



WHITE EARTH RESERVATION

CHAIRMAN Michael Fairbanks **SECRETARY-TREASURER** Michael LaRoque
DISTRICT I Henry Fox **DISTRICT II** Eugene Sommers **DISTRICT III** Cheryl "Annie" Jackson

COMMISSION VACANCY ANNOUNCEMENT

COMMISSIONERS NEEDED: (1 VACANCY)

COMMISSIONER(S): The Commissioner position of the Medicinal Cannabis Control Commission chosen shall be a person who must possess legal education and knowledge, legal training, management in practice, and experience.

Authorizing Law: The White Earth Reservation Business Committee adopted the White Earth Medicinal Cannabis Code on January 5, 2021, Resolution No. 001-21-027.

The Medicinal Cannabis Code created a Medicinal Cannabis Control Commission in Chapter Three. The role of the Commission is to implement the provisions of the Code and oversee the regulation of the Medicinal Cannabis Program.

Composition and Role: The Commission shall consist of up to five (5) members, including a Chair, a Vice-Chair, and a Commissioner. Each shall be appointed by the Reservation Business Committee for a term of three (3) years. Members of the Commission may be reappointed to consecutive terms.

The Commission shall enjoy all rights and privileges of a tribal government agency, including sovereign immunity.

The Commission shall be independent of, and act independently and autonomously from, the Reservation Business Committee in all matters within its purview. No prior or subsequent review by the Reservation Business Committee of any actions of the Commission is required or permitted except as otherwise explicitly provided in the Medicinal Cannabis Code or the White Earth Nation's governing documents.

All Commissioners shall be licensed by the Commission. All Commissioners shall meet the following qualifications:

- o Be at least 21 years of age;
- o Be medically certified drug-free after test and confirmatory re-test;
- o Never have been convicted of, pled guilty to, or pled *nolo contendere* to a felony in any court of competent jurisdiction unless the conviction has been expunged; and
- o Have earned a Bachelor's, Master's, or Ph.D.

The following individuals may not serve on the Commission:

- o Sitting Reservation Business Committee members;
- o Federal or state employees;
- o Persons who do business with the Medicinal Cannabis Program;
- o Owners, operators, members, managers, officers, directors, volunteers, employees, agents, or contractors of the Medicinal Cannabis Program;
- o Any other Person who has a significant influence over the Medicinal Cannabis Program; or
- o Any Person who has a direct financial interest in the Medicinal Cannabis Program.

If the Reservation Business Committee intends to remove a member or is considering the removal of a member, the RBC shall first give that member notice and allow that member to be heard before the RBC. Any removal by the RBC of any member of the Commission shall be final.

Commissioners may only be removed from office by the Reservation Business Committee prior to the expiration of their respective terms for the following reasons: Neglect of duty; Misconduct; Malfeasance; or Other acts that would render a member of the Commission unqualified for the position.

The Commission shall ensure compliance with the Medicinal Cannabis Code and applicable regulations. It shall serve as the licensing authority for facilities, businesses, and Persons required to be licensed as set forth in the Medicinal Cannabis Code. All licensing decisions by the Commission are final with no right to appeal to the Reservation Business Committee.

The Commission shall monitor compliance with a Business's internal controls. In order to carry out its regulatory duties, the

Commission shall have unrestricted access to all areas of a Business and Licensed Facility and to all of its books and records. The Commission shall have the authority to take enforcement actions when appropriate, including suspension or revocation of any license.

General Powers and Duties: The Commission shall have the functions, powers, and duties specified in the Medicinal Cannabis Code and all others that may be necessary to enable the Commission to exercise its powers and carry out its duties. These include the power:

- To regulate the purchase, production, possession, process, package, storage, transport, transfer, sale, and receipt of Medicinal Cannabis Products on the Reservation, in accordance with the provisions of the Code, these Regulations, or other applicable law.
- To grant, deny, renew, refuse, suspend, cancel, or revoke temporary and final licenses necessary for the lawful operation of the Medicinal Cannabis Program or of a Licensed Facility on the Reservation pursuant to the Code or these Regulations;
- To conduct background investigations, or cause such investigations to be conducted, for all Persons needing licenses;
- To obtain and process fingerprints, or designate a law enforcement or other tribal agency to obtain and process fingerprints;
- To inspect, examine, and monitor all of the activities of the Program and Licensed Facilities, and have immediate access to review, inspect, examine, photocopy, and audit all records;
- To levy and collect the taxes imposed by the Code;
- To investigate and aid in the prosecution of every violation of the Code and cooperate in the prosecution of offenders before any tribal, state, or federal court of competent jurisdiction;
- To promulgate and issue regulations necessary to comply with applicable internal control standards;
- To promulgate such regulations as are necessary for the implementation of this Code.

The Commission has no power to purchase, produce, possess, process, package, store, transport, transfer, or sell Medicinal Cannabis or Medicinal Cannabis Products, unless as part of the Commission's compliance requirements. The Commission may not revoke or refuse to issue or renew a temporary or final license on the basis that cultivating, processing, manufacturing, transporting, distributing, dispensing, possessing, or using Medicinal Cannabis is prohibited by federal law.

White Earth Band Members who are interested in applying to serve a three-year term as a Commissioner of the Commission should complete the application and provide all information requested. Incomplete applications will not be considered.