keep in possession for sale or delivery in this state any mouse, rat, gopher, rodent, insect, or other poison or preparation intended for use in destroying the life of lower animals, which is misbranded. Such poisons or preparations shall be misbranded, for the purposes of this section, if the package or label shall bear any statement, design, or device regarding such substance, or the ingredients contained therein, which shall be false, deceptive, or misleading in any particular, either as to the substance itself or as to any property of the substance; or if it shall fail to bear the name and address of the manufacturer or distributor of such poison or preparation.

34-20-15. Rodenticides and insecticides misbranded if not labeled as poison. Any mouse, rat, gopher, rodent, insect, or other poison or preparation intended for use in destroying the life of lower animals which is also poisonous to human beings shall be considered misbranded also if the label or package shall fail to bear the word, poison, in capital letters not less than one-fourth inch in height printed in red ink, together with the figure of the skull and crossbones.

Administrative Rules of South Dakota

20:51:10:01. Poison definitions. The word poison wherever it appears in South Dakota Board of Pharmacy regulations means:

(1) Any article of commerce offered for retail in the manufacturer's original package and whether labeled with the word "poison" for shipment in interstate commerce or not, which article of commerce is intended for medicinal use and is being bought and sold for medicinal purposes as evidenced by its labeling which bears:

(a) Any reference to its standard of purity that such article is suitable for use as medicine by using the abbreviation for the United States Pharmacopeia "U.S.P.", or the abbreviation for the National Formulary "N.F.";

(b) Any recommendation for use in the prevention, relief or cure of diseases in man or for animal; or

(c) Any directions for treatment of diseases in man or animal, which article of commerce would be fatal to any human life in repeated doses of 60 grains as defined in SDCL 34-20-1 to 34-20-5, inclusive, and

(2) Any other article of commerce specifically named, defined, or referred to in SDCL 34-20, and none other.

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

General Authority: SDCL 34-20-10.

Law Implemented: SDCL 34-20-10.

20:51:10:09. Designated poisons. The following are designated as poisons:

(1) Insecticides containing not more than 40 percent of nicotine sulphate;

(2) Sodium flouride when labeled for use as a medicine or insecticide;

(3) Toilet bowl cleaners containing more than 10 percent hydrochloric acid;

(4) Poisonous veterinary remedies whether labeled "poison" for shipment in interstate commerce or not, but which would be fatal to human life in repeated doses of 60 grains, or less, as defined in SDCL 34-20-2 and 34-20-3; provided, each such veterinary remedy is fabricated from two or more ingredients and it is marketed under a trade name; and provided, further, that the label or labeling of the original package of any such veterinary remedy does not bear:

(a) Any recommendations or directions for use by man;

(b) Any directions for use in the treatment of animals other than for external application or for oral administration;

(c) Any statement regarding its storage other than at normal room temperatures; or

(d) Any expiration date beyond which such poisonous veterinary remedy should not be used;

(5) The above and foregoing products shall be a part of the list of poisons designated by law for sale by individuals licensed pursuant to SDCL 34-20-8.

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

General Authority: SDCL 34-20-10.

Law Implemented: SDCL 34-20-9.