



WHITE EARTH RESERVATION

CHAIRMAN Michael Fairbanks SECRETARY-TREASURER Michael LaRoque
DISTRICT I Henry Fox DISTRICT II Eugene Sommers DISTRICT III Laura Lee Erickson

NOTICE OF PUBLICATION FOR PUBLIC COMMENT

From: Laurie York, Executive Director

**RE: DRAFT REVISIONS TO WHITE EARTH NATION CANNABIS LAWS TO AMEND
THE ADULT-USE AND MEDICINAL CANNABIS TITLES OF THE WHITE EARTH
NATION CODE**

On October 31, 2025, the White Earth Reservation Business Committee adopted a resolution directing the White Earth Nation Executive Director to publish the attached revisions. Pursuant to White Earth Reservation Business Committee Resolution #001-16-0174, the attached draft revisions to amend White Earth Nation cannabis laws shall be published for not less than fifteen (15) days.

Please email comments to: PublicForumLegal@whiteearth-nsn.gov

Please include as the subject line: **cannabis comment**

WHITE EARTH NATION CANNABIS CODE

Title No. _____: Cannabis

CHAPTER 1: GENERAL PROVISIONS

- §1.01 **Title.** This Title shall be known as and may be cited to as the “White Earth Band of the Minnesota Chippewa Tribe Cannabis Code” or, within this Title, this Title may be cited to as the “Code.”
- §1.02 **Statement of Purpose.** The purpose of this Code is to authorize and regulate Cannabis within the Band’s Reservation and cannabis activity outside of the Band’s tribally regulated land as set forth in the Cannabis Compact. In doing so, the Band’s Reservation Business Committee intends to
1. establish regulation and control of the cultivation, manufacture, distribution, sale, purchase, and possession, of cannabis, low-potency hemp edibles, and hemp-derived consumer products within the Reservation;
 2. establish regulation and control of the distribution, sale, and purchase of cannabis, low-potency hemp edibles, and hemp-derived consumer products to, from or by licensed cannabis businesses to, from, or by third parties outside the Reservation;
 3. establish regulation and control of authorized Cannabis Activity outside of the Band’s Tribally Regulated Land as set forth in the Cannabis Compact;
 4. recognize and acknowledge the duties and obligations required by the Cannabis Compact and protect the benefits conferred in the Cannabis Compact for the benefit of the Band;
 5. establish the scope and responsibilities of the Cannabis Regulatory Agency to monitor and enforce the terms and provisions of this Code, any regulations, and the Cannabis Compact;
 6. promote and foster the Band’s increased and diversified economic development, sovereignty, and self-sufficiency while simultaneously strengthening its government;
 7. protect the health, welfare, and economic security of the Band and the people of the White Earth Band of the Minnesota Chippewa Tribe;
 8. protect the health and welfare of the public within the boundaries of the Reservation; and
 9. protect the health and welfare of the public with regard to cross-jurisdictional Cannabis Activity authorized by the Cannabis Compact.
- §1.03 **Statement of Findings.** Historically, the production, possession, delivery, distribution, sale, and use of marijuana has been illegal across the United States and in Indian Country. The federal Controlled Substances Act, 21 U.S.C. § 801 et. seq., generally prohibits or restricts

possession or use of marijuana, the definition of which includes Cannabis and many of its derivatives. However, many states, including the State of Minnesota, have legalized Cannabis for medicinal or adult recreational uses. In response to the growing number of states legalizing Cannabis in some form, United States Deputy Attorney General James M. Cole issued the Cole Memorandum directed to all United States Attorneys. The Cole Memorandum stated that, given its limited investigative and prosecutorial resources, the United States Department of Justice should refrain from enforcing federal marijuana prohibition in states that “legalized marijuana in some form and ... implemented strong and effective regulatory and enforcement systems to control the cultivation, distribution, sale, and possession of marijuana,” except where a lack of federal enforcement would undermine the Federal Enforcement Priorities which were enumerated in the Cole Memorandum.

Over one year after the date of the Cole Memorandum, Monty Wilkinson, Director of the Executive Office for United States Attorneys issued the Wilkinson Memorandum to all United States Attorneys, which extended the guidance provided in the Cole Memorandum to Indian Country. Specifically, the Wilkinson Memorandum directs United States Attorneys to use “[t]he eight priorities in the Cole Memorandum [to] guide United States Attorneys’ marijuana enforcement efforts in Indian Country, including in the event that sovereign Indian Nations seek to legalize the cultivation or use of marijuana in Indian Country.” The Band finds that the Wilkinson Memorandum, therefore, effectively acknowledges and recognizes tribal sovereignty by treating tribal cannabis legalization decisions with the same deference given to state determinations on cannabis legalization. The Band further finds that the Cole Memorandum and Wilkinson Memorandum effectively instruct federal prosecutors to not enforce federal marijuana prohibitions where states and tribes have enacted cannabis regulatory programs which specifically address the Federal Enforcement Priorities.

The Cole Memorandum and Wilkinson Memoranda were rescinded by United States Attorney General Jefferson Sessions on January 4, 2018. However, there has been little practical change to federal enforcement policy. A review of federal prosecutions involving cannabis reflect no cases of purely state-compliant Cannabis Activity. As of May 2024, the United States Department of Justice proposed to transfer marijuana from schedule I of the CSA to schedule III of the CSA, consistent with the view of the United States Department of Health and Human Services that marijuana has a currently accepted medical use as well as its views about abuse potential and level of physical or psychological dependence of marijuana. The Band finds that this proposed rule, which must navigate the formal rulemaking process, indicates a continuance of the spirit embodied by the policy set forth in the Cole Memorandum and the Wilkinson Memorandum.

The Band finds that, based upon the United States Department of Justice’s current enforcement position, and the growth of legalized cannabis programs in states and Indian Country which are supported by legislatively enacted regulatory programs, the Federal Enforcement Priorities enumerated in the Cole Memorandum and Wilkinson Memorandum shall serve as programmatic guidance for the Band’s cannabis program within the Band’s Reservation and outside of the Band’s Tribally Regulated Lands.

§1.04 **Applicability of Code.** This Code applies to all individuals, persons, entities, enterprises, businesses, places, premises, and facilities within the Reservation and authorized Cannabis Activity outside of the Band’s Tribally Regulated Land as set forth in the Cannabis Compact.

§1.05 **Definitions.**

1. Agency means the Cannabis Regulatory Agency.
2. Agency Board of Commissioners means the board of commissioners comprised of three (3) commissioners appointed by the Reservation Business Committee one of whom is designated Chair, one of whom is designated Vice Chair, and one of whom is designated Secretary.
3. Agency Licensed Cannabis Business means a cannabis business licensed by the Cannabis Regulatory Agency, including without limitation any tribally license cannabis businesses or tribal enterprises as define in the Cannabis Compact with the State of Minnesota.
4. Artificially derived cannabinoid means a cannabinoid extracted from a hemp plant or hemp plant parts with a chemical makeup that is changed after extraction to create a different cannabinoid or other chemical compound by applying a catalyst other than heat or light. Artificially derived cannabinoid includes but is not limited to any tetrahydrocannabinol created from cannabidiol
5. Band means the White Earth Band of the Minnesota Chippewa Tribe.
6. Band's Laws means
 - (a) All ordinances, rules, regulations, codes, licenses, and authorizations enacted by the Band; and
 - (b) All decisions, orders, or decrees of any court or other governmental authority of the Band having jurisdiction over the subject matter of concern.
7. Cannabis means any adult-use, recreational, or medicinal cannabis concentrate, cannabis flower, cannabis plant, cannabis product, edible cannabis product, and artificially derived cannabinoid.
8. Cannabis activity means any action or operation related to the commercial cultivation, production, processing, manufacturing, distribution, wholesaling, sale, possession, use, transportation, or delivery of cannabis.
9. Cannabis business means a business, including without limitation a corporation, limited liability company, sole proprietorship, cooperative or other entity, without regard for whether formally organized pursuant to laws of any jurisdiction or informally organized, and engaged in cannabis activity, including the retail sale of lower-potency hemp edible products.
10. Cannabis Compact means the Cannabis Compact between the White Earth Band of the Minnesota Chippewa Tribe and the State of Minnesota entered on May 20, 2025, and any subsequent amendments thereto.
11. Cannabis paraphernalia means all equipment, products, and materials of any kind that are knowingly or intentionally used primarily in: manufacturing cannabis products; ingesting, inhaling, or otherwise introducing cannabis flower or cannabis products into the human body; testing the strength, effectiveness, or purity of cannabis flower,

cannabis products, lower-potency hemp edibles, or hemp-derived consumer products; and storing cannabis.

12. Cannabis Retailer means a cannabis business that holds a valid cannabis license and retail endorsement issued by the Agency.
13. Cannabis Technical Authority means the Cannabis Technical Authority published by the Minnesota Office of Cannabis Management.
14. Cannabis Worker means any individual employed by a cannabis business and any individual who is a contractor of a cannabis business whose scope of work involves the handling of Cannabis.
15. Cole Memorandum means the memorandum issued by United States Deputy Attorney General James M. Cole dated August 29, 2013 directed to all United States Attorneys establishing federal enforcement guidelines and priorities for federal civil enforcement and criminal investigations and prosecution of offenses related to marijuana.
16. CSA means the Controlled Substances Act, 21 U.S.C. § 801 et. seq.
17. Dwelling means a structure or part of a structure that is used as a home, residence or sleeping place by one or more persons.
18. Endorsement means the authorization from the Agency given to a licensee to conduct a specified operation activity.
19. Family Member means members of the same family (including without limitation spouses, domestic partners, parents, children, grandparents, grandchildren, aunts, uncles, cousins, siblings, guardians), household, or those involved in a personal relationship (including without limitation those persons involved in a romantic relationship such as courtship or dating).
20. Federal Enforcement Priorities means:
 - (a) Preventing the distribution of marijuana to minors;
 - (b) Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;
 - (c) Preventing the diversion of marijuana from states where it is legal under state law in some form to other states;
 - (d) Preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;
 - (e) Preventing violence and the use of firearms in the cultivation and distribution of marijuana;
 - (f) Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;

- (g) Preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and
 - (h) Preventing marijuana possession or use on federal property.
- 21. Federal property means real property and any improvements located thereon owned, leased, or otherwise occupied by the United States or any agency or instrumentality thereof including any land or real property and improvements located thereon that are held in trust by the United States for the benefit of the Tribe or any other federally recognized tribe.
 - 22. Health care practitioner means a doctor of medicine, physician assistant acting within the scope of authorized practice, or an advanced practice registered nurse, in each case licensed by tribally, federally, and/or state recognized licensing agency or authority and who has the primary responsibility for the care and treatment of the qualifying medical condition of an individual diagnosed with a qualifying medical condition.
 - 23. Hemp means all parts from the plant of the genus *Cannabis* that has a delta-9 tetrahydrocannabinol concentration of no more than 0.3 percent on a dry weight basis, and any products derived from the plant.
 - 24. Hemp Businesses means lower-potency hemp edible retailers, lower-potency hemp edible manufacturers, and lower-potency hemp edible wholesalers.
 - 25. Indian Country means all lands as defined by 18 U.S. Code § 1151.
 - 26. Licensed cannabis businesses means a cannabis business licensed and regulated by a tribal or state jurisdiction.
 - 27. Licensee means a licensed cannabis business subject to the regulatory jurisdiction the Band.
 - 28. Lower-potency hemp edible means any product derived from hemp intended to be eaten or consumed, including without limitation beverages, and does not contain a cannabinoid derived from cannabis.
 - 29. Minnesota Market means the territory outside the Reservation or any tribally regulated land in which cannabis activity occurs.
 - 30. Plant canopy means the surface area within a cultivation facility that is used at any time to cultivate mature, flowering cannabis plants. For multiple tier cultivation, each tier of cultivation surface area contributes to the total plant canopy calculation. Calculation of the area of the plant canopy does not include the surface area within the cultivation facility that is used to cultivate immature cannabis plants and seedlings.
 - 31. Patient means individual recipient of an Agency issued for purposes of purchasing cannabis for medicinal purposes.
 - 32. Primary caregiver means a spouse, parent or legal guardian of the patient.

33. Public lands means real property and any improvements located thereon that is owned, leased or otherwise managed by a governmental entity, but excluding (i) any real property that is held in trust for the benefit of the Tribe or any other federally recognized tribe unless such real property is deemed public land by the Tribe or another federally recognized tribe, or (ii) any real property that is owned by the Tribe unless such real property is deemed public land by the Tribe.
34. Qualifying medical condition means a diagnosis or self-certification of any of the conditions listed in the Cannabis Regulatory Agency's approved and published list of conditions on the Agency's website.
35. Qualified patient means a person who was issued a medical card to receive Medical Cannabis by the Agency.
36. Reservation means the exterior boundaries of the White Earth Reservation established pursuant to the Treaty with the Chippewa of the Mississippi of 1867, 16 Stat. 719.
37. Reservation Market means the territory within the Reservation or any tribally regulated land in which cannabis activity occurs.
38. Self-certification means the process or form by which an applicant attests to having a qualifying medical condition.
39. Synthetic cannabinoids means a substance with a similar chemical structure and pharmacological activity to a cannabinoid but is not extracted or derived from cannabis plants, cannabis flower, hemp plants, or hemp plant parts and is instead created or produced by chemical or biochemical synthesis.
40. Temporary cannabis event means a cannabis event which lasts no longer than ten (10) consecutive days.
41. Tribal Court means the White Earth Nation Tribal Court including the Court of Appeals.
42. Tribal Enterprise means a cannabis business licensed by the Agency that is wholly owned by the Tribe or a parent company that is wholly owned by the Tribe and is owned and controlled by the Tribe with no less than fifty-one percent (51%) interest.
43. Tribally Regulated Land means (i) all land held in trust by the United States for the benefit of a Minnesota Tribal government ("trust land"); (ii) all land held by a Minnesota Tribal government in restricted fee status; and, (iii) all land within the exterior boundaries of the reservation of a Minnesota Tribal government that is subject to the civil regulatory jurisdiction of the Tribal government. For the purposes of subpart (iii) of this definition, land that is subject to the civil regulatory jurisdiction of the Band includes: (x) trust land, or fee land held (including leased land) by the Band, entities organized under Band's law, or individual Indians; and (y) land held (including leased land) by non-Indian entities or individuals who consent to the civil regulation of the Band or are otherwise subject to such regulation under federal law.
44. Tribe means the White Earth Band of the Minnesota Chippewa Tribe.

45. Wilkinson Memorandum means the memorandum issued by Monty Wilkinson, Director of the Executive Office for United States Attorneys dated October 28, 2014 directed to all United States Attorneys extending the guidance provided in the Cole Memorandum to Indian Country.
46. Written Report on License Enforcement Proceeding shall mean a written report prepared by the executive director directed to the Agency Board of Commissioners which must (i) identify the licensee subject to the enforcement action, (ii) contain allegations identifying the grounds for enforcement with specificity, (iii) identify each section of the Code, regulations, Cannabis Compact, or any combination thereof, which have allegedly been violated, (iv) state whether and when the cannabis licensee has previously been notified of the alleged violation, (v) identify the evidence in support of the allegations and provide copies of such evidence with the report, and (vi) identify the relief, penalties, restrictions, conditions, suspension, or revocation sought; provided, however, with regard to subpart (vi), the relief, penalties, restrictions, conditions, suspension, or revocation sought must be reasonable under the circumstances and commensurate with the alleged violations.
- §1.06 **Authority.** The Reservation Business Committee is the duly authorized governing body of the Band with the inherent and sovereign power to exercise civil regulatory authority over the conduct of all individuals and businesses within the Reservation in order to protect the political integrity, economic security, and health and welfare of the Band. Furthermore, this Code is enacted pursuant to the authority granted to the Reservation Business Committee in Article VI, Section 1(c) and (d) of the Revised Constitution and Bylaws of the Minnesota Chippewa Tribe.
- §1.07 **Sovereign Immunity.** The Band, and all its constituent parts, including the Cannabis Regulatory Agency established pursuant to this Code, are immune from suit in any jurisdiction except to the extent that such immunity has been expressly and unequivocally waived by the Band in this Code or elsewhere. Nothing in this Code shall be deemed or construed to constitute a waiver of the sovereign immunity of the Band or any of its constituent parts, including the Cannabis Regulatory Agency, or their officers, employees, attorneys, and agents, and the Band reserves all rights for itself and its officers, employees, attorneys, and agents. Nothing in this Code, nor any petition to the Tribal Court, nor any enforcement action taken pursuant to this Code, including the filing of suit by the Agency for the collection of penalties, or interest, and for recovery of reasonable attorney's fees and expenses incurred in bringing such action, shall constitute a waiver of such sovereign immunity as to any claim for damages, attorney's fees or costs, regardless of whether any such claim arises out of the same transaction or occurrence, or in any other respect.

CHAPTER 2: CANNABIS REGULATORY AGENCY

- §2.01 **Establishment.** The Band hereby creates and establishes, pursuant to this Code, the Cannabis Regulatory Agency, a governmental agency and political subdivision of the Band. The Cannabis Regulatory Agency shall be a commission established as the civil regulatory agency of the Band having regulatory jurisdiction of all Cannabis-related matters within the Band's Reservation and authorized Cannabis Activity outside of the Band's Tribally Regulated Land as set forth in the Cannabis Compact and ensure the public's health and safety, subject to the retained authority of the Band's Reservation Business Committee.

§2.02 **Purpose.** The Agency shall have regulatory jurisdiction of cannabis-related activity whether such activity occurs pursuant to this Code, other Band ordinances, the Cannabis Compact, resolutions duly adopted by the Band's Reservation Business Committee, or otherwise, consistent with the powers and authorities as set forth and identified in this Code. The Cannabis Regulatory Agency is an agency and instrumentality of the Band's government, which shares the Band's sovereign immunity, and nothing in this Code, whether pertaining the Cannabis Regulatory Agency or otherwise, shall be deemed to be a waiver, in whole or in part, of the Band's sovereign immunity. The Agency shall have not be involved in or otherwise engage in activity that amounts to or is tantamount to the cannabis business operations authorized pursuant to this Code as such operations are left to the cannabis businesses themselves.

§2.03 **Delegation of Authority.** The Band's Reservation Business Committee delegates to the Cannabis Regulatory Agency the authority to

1. Recommend updates, amendments, and modifications to this Code and regulations that have been enacted by the Reservation Business Committee subject to the following:
 - (a) Adequate written notice of all proposed Agency recommendations to all licensees who have been licensed pursuant to this Code, and such written notice shall include the full text of any proposed Agency recommendation(s);
 - (b) All licensees must have adequate opportunity and time to submit written comments to the Agency in response to all written Agency recommendations;
 - (c) The Agency is to maintain a complete record in the form of a written or electronic log or journal of all written comments received in order to provide written confirmation to individual licensees that their comments were received by the Agency for submission to the Reservation Business Committee;
 - (d) The Agency shall provide a written confirmation to each licensee confirming the licensee's comments were received by the Agency upon written request therefor by the licensee; and
 - (e) All licensee comments must be submitted by the Agency to the Reservation Business Committee together with the proposed Agency recommendations for updates, amendments, and modifications to this Code and regulations that have been enacted by the Reservation Business Committee.
2. Hire an executive director, staff, employees, or agents to assist in the fulfillment of the Agency's obligations set forth in this Code, subject to the approval of the Reservation Business Committee;
3. Establish license application forms consistent with the terms and provisions of this Code;
4. Establish by regulations enacted pursuant to this Code an approved list of cannabis items for sale in the Reservation Market and Minnesota Market, which list cannot be

less inclusive than that which has been established by the Minnesota Office of Cannabis Management;

5. Establish by regulations enacted pursuant to this Code the criteria and process for issuing cards to individuals purchasing cannabis for medicinal purposes;
6. Issue initial licenses and renewal licenses as provided in this Code and the Cannabis Compact;
7. Impose and administer fees on licensees who have received a license under this Code;
8. Inspect and monitor licensees who have a received a license under this Code in order to ensure compliance with his Code, any regulations enacted and promulgated pursuant to this Code, and the Cannabis Compact;
9. Enforce the requirements of this Code, any regulations enacted and promulgated pursuant to this Code, and the Cannabis Compact;
10. Enforce violations of this Code, and impose penalties authorized by this Code;
11. Conduct or cause to be conducted any investigations authorized by this Code;
12. Hold hearings at such time, in such places, and in such a manner as authorized by this Code;
13. Report suspected violations of the Band's Laws, and suspected violations of state and federal law consistent with this Code, any regulations enacted and promulgated pursuant to this Code, and the Cannabis Compact;
14. Cooperate with state and federal law enforcement and the Office of Cannabis Management in the investigation and prosecution of any suspected violations of this Code, any regulations enacted and promulgated pursuant to this Code, the Cannabis Compact, state law, or federal law;
15. Cooperate with other Band governmental agencies, offices, and divisions including without limitation the Department of Natural Resources to ensure that the Cannabis-related activities authorized under this Code comply with Band Laws as may be required by the Band's Reservation Business Committee;
16. Establish and maintain such bank accounts as may be necessary to fulfill the Agency's purpose, subject to oversight by the Reservation Business Committee;
17. Establish and maintain an internal system of recordkeeping and records storage with safeguards adequate to ensure and preserve confidentiality and data privacy in compliance with all Band policies and laws;
18. Establish and implement a uniform process for approving limited variances to the terms and provisions of this Code that do not materially impact public health or safety; and

19. Enter into contracts with third parties as may be reasonably necessary to fulfill the Agency's purpose, subject to oversight and approval by the Reservation Business Committee of any contracts exceeding \$50,000.

§2.04 **Retained Authority.** Notwithstanding its delegation of the authority to the Agency, the Band's Reservation Business Committee retains the authority to

1. Create, enact, or adopt policies, ordinances, regulations, Band Laws, or amendments thereto, that impact the Band;
2. Enact or adopt any updates, amendments, and modifications to this Code, any regulations, and the Cannabis Compact, with or without notice thereof;
3. Establish taxes to be collected from the sales of Cannabis, whether such sales occur within the Reservation or outside of the Band's Tribally Regulated Land;
4. Direct that all taxes collected from the sales of Cannabis be administered by the appropriate government agency of the Band;
5. Establish limits on the number of cannabis business licenses to be issued by the Agency;
6. Establish limitations on and requirements related to the transfer and conveyance of interests in a cannabis business license;
7. Establish limitations on and requirements related to the transfer and conveyance of interests in the ownership of a business that holds a cannabis business license;
8. Establish or approve any schedule of fees to be charged and collected by the Agency in connection with the issuance of any licenses and renewal of licenses under this Code or the Cannabis Compact;
9. Establish or approve any schedule of penalties, fees, or impositions to be charged and collected by the Agency in connection with enforcement of the terms and provisions of this Code, any regulations, or the Cannabis Compact;
10. Establish or approve any technical testing requirements and standards for Cannabis and hemp including without limitation analytes, contaminants, and potency;
11. Establish or approve any requirements for testing laboratories;
12. Review and monitor any bank accounts established by the Agency;
13. review, and monitor contracts entered into by the Agency;
14. Review the conduct of the Agency and its individual commissioners, executive director, employees and agents, to ensure compliance with this Code, or any regulations, ordinances, resolutions, duly adopted by the Reservation Business Committee, or the Cannabis Compact;
15. Appoint a neutral to hear any disputes as set forth in this Code in Section 3.07;

16. Participate in any meeting and conferences identified in the Cannabis Compact and interface with the Minnesota Office of Cannabis Management and State of Minnesota as authorized or permitted in the Cannabis Compact; and
17. Amend this Code or enact additional Titles addressing Cannabis or Hemp.

§2.05 **Composition of Cannabis Regulatory Agency.** The Agency shall be comprised of an executive director and a board of commissioners comprised of three commissioners. The Reservation Business Committee shall designate one commissioner as the Chair, one commissioner as the Vice Chair, and one commissioner as the Secretary.

1. The Chair shall ensure the effective functioning of the Agency and its governance. This shall include without limitation setting the agenda for and facilitating Agency meetings; presiding over all meetings of the Agency; ensuring the Agency's compliance with this Code, any regulations enacted and promulgated pursuant to this Code, and the Cannabis Compact; fostering relationships with the Minnesota Office of Cannabis Management and licensees who have been issued licenses under this Code; ensuring the Reservation Business Committee receives information required under this Code in a timely manner; appear for and adjudicate hearings as required under this Code in a fair and impartial manner; and position the Agency to be well-governed and successful in its operations.
2. The Vice Chair shall ensure the effective functioning of the Cannabis Regulatory Agency and its governance. This shall include without limitation presiding over all meetings of the Agency in the absence of the Chair; ensuring the Agency's compliance with this Code, any regulations enacted and promulgated pursuant to this Code, and the Cannabis Compact; fostering relationships with the Minnesota Office of Cannabis Management and licensees who have been issued licenses under this Code; ensuring the Reservation Business Committee receives information required under this Code in a timely manner; appear for and adjudicate hearings as required under this Code in a fair and impartial manner; and position the Agency to be well-governed and successful in its operations.
3. The Secretary shall ensure the effective functioning of the Agency and its governance. This shall include without limitation scheduling, noticing, and attending all meetings of the Agency; keeping a written record of all meetings in the form of minutes; maintaining records and documents pertaining to the Agency in an internal system of record-keeping and storage of records with adequate safeguards to ensure and preserve confidentiality; preparing and distributing documents and other essential materials incident and pertinent to meetings of the Agency; preparing and distributing documents and other essential materials incident and pertinent to hearings adjudicated by the Agency; ensuring the Agency's compliance with this Code, any regulations enacted and promulgated pursuant to this Code, and the Cannabis Compact; fostering relationships with the Minnesota Office of Cannabis Management and licensees who have been issued licenses under this Code; ensuring the Reservation Business Committee receives information required under this Code in a timely manner; appear for and adjudicate hearings as required under this Code in a fair and impartial manner; and position the Agency to be well-governed and successful in its operations.

4. Notwithstanding anything to the contrary, except for presiding over hearings authorized in this Code, the commissioners shall not engage in monitoring, inspecting, or field enforcement of the Code, any regulations, or the Cannabis Compact; such activities are reserved for the executive director and other authorized employees of the Agency.

§2.06 Procedure for Appointing Commissioners. The Reservation Business Committee shall appoint the commissioners and their designated title; provided, however, that each commissioner must individually satisfy the mandatory qualifications set forth in Section 2.07 of this Code. Each commissioner shall be appointed by a majority vote of a quorum of the Reservation Business Committee and each such appointment shall be supported by a written resolution duly adopted by the Reservation Business Committee. The effective date of appointment of each commissioner shall be identified in the written resolution duly adopted by the Reservation Business Committee.

§2.07 Eligibility and Qualifications to Serve as Commissioner. In order to serve as a commissioner, a candidate for appointment as a commissioner must be eligible to serve and qualified to serve.

1. **Eligibility to Serve as a Commissioner.** No person shall be eligible to serve as a commissioner if that person:
 - (a) Is under the age of twenty-one (21);
 - (b) Is a member or officer of the Reservation Business Committee, or officially seeks to be elected to the Reservation Business Committee;
 - (c) Is a judge or employee of the Tribal Court;
 - (d) Is a convicted felon;
 - (e) Is an employee, officer, director, governor, manager, or independent contractor of a Cannabis Business, or any parent company, subsidiary, or affiliate of a Cannabis Business;
 - (f) Has a direct or indirect financial interest in or financial relationship with a Cannabis Business or any parent company, subsidiary, or affiliate of a Cannabis Business;
 - (g) Is an employee, officer, director, governor, manager, or independent contractor of the State of Minnesota or the Band's government;
 - (h) Occupies a position with duties, obligations, and responsibilities that create an actual or apparent conflict of interest with the duties, obligations, and responsibilities of a commissioner or the Cannabis Regulatory Agency;
 - (i) Has a Family Member who is an employee, officer, director, governor, manager, or independent contractor of a Cannabis Business, or any parent company, subsidiary, or affiliate of a Cannabis Business;

- (j) Has a Family Member who has a direct or indirect financial interest in or financial relationship with a Cannabis Business or any parent company, subsidiary, or affiliate of a Cannabis Business; or
- (k) Unable to maintain eligibility hereunder to serve as a commissioner.

2. **Qualifications to Serve as a Commissioner.** All commissioners must:

- (a) Meet the eligibility requirements set forth in Section 2.07(1) of this Code;
- (b) Be twenty-one (21) years of age or older;
- (c) Possess a bachelor's degree from an accredited university or collegiate institution;
- (d) Possess sufficient experience in regulatory affairs, business administration, public health, cannabis operations, or is a certified public accountant, or is a licensed attorney;
- (e) Possess sufficient experience, training, and skill to carry out the duties and responsibilities of a commissioner in the discretion of the Reservation Business Committee;
- (f) Undergo a criminal background investigation which substantiates a commissioner's eligibility for appointment in the discretion of the Reservation Business Committee; and
- (g) Execute and deliver to the Band a written confidentiality and non-disclosure agreement.

§2.08 **Term of Office.** Each commissioner shall hold office for three (3) years from the effective date of their appointment; provided, however, that each commissioner remains qualified to hold office as set forth in Section 2.07 of this Code.

§2.09 **Resignation, Removal, Vacant Office.**

- 1. **Resignation.** A commissioner can resign at any time effective immediately upon written notice to the Reservation Business Committee.
- 2. **Removal.** The Cannabis Regulatory Agency may, by majority vote, request in writing that the Reservation Business Committee remove a commissioner, or the Reservation Business Committee may, on its own initiative, and without notice or hearing, remove of a commissioner for any of the following reasons:
 - (a) Failure to perform duties of the office or the Agency, including failure to attend Agency meetings or be present at the Agency during standard hours of operation;
 - (b) Failure to exercise authority or discharge duties and responsibilities in conformity with the Code, any regulation enacted and promulgated pursuant to this Code, or the Cannabis Compact;

- (c) “Cause” which includes without limitation being charged in any jurisdiction with a crime involving fraud, embezzlement, theft by swindle, or other crimes or acts of dishonesty or moral turpitude; appearance or acts constituting conflicts of interest; acting arbitrarily, capriciously, maliciously, in bad faith, or negligently, in the exercise of a commissioner’s duties; violating this Code, any regulation enacted and promulgated pursuant to this Code, the Cannabis Compact, or any other applicable Band Laws assigning duties or responsibilities to the Agency; misconduct, whether in office or personal misconduct, that is inconsistent with service on the Agency or threatens the integrity or public image of the Agency; failure to maintain eligibility or any qualification to be a commissioner; failure to maintain records in accordance with this Code; violating confidentiality requirements under this Code, any regulation enacted and promulgated pursuant to this Code, the Cannabis Compact, or the terms of any confidentiality agreement signed by the commissioner, or the terms of any confidentiality policy, or the terms of any Band Laws; or such other cause as reasonably determined by the Reservation Business Committee or as further provided by this Code.
- 3. **Vacancies.** Any vacancies on the commission caused by resignation, death, disability, or election to the Reservation Business Committee shall be filled by the Reservation Business Committee appointment for the balance of the former commissioner’s unexpired term of service. The Reservation Business Committee shall fill any vacancy on the commission within seven (7) days of the vacancy consistent with the process of appointment of a commissioner as set forth in this Code. If, after a good faith effort, the Reservation Business Committee is unable to procure and appoint an eligible and qualified replacement commissioner within the seven (7) day period, the Reservation Business Committee may suspend the qualification requirements applicable to commissioners by way of a written resolution for a period of time not to exceed sixty (60) days in order to (i) appoint an interim commissioner, and (ii) to seek a suitable candidate for appointment as a permanent commissioner for the balance of the former commissioner’s unexpired term of service.

§2.10 Cannabis Regulatory Agency Meetings.

- 1. **Regular Meetings.** The Cannabis Regulatory Agency shall meet at least once per month, but may meet more frequently as necessary to conduct its duties. The Secretary of the Cannabis Regulatory Agency shall determine the time and location of regular meetings. The meeting agendas for regular meetings shall be distributed to all commissioners at least twenty-four (24) hours in advance of a regular meeting. The meeting agenda may be amended during a regular meeting by a majority vote of commissioners in attendance.
- 2. **Special Meetings.** A commissioner may call a special meeting of the Cannabis Regulatory Agency in order to carry out the official duties of the Cannabis Regulatory Agency. Written notice of a special meeting shall be made to each commissioner by electronic mail, or hand delivery, and must be given at least forty-eight (48) hours prior to the date and time of the special meeting. The written notice of a special meeting must include the date, time, and location of the meeting, and the agenda for the special meeting. The special meeting agenda may be amended during a special meeting by a majority vote of commissioners in attendance.

3. **Emergency Meetings.** A commissioner may call an emergency meeting in order to carry out the official duties of the Cannabis Regulatory Agency. Written notice of an emergency meeting shall be made to each commissioner by electronic mail, or hand delivery, and shall be given at least three (3) hours prior to the date and time of the special meeting. The written notice of an emergency meeting must include the date, time, and location of the meeting, and the agenda for the emergency meeting. The emergency meeting agenda may not be amended during the emergency meeting.
4. **Waiver of Meeting Notice.** A commissioner can waive notice of the date, time, place, and purpose or purposes of any meeting of the Cannabis Regulatory Agency. A waiver of notice by a commissioner entitled to notice is effective whether given before, at, or after a meeting, and whether given in writing, orally, or by attendance at a meeting. Attendance by a commissioner at a meeting is a waiver of notice of that meeting, unless the commissioner objects at the beginning of the meeting to the transaction of business because the meeting is not lawfully called or convened, or objects before a vote on an item of business because the item may not lawfully be considered at that meeting and does not participate in the consideration of the item at that meeting.
5. **Quorum.** Two (2) commissioners of the Cannabis Regulatory Agency being present at a duly called meeting shall constitute a quorum for conducting business. If a quorum is present when a duly called or held meeting of the Cannabis Regulatory Agency is convened, the commissioners present may continue to conduct business until adjournment, even though the withdrawal of commissioners present leaves less than the proportion otherwise required for a quorum.
6. **Acts of the Cannabis Regulatory Commission.** Except where a larger proportion or number is required by this Code, any regulations, or the Cannabis Compact, the Cannabis Regulatory Commission may take action by the affirmative vote of a majority of the commissioners present at a duly held meeting. Each commissioner present at a duly held meeting shall have one (1) vote on all matters, and the affirmative vote of a majority present shall constitute an official action taken by the Cannabis Regulatory Agency. No proxies shall be allowed.
7. **Participation by Remote Communication.** A commissioner may participate in a Cannabis Regulatory Agency meeting by means of a conference call or video conference call (e.g., Teams or Zoom) such that the commissioners so participating in the meeting remotely and any commissioners physically present at the meeting may hear each other and participate with each other during the meeting. Participation in a meeting by remote communication constitutes presence at a meeting.
8. **Minutes of Meetings.** All business conducted at any meeting of the Cannabis Regulatory Agency shall be recorded in written minutes of meetings.

§2.11 Compensation of Cannabis Regulatory Agency Commissioners.

1. Commissioners shall be compensated in a manner and amount determined by the Reservation Business Committee pursuant to a written resolution and in a manner consistent with the approved budget as set forth in Section 2.14 of this Code.

2. Commissioners may be reimbursed for reasonable expenses incurred in the discharge of their duties under this Code in accordance with established Band policies on expense reimbursement.

§2.12 Cannabis Regulatory Agency Offices and Official Hours of Operation.

1. The Cannabis Regulatory Agency shall maintain a permanent administrative office at all times. All physical records, documents, regulatory data and information, minutes of meetings, hearing transcripts and submissions, any embargoed Cannabis, or other items relating to the official duties of the Cannabis Regulatory Agency shall be securely stored and maintained by the Cannabis Regulatory Agency within the premises constituting its permanent administrative office.
 - (a) In the event the Agency takes possession of embargoed or detained Cannabis, the administrative office must have a climate-controlled space to preserve the integrity of the Cannabis, or such embargoed or detained Cannabis shall be securely stored on the premises of the effected licensee.
 - (b) No person except for an appointed commissioner, the executive director, or an authorized employee, agent, or contractor of the Cannabis Regulatory Agency may possess a key (physical or electronic) to gain access to the administrative office.
 - (c) No person except for an appointed commissioner, the executive director, or an authorized employee, agent, or contractor of the Cannabis Regulatory Agency may access the administrative office, or any portion thereof, without being accompanied by an appointed commissioner, the executive director, or an authorized employee, agent, or contractor of the Cannabis Regulatory Agency.
 - (d) The Agency's permanent administrative office shall be equipped with a security alarm system, and adequate systems to secure the Agency's administrative office from unauthorized access.
2. The Agency shall maintain regular hours of operation at its administrative office during which time at least one commissioner, the executive director, or one authorized employee shall be physically present. For purposes of this Section, "regular hours of operation" shall be the same as the Band's government hours of operation. The hours of operation shall be posted on the Agency's website.
3. The Agency shall maintain and staff an after-hours telephone number which shall be monitored at all times. The after-hours telephone number shall be posted on the Agency's website/Cannabis Regulatory Agency's website.
4. The Agency shall ensure that the executive director, a commissioner, or authorized employee shall always be available to respond to after-hours calls, emergencies, or communications arising under the Cannabis Compact.

§2.13 Cannabis Regulatory Agency Recordkeeping and Storage of Cannabis.

1. The Cannabis Regulatory Agency shall securely maintain complete records of the following for a period of seven (7) years:
 - (a) License applications (initial applications and renewals) and any documents or materials submitted in relation thereto including without limitation financial statements, fingerprint records, standard operating procedures, business plans, operations plans, all correspondence with any license applicant (whether in connection with an initial application or renewal application), and license application and renewal application fees;
 - (b) License certificates and endorsement certificates relating to any license or endorsement issued under this Code or the Cannabis Compact;
 - (c) Correspondence, communications, and documents relating to the denial of a license application (whether initial application or renewal application);
 - (d) Documents, correspondence, or any physical evidence related to license revocations, suspensions, other official enforcement actions, fines, penalties, and license reinstatements;
 - (e) Correspondence, communications, and documents arising out of or relating to the Cannabis Compact;
 - (f) Minutes of all Cannabis Regulatory Agency meetings;
 - (g) Notes, minutes, transcripts, and findings and conclusions, of or related to any hearings conducted by the Cannabis Regulatory Commission;
 - (h) All documents, records, information, materials, or other items related to the Cannabis Regulatory Agency's monitoring compliance with or enforcement of this Code, any regulations, or the Cannabis Compact;
 - (i) All documents, records, information, materials, or other items produced to the Cannabis Regulatory Agency by a licensee in response to an inspection or request issued by the Cannabis Regulatory Agency during the course of monitoring compliance with or enforcement of this Code, any regulations, or the Cannabis Compact;
 - (j) All documents, records, information, materials, or other items developed, created, collected, received, or confiscated by or produced to the Cannabis Regulatory Agency in connection with an investigation conducted by the Cannabis Regulatory Agency (including any investigations conducted in collaboration with law enforcement), during the course of monitoring compliance with or enforcement of this Code, any regulations, or the Cannabis Compact;
 - (k) All correspondence and communications between the Cannabis Regulatory Agency and the Reservation Business Committee or individual members thereof, members of the Band's law enforcement, and any Band government

agency including without limitation correspondence and communications with officials, employees, and agents of any such Band government agency;

- (l) All documents, records, information, and materials related to Cannabis Regulatory Agency budgets, revenue received, costs, expenses, disbursements, and expenditures;
 - (m) All documents, records, information, and materials related to any Cannabis Regulatory Agency bank accounts, financial statements, check registers, expense receipts, canceled checks, and deposit records;
 - (n) All documents, records, information, and materials related to any Cannabis Regulatory Agency reports prepared and submitted pursuant to this Code;
 - (o) All documents, records, information, and materials related to employees including personnel files, employee compensation, training, benefits, and discipline;
 - (p) All documents, records, information, and materials related to any contracts with outside third parties, vendors, contractors, or subcontractors for any goods or services provided to or on behalf of the Cannabis Regulatory Agency; and
 - (q) Such other documents, records, information, and materials the Reservation Business Committee requires to be maintained and preserved by the Cannabis Regulatory Agency during the course of discharging its official duties under this Code, any regulations, or the Cannabis Compact.
2. The Agency shall develop and implement a secure document and data storage policy which must be approved by the Reservation Business Committee within ninety (90) days of the effective date of this Code which addresses the manner in which commissioners, executive director, employees, contractors, and third party vendors handle, store, and access documents and data including without limitation the following: any personal identifiable information; financial data; intellectual property; legal documents; and health information (regarding medicinal cannabis). The secure document and data storage policy must comply with the Band's policies and ordinances governing data privacy. The secure document and data storage policy shall include, without limitation, the following procedures:
- (a) Sensitive physical documents must be stored in locked cabinets or safes;
 - (b) Access to physical document storage areas will be restricted to the commissioners, executive director, authorized employees of the Agency, and the Agency's attorneys including without limitation the Band's attorneys;
 - (c) Commissioners and employees of the Cannabis Regulatory Agency shall adhere to a clean desk policy ensuring that sensitive documents are not left unattended while the Cannabis Regulatory Agency's administrative offices are unattended;

- (d) Regular backups of all electronic documents will be performed, and backups shall be stored in secure locations, both on-premises at the Cannabis Regulatory Agency's administrative offices and off-site;
 - (e) Physical documents that are no longer needed shall be stored and maintained electronically and then securely disposed of using shredders or a reputable document shredding service;
 - (f) Commissioners and employees of the Cannabis Regulatory Agency shall receive regular training on document and data security best practices, including data classification, access control procedures, password management, phishing awareness, and reporting suspicious activity; and
 - (g) Disciplinary actions for violations of the secure document and data storage policy.
3. The Cannabis Regulatory Agency shall develop and implement a Cannabis storage policy which must be approved by Reservation Business Committee within 180 days of the effective date of this Code which addresses the manner in which commissioners, executive director, and employees handle, store, and access Cannabis which has been confiscated, detained, embargoed, or otherwise obtained by the Cannabis during the discharge of its official duties. Such Cannabis storage policy shall include, without limitation, the following procedures:
- (a) The storage area must be equipped with functioning heating and air conditioning systems that maintain appropriate temperatures and humidity for properly storing Cannabis;
 - (b) The storage area must be maintained in environmental conditions that protect the Cannabis from physical, chemical, and microbial contamination and deterioration;
 - (c) The storage area must be clean, well ventilated, and free from condensation, sewage, dust, dirt, pests, chemicals, and other contaminants;
 - (d) The storage area must be locked with access restricted only to authorized personnel, and signage must be posted that indicates "Restricted Access – Authorized Personnel Only" at the entrance of the storage area; and
 - (e) Storage room access must be documented such that records identify the date and time of each occasion when the storage room is accessed by an individual, the name of the individual accessing the storage room, and whether any Cannabis was added or removed from the storage areas.

§2.14 Cannabis Regulatory Agency Budget. The Cannabis Regulatory Agency shall be funded in an amount sufficient for it to discharge its duties under this Code. The amount of Cannabis Regulatory Agency funding shall be established annually for the subsequent fiscal year through a detailed budget developed and prepared by the Agency and submitted to the Reservation Business Committee for approval in accordance with the Band's budget approval procedures.

1. The Cannabis Regulatory Budget shall reflect all sources of anticipated revenue including license application fees (whether from initial applications or renewal applications) or other sources of revenue, and all anticipated expenses to be incurred in the discharge of its duties under this Code, any regulations, and the Cannabis Compact.
2. The Agency is authorized to spend funds within the limit of the approved budget without further authorization from the Reservation Business Committee subject to applicable accounting, procuring, expensing, spending, and other applicable policies of the Band.
3. The Agency may seek to supplement the approved budget during the fiscal year in which the budget is approved in accordance with the Band's budget approval procedures.

§2.15 **Cannabis Regulatory Agency Reports.** The Agency shall prepare reports for submission to the Reservation Business Committee and Minnesota Office of Cannabis Management as follows:

1. **Reservation Business Committee Reports.** Within thirty (30) days of the end of each quarter of every fiscal year, the Agency shall prepare and deliver to the Reservation Business Committee a written report summarizing the following for the prior quarter:
 - (a) The number and types of licenses issued or renewed including without limitation any reciprocal licenses or foreign cannabis business license;
 - (b) The number and types of license applications denied, suspended, revoked, or conditioned along with a summary explaining and justifying the action taken;
 - (c) Compliance, monitoring, and enforcement activities conducted including a description of inspections conducted, violations identified, and corrective actions implemented affecting all licensees;
 - (d) All fees and revenues collected and the sources of such fees and revenues;
 - (e) All disbursements and expenditures incurred during the discharge of the Agency's duties under this Code;
 - (f) Current budget status including a description of actual revenues and expenses compared to budget revenues and expenses; and
 - (g) Such other information the Agency deems relevant to its duties under this Code or that the Reservation Business Committee requests in writing.
2. **Minnesota Office of Cannabis Management.** In accordance with the Cannabis Compact, the Agency shall prepare and deliver to the Minnesota Office of Cannabis Management an annual report summarizing compliance activities including inspections conducted, violations identified, and corrective actions implemented for licensees operating in the state market cannabis industry. The Agency shall provide copies of the annual reports to the Reservation Business Committee simultaneously with delivery of the annual report to the Minnesota Office of Cannabis Management.

§2.16 **Cannabis Regulatory Agency Executive Director.** The Agency, by and through its commissioners, shall hire and supervise an executive director. The executive director shall be treated as an employee of the Band's government. The executive director shall be the senior official of the Agency overseeing the implementation, enforcement, and evolution of the this Code, any regulations, and the Cannabis Compact. The executive director's role is central to ensuring the integrity, safety, and economic viability of the Band's Cannabis program while protecting public health and aligning with the broader governmental goals of the Band.

1. **Interim Executive Director.** An interim executive director may be appointed on a temporary basis upon the occurrence of any of the following: (i) written request of the commissioners of the Agency; (ii) death, resignation, or termination of the executive director's employment, or (iii) the Reservation Business Committee's initiative. An interim executive director may be appointed until such time as a permanent executive director is hired by the Agency's commissioners, but under no circumstances shall the appointment of an interim executive director extend beyond twelve (12) months.
2. **Responsibilities of Executive Director.** The executive director shall have the following responsibilities:
 - (a) Regulatory oversight, including without limitation monitoring licensee compliance with and enforcement of this Code, any regulations, and the Cannabis Compact;
 - (b) Attend enforcement proceedings and hearings;
 - (c) Administration and oversight of the Cannabis licensing processes and procedures set forth in this Code, any regulations, and the Cannabis Compact;
 - (d) Organizational leadership of the Cannabis including without limitation hiring and managing staff and field inspectors, setting strategic goals in alignment with the commissioners, preparing meeting packages in connection with regular Agency Meetings and attending such meetings, and ensuring Band governmental interagency coordination, collaboration, and communication;
 - (e) Oversight and management of the Agency's approved budget to ensure that the Agency's regulatory activities are adequately funded; and
 - (f) Such other roles and responsibilities as may be assigned in writing by the board of commissioners or the Reservation Business Committee.
3. **Delegation of Responsibilities.** The executive director may delegate responsibilities to authorized employees of the Agency in accordance with written job descriptions for such employee positions.
 - (a) **Field Inspectors.** The executive director may delegate field inspection, monitoring, and compliance responsibilities to field inspectors employed by the Agency, on such terms and conditions that are subject to the approved budget. The executive director shall maintain oversight and management of the field inspectors.

- (b) **Controller/Financial Operator.** The executive director may delegate responsibilities related to the financial operations of the Agency and the discharge its duties under this Code, any regulations, and the Cannabis Compact to a controller or financial operator employed by the Agency, on such terms and conditions that are subject to the approved budget. The controller or financial operator shall also be delegated the role of reviewing licensee financial statements and other financial records in connection with the Agency's monitoring for compliance with this Code, any regulations, and the Cannabis Compact. The executive director shall maintain oversight and management of the controller/financial operator.
- 4. **Compensation of the Executive Director.** The compensation of the executive director shall be recommended by the Agency's commissioners, shall be in alignment with the Band's governmental compensation schedule(s), and approved by the Reservation Business Committee.

CHAPTER 3: MONITORING COMPLIANCE AND ENFORCEMENT; LICENSE VIOLATIONS; PENALTIES

- §3.01 **Authority to Monitor and Inspect Licensed Businesses.** The Cannabis Regulatory Agency may conduct physical inspections of any licensed cannabis business or hemp business, whether located on the Reservation or outside of the Reservation, at any time to ensure compliance with the requirements of this Code, any regulations enacted pursuant to this Code, and the Cannabis Compact. In order to carry out the purpose and intent of this Code, the Agency shall, upon presenting appropriate credentials to the licensee or agent in charge is authorized to:
- 1. Enter the cannabis business without delay and at reasonable times;
 - 2. Inspect and investigate during regular working hours and at other reasonable times, within reasonable limits and in a reasonable manner, any cannabis business or hemp business and all relevant conditions, equipment, records, and materials therein; and
 - 3. Question privately any employee, operator, owner, agent, or employer of a cannabis business or hemp business.
- §3.02 **Cannabis Compact violations; administrative order; penalties.** To be established by Agency regulations on an interim basis, not to exceed twelve (12) months from the date of enactment of this Code, and until such time the Agency proposes Code revisions.
- 1. **Reconsideration; meet and confer.** To be established by Agency regulations on an interim basis, not to exceed twelve (12) months from the date of enactment of this Code, and until such time the Agency proposes Code revisions.
 - 2. **Suspension, Revocation, and Other License Enforcement Proceedings.** To be established by Agency regulations on an interim basis, not to exceed twelve (12) months from the date of enactment of this Code, and until such time the Agency proposes Code revisions.

3. **Embargoes and Temporary Operating Pauses.** To be established by Agency regulations on an interim basis, not to exceed twelve (12) months from the date of enactment of this Code, and until such time the Agency proposes Code revisions.

§3.03 **Non-Cannabis Compact violations; administrative orders; penalties.** The executive director or any field inspector employed by the Agency may issue an administrative order to any licensed cannabis business or hemp business that the Agency, in good faith, reasonably determines has committed a violation of this Code, any regulations adopted pursuant to this Code, or the Cannabis Compact.

1. An administrative order issued by the Agency may require the business to correct the violation or cease and desist from committing the violation. The administrative order must state (i) the deficiencies that constitute the violation, (ii) citation to the specific Code provisions, regulation provisions, or Cannabis Compact provisions, or any combination thereof, which have been violated, (iii) a statement of any specific action that is required to correct the deficiencies, (iv) the specific time by which the violation must be corrected, and (v) any penalties, fines, or other impositions, applicable, if any. The time by which the violation must be corrected must be reasonable under the circumstances and commensurate with the nature of the asserted violation.
 - (a) Once the violation(s) in the administrative order have been corrected by the licensee, the Agency shall issue a written notice to the licensee confirming the corrective action has cured the violation and that the matter is closed.
2. **Reconsideration.** If the licensed cannabis business or hemp business believes that the information in the administrative order is in error, the licensee may ask the Agency to reconsider the parts of the order that are alleged to be in error. The request for reconsideration must be in writing, delivered to the Agency by electronic mail within three (3) business days after receipt of the administrative order, and provide documentation or other support to support the allegation of error. The Agency must respond in writing to a request for reconsideration within five (5) business days after receiving the request. Such response from the Agency must indicate whether the Agency upholds its initial administrative order or reverses or modifies its initial administrative order and provide support for its position.
 - (a) A request for reconsideration does not stay the correction order unless the Agency issues a supplemental administrative order granting additional time.
 - (b) The Agency's disposition of a request for reconsideration may be appealed by the licensed cannabis business or hemp business pursuant to the appellate process set forth in Section 3.05 of this Code.

§3.04 **Authority to Inspect Unlicensed Cannabis Businesses.** The Agency may inspect any commercial premises within the Band's Reservation that is not licensed under this Code where cultivation, manufacturing, processing, distribution, or sale of Cannabis is taking place.

1. Prior to or immediately upon entering a facility located on a commercial premises, an authorized employee of the Agency performing an inspection under this Section shall provide the authorized employee's credentials and clearly stating the purpose of the inspection.

2. The Agency's authorized employee may enter the commercial premises and perform any of the following to determine if any person is engaging in activities that are regulated by this Code, or any regulations enacted pursuant to this Code, or the Cannabis Compact, and which are not authorized without the possession of license issued pursuant to this Code, and to determine any appropriate penalties:
 - (a) Inspect and investigate the commercial premises;
 - (b) Report any cannabis activity to law enforcement;
 - (c) Inspect and copy records; and
 - (d) Question privately any employer, owner, operator, agent, or employee of the operations located on, about, or within the commercial premises.
3. Any inspection under this Section may occur only during the Band's established government working hours or at other reasonable times.
4. The Band's law enforcement shall assist with the Agency's enforcement actions and assist in performing compliance checks authorized under this Section.
5. The Agency shall immediately report to law enforcement any noncommercial premises within the Band's Reservation where cultivation, manufacturing, processing, distribution, or sale of cannabis is taking place or is suspected to be taking place without a license issued under this Code.

§3.05 Licensee Appeals of Administrative Orders. A licensee may appeal the Agency's written disposition of a reconsideration request by demanding a hearing before the Agency by submitting the written appeal request within three (3) days after licensee's receipt of a written reconsideration determination from the Agency.

1. The administrative order shall be stayed during the pendency of the initial appeals hearing and any follow up appeal.
2. The appeal shall be by hearing before the Agency Board of Commissioners and the matter shall be heard within five (5) business days of the date the demand for an appeal was submitted. Video appearance shall be allowed.
3. Upon receipt of the demand for hearing under this section, the Agency Board of Commissioners shall immediately deliver a written notice containing statement to the licensee which contains
 - (a) a statement of the date, time, and physical location or video link of the hearing;
 - (b) a statement that the hearing is informal, but that evidence will be allowed;
 - (c) a statement that the burden of proof is on the licensee to establish that the administrative order was issued in error; and

- (d) a statement that the Agency's executive director shall appear on behalf of the Agency at the hearing and that the licensee may represent itself or may be represented by an attorney.
- 4. The appellate hearing shall be presided over by the full Agency Board of Commissioners or the administrative order shall be dismissed with prejudice against the Agency. The Agency Board of Commissioners shall act in an unbiased manner when conducting and presiding over the hearing.
- 5. If the licensee fails to appear for the appellate hearing on the date and time set forth in the written notice of the appellate hearing, the licensee shall be in default and the corrective actions or other relief sought by the Agency in its administrative order shall be supported or granted without the licensee having any further right to an appeal.
- 6. The Agency Board of Commissioners shall issue a written order within five (5) business days of the appeals hearing which is supported by findings of fact and conclusions of law. Such order shall be final and binding without opportunity for further review.

§3.06 **Suspension, Revocation, and Other License Enforcement Proceedings.**

- 1. **Investigations in Support of Enforcement Proceedings.** The Agency is authorized to conduct investigations to determine if a suspension, revocation, or other license enforcement proceeds should be initiated to protect public health and safety and ensure cannabis activity complies with the Federal Priorities.
- 2. **Grounds for Enforcement Proceedings.** The Agency by and through the executive director may commence an enforcement proceeding to condition, limit, suspend, or revoke a cannabis license issued pursuant to this Code if the licensee, or any employee or agent of the licensee:
 - (a) failed to respond to an administrative order issued pursuant to this Code provided that the cannabis licensee (i) did not request a reconsideration, or (ii) did not appeal the modification or denial of a reconsideration;
 - (b) violates any provision of this Code, any regulation, the Cannabis Compact or license condition the violation of which causes a material harm to public health, safety, or welfare;
 - (c) knowingly makes a false representation or statement to the Agency with the intent to deceive the Agency;
 - (d) knowingly fails to (i) submit any information or report to the Agency or (ii) maintain any records that are required by this Code, the regulations, the Cannabis Compact, or the licensee's license;
 - (e) maintains its premises used in the licensed cannabis operations in a materially unhealthy, unsafe, unsanitary condition which materially endangers public health;

- (f) fails to maintain adequate security protocols, after written notice of unsecure conditions, at the premises used in the licensed cannabis operations to prevent the theft, diversion, or other loss of cannabis items in the licensee's possession;
 - (g) knowingly and materially misrepresents to any person the condition, quality, or content of any cannabis item in the possession of or transferred by the licensee;
 - (h) materially obstructs or impedes the performance of the duties of the Agency (note, however, that the assertion of rights including without limitation rights to reconsideration or appeals pursuant to this Code shall not be deemed to obstruct or impede Agency performance);
 - (i) is or becomes associated with a criminal enterprise, gang, cartel, or other illicit enterprise which participates in, aids, or abets criminal activity; or
 - (j) becomes ineligible to hold a license.
3. **Commencement of License Enforcement Proceeding.** In order to commence an enforcement proceeding under this Code, the executive director must submit a Written Report on License Enforcement Proceeding to the Agency Board of Commissioners.
- (a) **Special Meeting of the Agency Board of Commissioners.** Upon receipt of the Written Report on License Enforcement Proceeding from the executive director, the Chair of the Agency Board of Commissioners shall call a special meeting for the purpose of voting on whether the Written Report on License Enforcement Proceeding is sufficient to commence an enforcement proceeding against the subject licensee. If the Agency Board of Commissioners determines by vote at the special meeting that the allegations in the Written Report on License Enforcement Proceeding can be addressed through a lesser action (without suspension or revocation or limited or conditioning), the Agency can issue a written notice to licensee of such lesser action in lieu of a formal enforcement proceeding.
4. **Written Notice of License Enforcement Proceeding.** If, at the special meeting of the Agency Board of Commissioners, no lesser action is agreed to or found to be a satisfactory option by the Agency, and the Agency Board of Commissioners determined at the special meeting that an enforcement proceeding should be commenced against the licensee, then the Agency Board of Commissioners shall cause delivery of a written notice of the license enforcement proceeding to the licensee which must contain:
- (a) the factual basis for the enforcement proceeding which supports the condition, restriction, suspension, or revocation of the license;
 - (b) citation(s) to the specific Code section(s), regulations, Cannabis Compact, or any combination thereof, which have allegedly been violated and which authorize the license enforcement proceeding;

- (c) a statement that the subject license shall be conditioned (along with a detailed description of the conditions and process for removing the conditions), restricted (along with a detailed description of the restrictions and process for removing the restrictions), suspended (along with a description of the length of the suspension and terms of reinstatement), or revoked unless within three (3) business days of the licensee's receipt of the written notice from the Agency the licensee demands a license enforcement hearing;
 - (d) A statement that the licensee can demand a license enforcement hearing before the Agency Board of Commissioners by sending a written notice by [electronic mail/certified mail] to the Agency and which provides the [electronic mail address/physical address] for the demand to be sent;
 - (e) An acknowledgment that any such demand for a license enforcement hearing shall stay the disciplinary action sought by the Agency; and
 - (f) Any pertinent instructions for the licensee's payment of fines and penalties in the event licensee does not timely submit a demand for a license enforcement hearing.
5. **Hearing Before Agency Board of Commissioners.** If the licensee timely demands a license enforcement hearing, the hearing shall take place within five (5) business days from the date the demand for the license enforcement hearing is received by the Agency and the Agency shall send written notice of the license enforcement hearing date and time and physical address of the hearing to the licensee.
- (a) The license enforcement hearing shall be presided over by the full Agency Board of Commissioners, and may be conducted by video conference provided that all attendees can communicate effectively with each other.
 - (b) The license enforcement hearing shall be informal, but evidence will be allowed to be submitted to the Agency Board of Commissioners for consideration.
 - (c) The burden of proof shall be on the Agency to establish the facts identified in the Written Report of License Enforcement Proceeding and basis for any relief sought.
 - (d) If the licensee fails to appear for the license enforcement hearing, the licensee shall be in default and the relief sought by the Agency shall be granted.
 - (e) The Agency Board of Commissioners must issue its determination in writing within five (5) business days of the license enforcement hearing in the form of a written order which is supported by findings of fact and conclusions along with a specific order for relief. The written order must contain a statement notifying licensee of licensee's right to an appeal and must identify the date and time and the instructions (including the tribunal to which the appeal must be made) within three (3) business days of the licensee's receipt of the order. The written order must be signed by the Chair of the Agency Board of Commissioners and must be delivered by electronic mail to the licensee

immediately upon issuance. The Agency Board of Commissioners may issue an order that imposes a lesser form of relief than initially sought or requested by the Agency.

§3.07 **Appeals to the Reservation Business Committee.** A licensee may appeal any written determinations or orders issued by the Agency Board of Commissioners to the Reservation Business Committee.

1. **Time to Appeal.** All licensee appeals to the Reservation Business Committee must be received by the Reservation Business Committee by and through the Executive Director no later than three (3) business days from the date the licensee receives a written determination or order from the Agency Board of Commissioners.
2. **Referral to Arbitrator; Arbitrator Qualifications.** All appeals to the Reservation Business Committee shall be referred to the Band's Office of the General Counsel which shall appoint a third-party neutral arbitrator to preside over the appeal. The arbitrator must be an attorney with more than ten (10) years of actual work experience as a practicing attorney and shall not be employed by the Office of the General Counsel. All costs of the arbitrator shall be borne by the Agency and shall be funded through the Agency's budget.
3. **Appeals Hearing.**
 - (a) The hearing before the arbitrator shall be based upon the record and may be conducted by video conference provided that all attendees can communicate effectively with each other.
 - (b) The appeals hearing shall be informal, but only evidence not previously available may be submitted by any party and shall be received by the arbitrator for consideration in connection with the arbitrator's written award.
 - (c) The burden of proof shall be on the licensee to establish the facts and basis for any relief sought.
 - (d) The arbitrator must issue a determination in writing within five (5) business days of the appeals hearing in the form of a written award which is supported by findings of fact and conclusions along with a specific order for relief. The written award issued by the arbitrator shall be final and binding. The written award must be signed by the arbitrator and must be delivered by electronic mail and certified mail to the licensee immediately upon issuance. The arbitrator may issue an order that imposes a lesser form of relief than initially sought or requested by the Agency.
 - (e) If the arbitrator issues an award which is in favor of the licensee, any such award shall declare the licensee's license to be operational and not subject to conditions, restrictions, suspension, or revocation.

CHAPTER 4: POSSESSION AND PERSONAL USE OF CANNABIS; AUTHORIZATION OF CANNABIS BUSINESSES

§4.01 **Possession of Cannabis by Adults.** On, about, or within the Reservation, an individual twenty-one (21) years of age or older may:

1. Use, possess, or transport cannabis paraphernalia;
2. Possess or transport two ounces or less of Cannabis Flower in a public place;
3. Possess up to two (2) pounds of Cannabis Flower in the individual's private residence;
4. Possess or transport up to eight (8) grams of Cannabis Concentrate; and
5. Possess or transport Edible Cannabis Products or Lower-Potency Hemp Edibles infused with a total of 800 milligrams or less of tetrahydrocannabinol.

§4.02 **Use of Cannabis Permitted.** On, about, or within the Reservation, an individual twenty-one (21) years of age or older may use Cannabis Flower, Cannabis Products, in the following locations:

1. a private residence, including the individual's curtilage or yard;
2. private property, unless the individual is explicitly prohibited from consuming cannabis flower or cannabis products on the property by the owner of the property;
3. private property where a licensed cannabis business has authorization from the Agency to permit on-site consumption; or
4. property which the Reservation Business Committee expressly permits by resolution or policy the use of Cannabis Flower or Cannabis Products.

§4.03 **Prohibitions.** On, about, or within the Reservation, an individual may not:

1. use, posses, or transport cannabis flower, cannabis products, low-potency hemp edibles, or hemp-derived consumer products if the individual is under 21 years of age;
2. use, possess, or transport unless the individual is a Patient, Primary Caregiver of a Patient;
3. use Cannabis Flower, Cannabis Products, or Lower-Potency Hemp Edibles in a motor vehicle;
4. operate a motor vehicle while under the influence of Cannabis Flower, Cannabis Products, or Lower-Potency Hemp Edibles;
5. use, vaporize, or smoke Cannabis Flower or Cannabis Products in any location where the smoke, aerosol, or vapor would be inhaled by minors;
6. use, vaporize, or smoke Cannabis Flower or use Cannabis Products in any location where such use, vaporizing, or smoking is prohibited by the owner of the property; or
7. use Cannabis Flower, Cannabis Products, or Lower-Potency Hemp Edibles on property which the Reservation Business Committee expressly prohibits by resolution

or policy the use of Cannabis Flower, Cannabis Products, or Lower-Potency Hemp Edibles.

§4.04 **Home Cultivation of Cannabis for Personal Use.** Up to eight cannabis plants, with no more than four being mature, flowering plants may be grown for adult personal use at a single residence, including the curtilage or yard, within the Reservation without holding a license and cultivation endorsement issued under this Code provided that the cultivation takes place at the primary residence of an individual 21 years of age or older and in an enclosed, locked and secure space that is not open to public view.

1. **Limitation.** Home cultivation is prohibited upon on any lands held in trust by the United States for the benefit of the Band, a federally recognized tribe, or an individual.

§4.05 **Home Extraction of Cannabis by Use of Volatile Substance Prohibited.** No person may use a volatile substance to separate or extract cannabis concentrate or hemp concentrate within the Reservation without a license and manufacturing endorsement issued under this Code.

§4.06 **Sale of Cannabis Prohibited without License and Endorsement(s).** No person may sell cannabis including without limitation cannabis flower and cannabis products without a license and the appropriate endorsement(s) issued under this Code that authorize(s) such sale or distribution.

CHAPTER 5: LICENSING

§5.01 **General.** The Cannabis Regulatory Agency shall issue licenses to operate cannabis businesses and hemp businesses over which it has jurisdiction based upon and eligibility and qualifications of the license applicant.

§5.02 **License Classifications.** The Agency shall issue the types of licenses identified in this Section.

1. **Tribal Enterprise Cannabis Business Licenses.** The Agency may issue tribal enterprise cannabis licenses to business enterprises owned at least fifty-one percent (51%) by the Band, or any entity wholly-owned by the Band, or a subsidiary of a parent entity that is wholly-owned by the Band and operating on the Reservation. The Agency may issue tribal enterprise cannabis licenses to business enterprises owned at least fifty-one percent (51%) by the Band, or any entity wholly-owned by the Band, or a subsidiary of a parent entity that is wholly-owned by the Band and operating outside of the Reservation in the Minnesota Market pursuant to the Cannabis Compact. Subject to holding a required endorsement, if any, a tribal enterprise cannabis business license authorizes the licensee to conduct cannabis transactions with:

- (a) Holders of tribal enterprise cannabis business license;
- (b) Holders of a band member cannabis license;
- (c) Holders of a reservation community cannabis license;
- (d) Holders of a foreign cannabis business license;

- (e) Holders of a reciprocal tribal nation cannabis license;
 - (f) Holders of a hemp business license; and
 - (g) Retail customers provided that the licensee also holds a cannabis retail endorsement.
2. **Band Member Cannabis Licenses.** The Agency may issue band member cannabis licenses to individuals who are enrolled Band members or who own fifty-one percent (51%) the cannabis business which will be the license applicant. Subject to holding a required endorsement, if any, band member cannabis license authorizes the licensee to conduct cannabis transaction with:
- (a) Holders of a band member cannabis license;
 - (b) Holders of a reservation community cannabis license;
 - (c) Holders of tribal enterprise cannabis business license;
 - (d) Holders of a foreign cannabis business license;
 - (e) Holders of a hemp business license; and
 - (f) Retail customers provided that the licensee also holds a cannabis retail endorsement.
3. **Reservation Community Cannabis Licenses.** The Agency may issue reservation community cannabis licenses to individuals who are not enrolled Band members but whose cannabis businesses are physically located within the territorial boundaries of the Reservation. Subject to holding a required endorsement, if any, a reservation community cannabis license authorizes the licensee to conduct cannabis transactions with:
- (a) Holders of a band member cannabis license;
 - (b) Holders of a reservation community cannabis license;
 - (c) Holders of tribal enterprise cannabis business license;
 - (d) Holders of a foreign cannabis business license;
 - (e) Holders of a hemp business license; and
 - (f) Retail customers provided that the licensee also holds a cannabis retail endorsement.
4. **Foreign Cannabis Business Licenses.** The Agency may issue foreign cannabis business licenses to license applicants that are fully licensed by and have been issued relevant operational endorsements from the Minnesota Office of Cannabis Management. A foreign cannabis business license authorizes the licensee to conduct cannabis transactions with holders of a:

- (a) Tribal enterprise cannabis business license;
 - (b) Band member cannabis license;
 - (c) Reservation community cannabis license; and
 - (d) Hemp business license.
 - 5. **Limitation:** The holders of foreign cannabis business licenses are subject to the limitations set forth in the Cannabis Compact.
 - 6. **Reciprocal Tribal Nation Cannabis Licenses.** The Agency may issue reciprocal tribal nation cannabis licenses to cannabis businesses that are fully licensed by and have been issued relevant operational endorsements, if any, from a federally recognized tribe located within the territorial boundaries of the State of Minnesota. A reciprocal tribal nation cannabis license authorizes the licensee to conduct cannabis transactions with holders of a tribal enterprise cannabis business license.
 - (a) A Minnesota Market Endorsement may be required to transact business with holders of a tribal enterprise cannabis business license and any such determination shall be made by the Agency.
 - (b) **Limitation:** The holders of reciprocal tribal nation cannabis business licenses are subject to the limitations set forth in the Cannabis Compact, if any.
 - (c) **Limitation.** The
 - 7. **Hemp Business Licenses.**
 - (a) Lower potency hemp edible retailer;
 - (b) Lower potency hemp edible manufacturer; and
 - (c) Lower potency hemp edible wholesaler.
- §5.03 **No Limit on License Types Held.** There is no limit to the license types that a license applicant or licensee may seek and hold simultaneously.
- §5.04 **Cannabis Endorsements.** The Agency shall issue the following types of operational endorsements pursuant to this Code:
- 1. Cultivation endorsement;
 - 2. Manufacturing endorsement;
 - 3. Retail endorsement;
 - 4. Wholesaler endorsement;
 - 5. Transporter endorsement;
 - 6. Delivery endorsement;

7. On-site consumption endorsement;
8. Event planning endorsement;
9. Minnesota Market endorsement; or
10. Lower-potency hemp edible retailer endorsement.

§5.05 **No Limit on Endorsements.** There is no limit to the number of endorsement types that a license applicant or licensee may seek and hold simultaneously.

§5.06 **Licenses and Endorsements; Term; Fees.**

1. **Term.** A license issued pursuant to this Code shall have a term of one year and shall require a renewal annually thereafter. Endorsements issued pursuant to this Code shall have a term that tags along with the term of the applicable license.
2. **Fees.** The Agency shall require the payment of initial license fees, renewal license fees, and endorsement fees as provided in this Code. The initial license fee shall include the fee for initial issuance of the license and the renewal fee shall be charged at the first annual renewal and each subsequent annual renewal thereafter. The endorsement fee shall include the fee for issuance of an endorsement and shall be charged upon application therefor and shall be a one-time charge. The Agency shall publish a schedule of initial license fees, renewal license fees, and endorsement fees that has been approved by the Reservation Business Committee.

§5.07 **Licenses; Transfers and Conveyances.**

1. **Tribal Enterprise Cannabis Business License.** A Tribal Enterprise Cannabis Business License is not transferable. Notwithstanding the foregoing, the Tribal Enterprise which holds the Tribal Enterprise Cannabis Business License may transfer up to 49.9% of the ownership interest, including both financial and governance rights, in the Tribal Enterprise provided that (i) all documents relevant to the transfer of the ownership interest in the Tribal Enterprise are disclosed to the Agency in advance of the transfer or conveyance, (ii) all transferees are eligible to hold a cannabis license under this Code, meet all qualifications to hold a cannabis license under this Code and are not otherwise disqualified from holding a cannabis license under this Code, and (iii) the Agency provides its prior written approval of the transfer.
2. **Band Member Cannabis Business License.** A Band Member Cannabis Business License is freely transferable provided that a Band member must always own at least fifty-one percent (51%) of the ownership interest, including both financial and governance rights, in the Agency Licensed Cannabis Business which holds the Band Member Cannabis Business License provided that (i) all documents relevant to the transfer of the ownership interest in the Agency Licensed Cannabis Business are disclosed to the Agency in advance of the transfer or conveyance, (ii) all transferees are eligible to hold a cannabis license under this Code, meet all qualifications to hold a cannabis license under this Code and are not otherwise disqualified from holding a cannabis license under this Code, and (iii) the Agency provides its prior written approval of the transfer.

3. **Reservation Community Cannabis Business License.** A Reservation Community Cannabis Business License is freely transferable provided that (i) all documents relevant to the transfer of the ownership interest in the Agency Licensed Cannabis Business are disclosed to the Agency in advance of the transfer or conveyance, (ii) all transferees are eligible to hold a cannabis license under this Code, meet all qualifications to hold a cannabis license under this Code and are not otherwise disqualified from holding a cannabis license under this Code, and (iii) the Agency provides its prior written approval of the transfer.
4. **Foreign Cannabis Business License; Reciprocal Tribal Cannabis Business Licenses.** Foreign Cannabis Business License and Reciprocal Tribal Cannabis Business Licenses are not transferable.

§5.08 **General Ownership Requirements and Disqualifications.** A license applicant or license holder must meet each of the following requirements, if applicable, to hold or receive a license under this Code:

1. if an individual, the individual must be at least 21 years of age;
2. if the applicant or license holder is a business entity, be formed and organized under the established laws of a federally recognized tribe, State of Minnesota, or another jurisdiction within the United States;
3. have completed an application for initial licensure or an application for renewal;
4. have paid the applicable application and license fee or renewal fee;
5. not employ an individual who is disqualified from working for a licensed cannabis business;
6. never had a license previously issued under this Code or under the laws of any jurisdiction revoked;
7. if the license applicant or license holder is a business entity, every officer, director, manager, member, shareholder, partner, and owner of the business entity must meet the requirements of this Chapter; and
8. if a license holder seeks a renewal of a license, the license holder must be in compliance with the Code, any regulations enacted pursuant to this Code, and the Cannabis Compact.

§5.09 **License Applications; Band Member Cannabis Licenses and Reservation Community Cannabis Licenses; Application Commencement Dates.**

1. **Band Member Cannabis License Applications.** Application for band member cannabis licenses shall be available beginning June 1, 2026.
2. **Reservation Community Cannabis License Applications.** Applications for reservation community cannabis licenses shall be available beginning July 1, 2027.

3. **Exception for Lower-Potency Hemp Retailer Endorsement.** The above application commencement dates in Sections 5.09(1) and 5.09(2) may commence earlier for the limited purpose of obtaining the Lower-Potency Hemp Retailer Endorsement pursuant to Agency regulation. Any such regulation shall prohibit any cannabis activity.

§5.10 **License Applications; Band Member Cannabis Licenses and Reservation Community Cannabis Licenses; Content.** There shall be a universal license application for initial and renewal band member cannabis licenses and reservation community cannabis licenses. The Agency shall by regulation establish forms and procedures for processing cannabis licenses issued under this Code. At a minimum, the universal application form to obtain or renew a cannabis license shall include the following information:

1. the disclosure of whether the applicant is a business entity or individual;
2. a statement of the license type and endorsements sought;
3. if the applicant is a natural person:
 - (a) disclosure of the full legal name, physical mailing address, electronic mailing address, social security number, and date of birth of the applicant;
 - (b) a copy of the current and valid government-issued form of identification that includes a photograph of the applicant (e.g., government-issued driver's license);
 - (c) a disclosure of any criminal convictions that would constitute a disqualification from holding a license;
4. if the applicant is a business entity:
 - (a) disclosure of the full legal name, physical mailing address, electronic mailing address, description of the type of business entity, federal tax identification number, and disclosure of the jurisdiction in which the entity was organized;
 - (b) disclosure of the management structure, ownership, and control of the applicant or license holder including without limitation the name and address of each member, shareholder, general partner, limited partner, owner, and the ownership percentage of each and, if the business entity is owned by a parent company, the name of each owner, of the parent company and the respective percentage ownership of each, board member, and officer of the parent company;
 - (c) disclosure of each officer, director, governor, and manager of the applicant or license holder and, if the business entity is owned by a parent company, the name and address of each officer, director, governor, and manager of the parent company;
 - (d) if the applicant or license holder is a corporation, copies of the applicant's or license holder's articles of incorporation, bylaws, and any shareholder agreements and any amendments to the articles of incorporation, bylaws, or shareholder agreements;

- (e) if the applicant or license holder is a limited liability company, copies of the applicant's or license holder's articles of organization and operating agreement, and any amendments to the articles of organization or operating agreement;
 - (f) if the applicant or license holder is a partnership, or limited partnership copies of the partnership agreement, or limited partnership agreement, and any amendments thereto, and a copy of the certificate of limited partnership, if applicable; and
 - 5. a statement identifying any person or business entity that has the right to receive some or all of the revenue, gross profit, or net profit from the cannabis business during any full or partial calendar year;
 - 6. a description of the actual or proposed physical address of the cannabis business along with a general description of the location(s) that the applicant plans to operate including the actual or estimated planned square footage for cultivation, manufacturing, wholesaling, retailing, or other cannabis operations as applicable;
 - 7. a copy of the applicant's business plan describing the expected revenues of the business operation, anticipated growth, marketing strategy; anticipated number of employees, and methods of recordkeeping.
 - 8. a certification by the applicant or license holder that the applicant or license holder will comply with the requirements of this Code, any regulations enacted pursuant to this Code, and the Cannabis Compact, if applicable;
 - 9. an agreement to submit to the personal jurisdiction of the White Earth Tribal Court in connection with any matters related to the cannabis license;
 - 10. an acknowledge of and an agreement to the applicant's ongoing duty to provide information to Agency; and
 - 11. payment of a fee which shall be established by the Agency, set forth and identified in a written and published schedule of fees, and which schedule of fees shall be approved by the Reservation Business Committee.
- §5.11 **License Applications; Foreign Cannabis Business Licenses Content.** An applicant seeking a foreign cannabis business license may apply for such license on an abbreviated application form provided by the Agency.
- §5.12 **License Applications; Reciprocal Tribal Nation Cannabis Business Licenses; Content.** An applicant seeking a reciprocal tribal nation cannabis business license may apply for such license on an abbreviated application form provided by the Agency.
- §5.13 **Criminal Background Checks.** Every license applicant, and in the case of a business entity which is a license applicant, ever officer, director, manager, member, shareholder, partner, and owner of the business entity, and each employee of the license applicant shall submit to a criminal background check, a full set of classifiable fingerprints, and any required fees related to the criminal background check to the Agency through the Band's compliance division or

such other division as may be designated by the Reservation Business Committee. The complete results of criminal background checks shall be submitted to the license applicant and the Agency in a timely manner. Based upon the results of the criminal background check, the Agency shall determine if the license applicant is disqualified from holding a cannabis license pursuant to this Code.

1. The purpose of requiring criminal background checks is to give effect to the Federal Enforcement Priorities.
2. Applicants for a foreign cannabis business license or a reciprocal tribal nation cannabis license are exempt from criminal background checks mandated by this Section.

§5.14 **Criminal Offenses; Disqualifications.** The following criminal convictions in the State of Minnesota or any other jurisdiction of the following crimes that would constitute a felony and for which a full pardon or similar relief has not been granted shall disqualify a person from holding or receiving a cannabis license issued pursuant to this Code: human trafficking; non-cannabis controlled substances crimes in the first or second degree; fraud; embezzlement; extortion; money laundering; insider trading; or firearms-related offenses.

§5.15 **Risk of Harm; Set Aside.** The Agency may, in accordance with regulations, set aside a disqualification under Section 5.14 if it finds that the person has submitted sufficient information to demonstrate that the person does not pose a risk of harm to any person served by the applicant or license holder.

§5.16 **Application Process; Renewals.** An applicant must submit all required information to the Agency on the forms and in manner prescribed by the Agency.

1. **Deficiency.** Failure by an applicant to submit all required information will result in the applicant receiving a written deficiency notice from the Agency requiring the applicant to cure any itemized deficiencies within fourteen days from the date a deficiency notice is sent if sent by electronic mail or within fourteen days from the date a deficiency notice is received if sent by United States certified mail. If the applicant fails to comply with the terms of the deficiency notice the application shall be rejected.
2. **Determination.** Within thirty (30) days of receipt of a completed application and fee, and the results of any required criminal history checks, the Agency shall issue the appropriate license or send the applicant a written notice of rejection setting forth the specific reason(s) that the Authority did not approve the application and citation(s) to the specific section(s) in this Code, regulation(s) enacted pursuant to this Code, or the specific section(s) of the Cannabis Compact supporting the Agency's non-approval determination.
3. **Reconsideration.** If the Agency denies an application and does not issue a license to an applicant, or if the Agency denies an renewal application and does not issue a renewal license, the applicant may seek reconsideration from the Board of Commissioners. The reconsideration shall be conducted administratively without a hearing. The request for reconsideration must be in writing, delivered to the Agency by electronic mail within three (3) business days after receipt of the administrative order, and provide documentation or other support to support of the request for reconsideration. The Agency shall immediately transmit the request for

reconsideration to the Board of Commissioners which must respond in writing to a request for reconsideration within five (5) business days after receiving the request. Such response from the Board of Commissioners must include a statement of whether the Agency's denial of the initial application or renewal application is upheld, reversed, or conditioned, and provide a reasonable explanation for its determination and any conditions which must be satisfied along with the reasonable time within which those conditions must be satisfied in order to reverse the Agency's denial. The Board of Commissioners' determination shall be final and not subject to further reconsideration or appeal.

4. **Renewals of Licenses.**

- (a) All licenses issued pursuant to this Code, any regulations enacted pursuant to this Code, and the Cannabis Compact shall be renewed by the license holders annually. The Agency shall by regulation establish the criteria required for license renewals which shall include, without limitation, disclosure of material changes to the license holder's original license application or the immediately prior annual license renewal application and payment of an established license renewal fee. Notwithstanding anything to the contrary in this Code, any regulations enacted pursuant to this Code, and the Cannabis Compact, within fifteen days of receipt of a completed renewal application and fee, the Agency shall issue the appropriate license renewal or send the applicant a written notice of rejection setting forth the specific reasons that the Agency did not approve the application and citation(s) to the specific section(s) in this Code, regulation(s) enacted pursuant to this Code, or the specific section(s) of the Cannabis Compact supporting the Agency's non-approval determination.
- (b) The Agency shall issue written notices to current license holders advising of the deadline to renew licenses held at least ninety (90) days prior to expiration of a license. The Agency shall by regulation establish the forms and process for this notice procedure.

§5.17 **Ongoing Duty to Update Agency.** An applicant for a cannabis business license and cannabis business licensees have a continuing duty to notify the Agency of any changes in the application or disclosures in connection therewith including without limitation any changes in ownership and control of the cannabis business.

CHAPTER 6: ENDORSEMENTS; AUTHORIZED CANNABIS ACTIVITY

§6.01 **General.** A license applicant or licensee must submit an application to engage in specific operations related to cannabis activity. There is no limit on the number of endorsement types that a license applicant or licensee may seek and hold simultaneously. A license applicant or licensee may only engage in specific operations related to cannabis activity authorized by an endorsement.

§6.02 **Cannabis Cultivation Endorsement.** To cultivate cannabis for commercial purposes, a licensee must have an endorsement issued pursuant to this Code. A cannabis cultivation endorsement authorizes the licensee to: grow cannabis plants within the approved amount of space from seed or immature plant to mature plant; harvest, dry, cure, grade, trim, store, and inventory cannabis flower from a mature plant; package and label immature cannabis plants

and seedlings and cannabis flower for sale and wholesale to other licensed cannabis businesses; transport cannabis flower testing laboratories or other licensed cannabis businesses; dispose of cannabis waste in accordance with this Code, any regulations enacted pursuant to this Code, or the Cannabis Compact; and perform such other activities authorized by the Agency.

1. A cannabis business holding a tribal enterprise cannabis license with a cultivation endorsement operating its cultivation business in a location outside of the Reservation may cultivate up to the plant canopy limits or acreage limits set forth in the Cannabis Compact.
2. A cannabis business holding a band member cannabis license with a cultivation endorsement or a reservation community cannabis license with a cultivation endorsement operating its cultivation business within the Reservation may cultivate up to the plant canopy limits or acreage limits set forth in any regulations enacted pursuant to this Code.
3. **Limitations.** Any licensee with a cannabis cultivation endorsement is subject to the applicable limitations set forth in the Cannabis Compact.
4. An applicant seeking a cannabis cultivation endorsement must submit the following information in a form approved by the Agency:
 - (a) An operating plan demonstrating the proposed size and layout of the cultivation facility; plans for wastewater and waste disposal for the cultivation facility; and plans for providing electricity, water, and other utilities necessary for the operation of the cultivation facility;
 - (b) A security plan demonstrating the efforts to prevent theft and diversion of cannabis and currency and other crime through use of an alarm system, video surveillance, lighting, locks, and incident response protocols; and
 - (c) Summaries of standard operating procedures governing the equipment and methods used in the cultivation of cannabis; the manner in which all pesticides and other agricultural chemicals and inputs, if any, are applied during the cultivation of cannabis; energy conservation efforts; and storage of chemicals and pesticides;
 - (d) Such other information as may be required by the Agency as set forth in any regulations enacted pursuant to this Code; and
 - (e) Such other information as may be required by other Band government divisions as communicated in writing to the Agency in connection with cannabis operations located within the Reservation.
5. **Exception.** Nothing in this Section applies to a hemp business.

§6.03 **Cannabis Retail Endorsement.** To sell or distribute cannabis for retail purposes, a licensee must have an endorsement issued pursuant to this Code.

1. **Authorized Activity.** A cannabis retail endorsement authorizes the licensee to: purchase immature cannabis plants and seedlings, cannabis flower, cannabis products, and lower-potency hemp edibles from licensed cannabis businesses; sell immature cannabis plants and seedlings, cannabis flower, cannabis products, and lower-potency hemp edibles to customers; and perform such other actions approved by the Agency.
 - (a) A cannabis business with a cannabis retail endorsement may only sell cannabis plants and seedlings, cannabis flower, cannabis products, and lower-potency hemp edibles from a facility that is not a dwelling.
 - (b) A cannabis business with a cannabis retail endorsement may only sell cannabis plants and seedlings, cannabis flower, cannabis products, and lower-potency hemp edibles to individuals who are at least 21 years of age.
 - (c) A cannabis business holding a tribal enterprise cannabis business license with a cannabis retail endorsement operating outside of the Reservation may sell up to two ounces of cannabis flower, up to eight grams of cannabis concentrate, and edible cannabis products and lower-potency hemp edibles infused with up to 800 milligrams of tetrahydrocannabinol during a single transaction to a customer.
2. **Limitations.**
 - (a) The holder of a tribal enterprise cannabis business license with a cannabis retail endorsement is subject to the applicable limitations set forth in the Cannabis Compact.
 - (b) Any limits, if any, on the quantities of cannabis flower, cannabis concentrate, and edible cannabis products occurring on the Reservation by cannabis businesses shall be set forth in any regulations enacted pursuant to this Code.
3. **Additional Authorized Activity; Sale of Other Products:** A cannabis business with a cannabis retail endorsement may sell:
 - (a) Cannabis paraphernalia, including without limitation childproof packaging containers and other devices designed to ensure the safe storage and monitoring of cannabis to prevent access by individuals under 21 years of age.
 - (b) Beverages that are packaged in sealed containers, labeled for retail sale, and do not contain alcohol;
 - (c) Books, magazines, videos, and other media that educate or cover the topics of cultivation of cannabis flower, manufacture of cannabis products or lower-potency hemp edibles, or other educational or instructional materials;
 - (d) Multiple-use bags designed to carry purchased items;
 - (e) Clothing marked with the specific name, brand, or identifying logo of the retailer; and
 - (f) Products that detect presence of fentanyl or a fentanyl analog.

4. **Cannabis Retail Endorsement Application.** An applicant seeking a cannabis retail endorsement must submit the following information in a form approved by the Agency:
- (a) An operating plan demonstrating the proposed layout of the retail facility including identification of restricted areas; point of sale operations; and policies to avoid sales to individuals under 21 years of age;
 - (b) A security plan demonstrating the efforts to prevent theft and diversion of cannabis and currency and other crime through use of an alarm system, video surveillance, lighting, locks, and incident response protocols;
 - (c) Summaries of standard operating procedures/Standard operating procedures governing the retail processes to be undertaken by the licensee including without limitation age verification and inventory management, and quality assurance;
 - (d) Such other information as may be required by the Agency as set forth in any regulations enacted pursuant to this Code; and
 - (e) Such other information as may be required by other Band government divisions as communicated in writing to the Agency in connection with cannabis operations located within the Reservation.

5. **Exception.** Nothing in this Section applies to a hemp business.

§6.04 **Cannabis Manufacturing Endorsement.** A cannabis manufacturing endorsement authorizes the licensee to: purchase cannabis flower, cannabis products, hemp plant parts, hemp concentrate, and artificially derived cannabinoids from licensed cannabis businesses; purchase hemp plant parts and propagules from an industrial hemp grower licensed under tribal, federal, or state law; purchase hemp concentrate from an industrial hemp processor licensed under tribal, federal, or state law; make cannabis concentrate; make hemp concentrate including without limitation hemp concentrate with delta-9 tetrahydrocannabinol concentration of more than .3 percent as measured by weight; manufacture artificially derived cannabinoids; manufacture cannabis products, and lower-potency hemp edibles; package and label cannabis products, and lower-potency hemp edibles for sale to customers; sell cannabis concentrate, hemp concentrate, artificially derived cannabinoids, cannabis products, and lower-potency hemp edibles to other cannabis businesses; and perform such other actions approved by the Agency.

- 1. **Limitations.** Any licensee with a cannabis manufacturing endorsement is subject to the applicable limitations set forth in the Cannabis Compact.
- 2. **Cannabis Manufacturing Endorsement Application.** An applicant seeking a cannabis manufacturing endorsement must submit the following information in a form approved by the Agency:
 - (a) An operating plan demonstrating the proposed layout of the facility; plans for providing utilities necessary for the normal operations of the manufacturing facility; and plans for compliance with workplace safety requirements;

- (b) A security plan demonstrating the efforts to prevent theft and diversion of cannabis and currency and other crime through use of an alarm system, video surveillance, lighting, locks, and incident response protocols;
- (c) A description of the methods of extraction that the manufacturer intends to use and identify the volatile chemicals, if any, that will be involved in the creation of cannabis concentrate or hemp concentrate. Permitted methods of extraction or volatile chemicals will be identified by the Agency in any regulations enacted pursuant to this Code;
- (d) Summaries of standard operating procedures governing the equipment and methods used in the manufacturing processes; the methods of extraction to be used in the manufacturing processes; to be undertaken by the licensee, and methods used in recordkeeping;
- (e) Such other information as may be required by the Agency as set forth in any regulations enacted pursuant to this Code; and
- (f) Such other information as may be required by other Band government divisions as communicated in writing to the Agency in connection with cannabis operations located within the Reservation.

3. **Exception.** Nothing in this Section applies to the operations of a hemp business.

§6.05 **Cannabis Wholesaler Endorsement.** A cannabis wholesaler endorsement authorizes the licensee to: purchase immature cannabis plants and seedlings, cannabis flower, cannabis products, and lower-potency hemp edibles from licensed cannabis businesses; purchase hemp plant parts, hemp concentrate, and artificially derived cannabinoids from licensed cannabis businesses; purchase hemp plant parts and propagules from an industrial hemp grower licensed under tribal, federal, or state law; purchase hemp concentrate from an industrial hemp processor licensed under tribal, federal, or state law; sell immature cannabis plants and seedlings, cannabis flower, cannabis products, cannabis concentrate, and lower-potency hemp edibles to licensed cannabis businesses; sell hemp plant parts and propagules, and hemp concentrate to licensed cannabis businesses and hemp businesses; sell lower-potency hemp edibles to licensed hemp businesses; import lower-potency hemp edibles that contain hemp concentrate or artificially derived cannabinoids that are derived from hemp plants or hemp plant parts; and such other actions approved by the Agency; and perform such other actions authorized by the Agency.

- 1. **Cannabis Wholesaler Endorsement Application.** An applicant seeking a cannabis wholesale endorsement must submit the following information in a form approved by the Agency:
 - (a) An operating plan demonstrating the proposed layout of the facility, and policies to avoid sales to unlicensed cannabis and hemp businesses;
 - (b) A quality control plan demonstrating how the cannabis business shall maintain accurate records and ensure that labels remain affixed to cannabis plants, cannabis flower, cannabis products, and lower-potency hemp edibles;

- (c) Summaries of standard operating procedures governing the implementation of policies and procedures to avoid sales to unlicensed cannabis and hemp businesses; and quality assurance practices;
- (d) Such other information as may be required by the Agency as set forth in any regulations enacted pursuant to this Code; and
- (e) Such other information as may be required by other Band government divisions as communicated in writing to the Agency in connection with cannabis operations located within the Reservation.

2. **Exception.** Nothing in this Section applies to the operations of a hemp business.

§6.06 **Cannabis Transporter Endorsement.** A cannabis transporter endorsement authorizes the licensee to: transport immature cannabis plants and seedlings, cannabis flower, cannabis products, artificially derived cannabinoids, hemp plant parts, hemp concentrate, and lower-potency hemp edibles from licensed cannabis businesses and hemp businesses to licensed cannabis businesses and hemp businesses; and perform such other actions authorized by the Agency.

- 1. **Limitations.** Any licensee with a cannabis transporter endorsement is subject to the applicable limitations set forth in the Cannabis Compact.
- 2. **Cannabis Transporter Endorsement Application.** An applicant seeking a cannabis transporter endorsement must submit the following information in a form approved by the Agency:
 - (a) A statement of the number and type of vehicles or equipment the cannabis business will use in the transportation of immature cannabis plants and seedlings, cannabis flower, cannabis products, artificially derived cannabinoids, hemp plant parts, hemp concentrate, and lower-potency hemp edibles;
 - (b) An operational plan summarizing loading, transporting, and unloading processes;
 - (c) An operational plan demonstrating the safety protocols to be implemented protecting drivers, and securing the immature cannabis plants and seedlings, cannabis flower, cannabis products, artificially derived cannabinoids, hemp plant parts, hemp concentrate, and lower-potency hemp edibles to be transported;
 - (d) Summaries of standard operating procedures governing the loading, transporting, and unloading processes; and quality assurance practices;
 - (e) Evidence of insurance in an amount of not less than \$300,000 covering loss or damage to cargo;
 - (f) Evidence of insurance in an amount of not less than \$1,000,000 covering injury to one or more persons in any one accident and, if the accident resulted in injury

or destruction of property, of not less than \$100,000 because of such injury to or destruction of property;

- (g) Any evidence of insurance shall reflect the Band as an additional insured where the cannabis business holds a tribal enterprise cannabis business license;
- (h) Such other information as may be required by the Agency as set forth in any regulations enacted pursuant to this Code; and
- (i) Such other information as may be required by other Band government divisions as communicated in writing to the Agency in connection with cannabis operations located within the Reservation.

§6.07 **Cannabis Delivery Endorsement.** A cannabis delivery endorsement authorizes the licensee to purchase cannabis flower, cannabis products, and lower-potency hemp edibles from licensed cannabis businesses with a cannabis retail endorsement and transport and deliver cannabis flower, cannabis products, and lower-potency hemp edibles to retail customers; and perform and such other actions authorized by the Agency.

1. **Limitations.** Any licensee with a cannabis delivery endorsement is subject to the applicable limitations set forth in the Cannabis Compact.
2. **Cannabis Delivery Endorsement Application.** An applicant seeking a cannabis delivery endorsement must submit the following information in a form approved by the Agency:
 - (a) A list of all vehicles to be used in the delivery of cannabis flower, cannabis products, and lower-potency hemp edibles including for each vehicle:
 - (a) Vehicle make, model, and color;
 - (b) Vehicle identification number; and
 - (c) License plate number;
 - (b) Proof of insurance for each vehicle;
 - (c) A written operations plan summarizing the policies to avoid sales of cannabis flower, cannabis products, and lower-potency hemp edibles to individuals who are under 21 years of age and plans to prevent the visibility of cannabis flower, cannabis products, and lower-potency hemp edibles to individuals outside of the delivery vehicle;
 - (d) Such other information as may be required by the Agency as set forth in any regulations enacted pursuant to this Code; and
 - (e) Such other information as may be required by other Band government divisions as communicated in writing to the Agency in connection with cannabis operations located within the Reservation.

§6.08 **Cannabis On-Site Consumption Endorsement.** A cannabis on-site consumption endorsement authorizes the licensee that also holds a cannabis retail endorsement to permit on-site consumption of edible cannabis products and lower-potency hemp edibles, and use of cannabis flower.

1. **Cannabis On-Site Consumption Endorsement Application.** An applicant seeking a cannabis on-site consumption endorsement must submit the following information in a form approved by the Agency:

§6.09 **Cannabis Event Planner Endorsement.** A cannabis event planner endorsement authorizes the licensee to organize a temporary cannabis event which lasts no more than ten (10) consecutive days.

1. **Limitations.** Any licensee with a cannabis delivery endorsement is subject to the applicable limitations set forth in the Cannabis Compact.
2. **Cannabis Event Planner Endorsement Application.** An applicant seeking a cannabis event planner endorsement must submit the following information in a form approved by the Agency:
 - (a) The type and number of any other cannabis license held by the applicant;
 - (b) The address and location where the temporary cannabis event will occur;
 - (c) The name of the temporary cannabis event;
 - (d) The proposed dates and hours during which the cannabis event will take place;
 - (e) A diagram of the physical layout of the temporary cannabis event showing where the event will take place on the grounds, all entrances and exits used by the participants and attendees during the event, all cannabis consumption areas, all cannabis retail areas where cannabis flower, cannabis products, and lower-potency hemp edibles will be sold, the location where any cannabis flower, cannabis products, and lower-potency hemp edibles will be stored on the grounds, and the location where cannabis waste will be stored; and
 - (f) A list of the name, number, and type of cannabis businesses and hemp businesses that will sell cannabis flower, cannabis products, and lower-potency hemp edibles at the event which may be supplemented or amended within 72 hours of the time at which the cannabis event begins; and
 - (g) Proof of local jurisdiction approval for the cannabis event, if any is required under the Compact.
 - (h) Such other information as may be required by the Agency as set forth in any regulations enacted pursuant to this Code; and
 - (i) Such other information as may be required by other Band government divisions as communicated in writing to the Agency in connection with cannabis operations located within the Reservation.

§6.10 **Minnesota Market Endorsement.** Applies to tribal enterprise cannabis business licenses, band member cannabis businesses licenses, reservation community cannabis business licenses, or reciprocal tribal nation cannabis business licenses whose cannabis items originate in the Minnesota Market or are sold into the Minnesota Market and is subject to the terms and provisions of the Cannabis Compact.

§6.11 **Lower-Potency Hemp Edible Retailer Endorsement.** A lower-potency hemp edible retailer endorsement authorizes the licensee that also holds lower-potency hemp edible retail endorsement to purchase lower-potency hemp edibles from licensed cannabis businesses or licensed hemp businesses; sell lower-potency hemp edibles to customers who are 21 years of age or older; and deliver lower-potency hemp edibles to customers who are 21 years of age or older.

1. **Limitation.** A licensee that holds a lower-potency hemp edible retailer endorsement must also hold a cannabis delivery endorsement in order to deliver lower-potency hemp edibles to a customer that is 21 years of age or older.

2. **Lower-Potency Hemp Edible Retailer Endorsement Application.** An applicant seeking a lower-potency hemp edible retailer endorsement must submit the following information in a form approved by the Agency:

(a) The name, address, and location of the applicant;

(b) A certification that the applicant does not intend to manufacture or wholesale lower-potency hemp edibles;

(c) A certification that if applicant intends to deliver lower-potency hemp edibles to a customer that 21 years of age or older, that applicant holds or is simultaneously applying for a cannabis delivery endorsement;

(d) A written operations plan demonstrating policies (i) to avoid sales of lower-potency hemp edibles to individuals who are under 21 years of age; (ii) to ensure that all lower-potency hemp edibles, other than lower-potency hemp edibles intended to be consumed as a beverage, are displayed behind a checkout counter to which the public has no access or in an locked case; (iv) to ensure that lower-potency hemp edibles not on display are stored in a secured area; and (iv) that ensure, if delivering lower-potency hemp edibles pursuant to a cannabis delivery endorsement, the delivery operations comply with all operational requirements of a cannabis delivery endorsement;

(e) Such other information as may be required by the Agency as set forth in any regulations enacted pursuant to this Code; and

(f) Such other information as may be required by other Band government divisions as communicated in writing to the Agency in connection with cannabis or hemp operations located within the Reservation.

CHAPTER 7: GENERAL OPERATIONAL REQUIREMENTS AND PROHIBITIONS APPLICABLE TO CANNABIS BUSINESSES

§7.01 **Use of Band's Monitoring System.** A cannabis business licensed pursuant to this Code, excluding the holders of Reciprocal Tribal Nation Licenses, Foreign Cannabis Business Licenses, and Lower-Potency Hemp Edible Retailer Endorsement licensees, so long as this is the only endorsement held, must use the Band's monitoring system for integrated cannabis tracking, inventory, and verification to track all Cannabis that the cannabis business has in its possession to the point of sale, transfer, or disposal.

§7.02 **Use of Statewide Monitoring System.** The Agency shall ensure that the holders of Reciprocal Tribal Nation Licenses use a monitoring system to track cannabis transactions and Foreign Cannabis Business Licenses use the statewide monitoring system to track cannabis transactions for integrated cannabis tracking, inventory, and verification.

§7.03 **Individuals under 21 Years of Age.**

1. **Purpose.** The purpose of this Section is to reinforce adherence to the Federal Enforcement Priorities by preventing the distribution of cannabis to minors.
2. A licensed cannabis business may not employ an individual under 21 years of age or may not contract with an individual under 21 years of age if that contractor's scope of work involves the handling of Cannabis.
3. A licensed cannabis business may not permit an individual under 21 years of age to enter the business premises.
 - (a) An individual under 21 years of age who is a qualified patient may enter the business premises of a cannabis retailer located on the Reservation.
4. A licensed cannabis business may not sell or give Cannabis to an individual under 21 years of age unless the individual is a qualified patient and the cannabis business holds a valid cannabis license and retail endorsement issued by the Agency.

§7.04 **Employees of Cannabis Businesses.**

1. **Purpose.** The purpose of this Section is to reinforce adherence to the Federal Enforcement Priorities by preventing revenue from the sale of cannabis from being directed to criminal enterprises, gangs, and cartels.
2. **Criminal History Check.** A cannabis business may employ or contract with as many unlicensed individuals as may be necessary, provided that the cannabis business is at all times accountable for the good conduct of every individual so employed or contracted. Before hiring an individual as a cannabis worker, the candidate must submit to a criminal background check through the Band's compliance division or such other division as may be designated by the Reservation Business Committee. The complete results of criminal background checks shall be submitted to the cannabis business and the Agency in a timely manner. Cannabis businesses shall be invoiced a reasonable fee for each criminal background check conducted. A cannabis business must not employ an individual who is disqualified from being employed as a cannabis worker.
3. **Disqualifications.**

- (a) A cannabis business must not employ an individual as a cannabis worker if the individual has been convicted in the State of Minnesota or any other jurisdiction of any of the following crimes that would constitute a felony and for which a full pardon or similar relief has not been granted: human trafficking; non-cannabis controlled substances crimes in the first or second degree; fraud; embezzlement; extortion; money laundering; insider trading; or firearms-related offenses.
 - (b) A cannabis business shall not employ an individual as a cannabis worker if the individual made any false statement in an application for employment.
 - (c) A cannabis business shall not employ an individual as a cannabis worker if the Agency knows or has reason to know that the individual is associated with a criminal enterprise, gang, or cartel.
4. **Exception.** This Section 7.04 is not applicable to the types of businesses described in Section 7.01.

§7.05 Use of Cannabis within a Licensed Cannabis Business.

1. The purpose of this Section is to reinforce adherence to the Federal Enforcement Priorities by preventing drugged driving and the exacerbation of adverse public health consequences associated with cannabis use.
2. A cannabis business may not permit an individual who is not an employee to consume cannabis flower, cannabis products, or lower-potency hemp edibles within its licensed premises unless the cannabis business holds an on-site consumption endorsement.
3. Except as otherwise provided in this Section or in this Code, a cannabis business may not permit an employee to consume cannabis flower, cannabis products, or lower-potency hemp edibles within its business premises or while the employee is otherwise engaged in activities within the course and scope of employment.
4. **Product Samples to Individuals.** A cannabis business must record in the Band's monitoring system any sample of regulated product, except lower-potency hemp edibles, that the cannabis business provides to an individual. A cannabis business must not provide a sample of regulated product to a person who is under 21 years of age.
5. **Product Samples to Workers.** For purposes of quality control or educational purposes, employees of a cannabis business may sample cannabis flower, cannabis products, or lower-potency hemp edibles during the course and scope of employment. All samples must be recorded in the Band's monitoring system. Samples may not be provided to individuals under 21 years of age.
6. **Product Samples to Cannabis Businesses.** When providing a sample to a cannabis business, the sample recipient must:
 - (a) Hold a valid cannabis license issued by the Agency or the Minnesota Office of Cannabis Management;
 - (b) Provide the sample solely for the purpose of business-to-business marketing;

- (c) Ensure that the sample was tested pursuant to this Code or the Cannabis Compact;
- (d) Ensure that the sample is contained in packaging compliant with this Code or the Cannabis Compact;
- (e) Ensure that the sample is recorded in the Band's monitoring system.

§7.06 Cannabis Cultivation Operations. The following requirements apply to cannabis businesses with a cannabis cultivation endorsement:

1. Cannabis cultivation must take place in an enclosed, locked facility or outdoor location that is used for the cultivation of cannabis. A cannabis business that holds a cannabis cultivation endorsement and that also holds a cannabis manufacturing endorsement may operate in a facility that shares general office space, bathrooms, locker rooms, common areas and break rooms, entryways, and walkways.
2. A cannabis business with a cannabis cultivation endorsement must comply with all environmental laws of the Tribe, including without limitation the Water Protection Ordinance.
3. A cannabis business with a cannabis cultivation endorsement must comply with all applicable requirements set forth in the regulations enacted pursuant to this Code or the Cannabis Compact governing cultivated products entering the Reservation Market and the State Market

§7.07 Cannabis Manufacturing Operations. The following requirements apply to cannabis businesses with a cannabis manufacturing endorsement:

1. Cannabis manufacturing must take place in an enclosed, locked facility that is used for the manufacture of cannabis products including without limitation edible cannabis products, hemp concentrate, artificially derived cannabinoids, and lower-potency hemp edibles. A cannabis business that holds a cannabis manufacturing endorsement and that also holds a cannabis cultivation endorsement may operate in a facility that shares general office space, bathrooms, locker rooms, common areas and break rooms, entryways, and walkways.
2. Cannabis manufacturing must take place through the use of equipment that is used solely for authorized cannabis manufacturing activities.
3. A cannabis business with a cannabis manufacturing endorsement must comply with all applicable packaging and labeling requirements in this Code, any regulations enacted pursuant to this Code, and the Cannabis Compact.
4. A cannabis business with a cannabis manufacturing endorsement must comply with all applicable requirements set forth in the regulations enacted pursuant to this Code or the Cannabis Compact governing manufactured products entering the Reservation Market and the State Market.

§7.08 Cannabis Retail Operations. The following requirements apply to cannabis businesses with a cannabis retail endorsement:

1. **Age Verification.** In order to ensure that cannabis is not sold to individuals under the age of 21 years, prior to initiating a retail sale of cannabis, a cannabis worker employed by a cannabis business with a cannabis retail endorsement must verify that the customer is 21 years of age or older (thereby giving effect to the Federal Enforcement Priorities). Proof of age may be established by one of the following:
 - (a) A valid driver's license or identification card issued by the State of Minnesota, another state, or a province of Canada, and including the photograph and date of birth of the licensed individual;
 - (b) A valid tribal identification card;
 - (c) A valid instructional permit issued under Minn. Stat. § 171.05 to a person of legal age (but who is 21 years of age or older) which includes a photograph and the date of birth of the permitted individual;
 - (d) A valid passport issued by the United States; or
 - (e) A valid passport in the case of a foreign national.
2. **Sales of Cannabis.** A cannabis business with a cannabis retail endorsement may only sell immature cannabis plants and seedlings, cannabis flower, cannabis products, and lower-potency hemp edibles that:
 - (a) Are obtained from a licensed cannabis business (thereby giving effect to the Federal Enforcement Priorities); and
 - (b) Meet all applicable packaging and labeling requirements under this Code, any regulations enacted pursuant to this Code, and the Cannabis Compact.
3. A cannabis business with a cannabis retail endorsement must comply with all applicable requirements set forth in the regulations enacted pursuant to this Code or the Cannabis Compact governing cannabis items entering the Reservation Market and the State Market

§7.09 **Cannabis Wholesaler Operations.** The following requirements apply to cannabis businesses with a cannabis wholesaler endorsement:

1. **Purpose.** The purpose of this Section is to reinforce adherence to the Federal Enforcement Priorities by preventing diversion of cannabis from a jurisdiction where cannabis is legal pursuant to this Code or Minnesota law to other jurisdictions.
2. **Sales to Unlicensed Cannabis Businesses Prohibited.** A cannabis business with a cannabis wholesale endorsement is prohibited from selling immature cannabis plants and seedlings, cannabis flower, cannabis products, cannabis concentrate, and lower-potency hemp edibles to unlicensed cannabis businesses located in the Reservation Market or State Market.
3. A cannabis business with a cannabis wholesaler endorsement must comply with all applicable requirements set forth in the regulations enacted pursuant to this Code or

the Cannabis Compact governing cannabis items entering the Reservation Market and the State Market

§7.10 **Cannabis Transporter Operations.** The following requirements apply to cannabis businesses with a cannabis transporter endorsement:

1. **Purpose.** The purpose of this Section is to reinforce adherence to the Federal Enforcement Priorities by preventing diversion of cannabis from a jurisdiction where cannabis is legal pursuant to this Code or Minnesota law to other jurisdictions.
2. **Multiple Employees; Secured Vehicles; Transport Delivery Routes.** All cannabis transport motor vehicles transporting immature cannabis plants and seedlings, cannabis flower, cannabis products, artificially derived cannabinoids, hemp plant parts, hemp concentrate, and lower-potency hemp edibles must be either secured by turning off the ignition, locking all doors and storage compartments, and removing the operating keys or device(s), or attended by a cannabis worker at all times. If there are multiple cannabis workers staffing an unsecured transport motor vehicle, at least one cannabis worker shall remain with the motor vehicle at all times that the motor vehicle contains immature cannabis plants and seedlings, cannabis flower, cannabis products, artificially derived cannabinoids, hemp plant parts, hemp concentrate, and lower-potency hemp edibles. A cannabis business with a cannabis transporter endorsement shall not be required to randomize delivery times and delivery routes or staff cannabis transport vehicles with multiple cannabis workers.
3. **Driver's License Required.** All drivers of transport motor vehicles must carry on their person a valid driver's license with proper endorsements when operating a motor vehicle transporting immature cannabis plants and seedlings, cannabis flower, cannabis products, artificially derived cannabinoids, hemp plant parts, hemp concentrate, and lower-potency hemp edibles.
4. **Non-Cannabis Worker Passengers Prohibited.** Only a cannabis worker employed by or contracted with the cannabis business with a cannabis transporter endorsement and who is at least 21 years of age may transport or be a passenger in a transport motor vehicle that is transporting immature cannabis plants and seedlings, cannabis flower, cannabis products, artificially derived cannabinoids, hemp plant parts, hemp concentrate, and lower-potency hemp edibles.
5. **Storage Compartment.** Immature cannabis plants and seedlings, cannabis flower, cannabis products, artificially derived cannabinoids, hemp plant parts, hemp concentrate, and lower-potency hemp edibles must be transported in a locked, safe, and secure storage compartment that is part of the motor vehicle or in a locked storage container that has a separate key or combination pad. Items being transported shall not be visible from outside the motor vehicle.
6. **Identifying Logos or Business Names Prohibited.** No vehicle or trailer may contain an image depicting the items being transported, including without limitation images depicting a cannabis or hemp leaf, or a name suggesting that the vehicle is used to transport immature cannabis plants and seedlings, cannabis flower, cannabis products, artificially derived cannabinoids, hemp plant parts, hemp concentrate, and lower-potency hemp edibles.

7. **Transport Motor Vehicles Subject to Inspection.** Any transport motor vehicle used to transport immature cannabis plants and seedlings, cannabis flower, cannabis products, artificially derived cannabinoids, hemp plant parts, hemp concentrate, and lower-potency hemp edibles is subject to inspection by the Agency and may be stopped or inspected at any licensed cannabis business or while en route during transportation.
8. **Manifest.** A cannabis business with a cannabis transporter endorsement shall use a shipping manifest on a form established by the Agency in connection with the transport of immature cannabis plants and seedlings, cannabis flower, cannabis products, artificially derived cannabinoids, hemp plant parts, hemp concentrate, and lower-potency hemp edibles. The shipping manifest shall be kept with the items being transported at all times and the cannabis business with a cannabis transporter endorsement shall maintain a copy of the manifest in its records.
9. **Transportation Records.** A cannabis business with a cannabis transporter endorsement shall maintain the following records of transportation for a minimum of three years at the cannabis business's place of business and are subject to inspection upon request by law enforcement or the Agency:
 - (a) Copies of transportation manifests for all transport deliveries;
 - (b) Financial records evidencing payment for transportation services;
 - (c) Such other records as required in regulations enacted pursuant to this Code.

§7.11 **Lower-Potency Hemp Edible Retailer Operations.**

1. **Purpose.** To protect and ensure the health, safety and welfare of the Band, its membership, and the Reservation community.
2. **Sale of Other Products.** Nothing in this Code precludes a licensee holding a lower-potency hemp edible retailer endorsement from selling other products or items for which the licensee has a license (whether or not cannabis-related) or that do not require a license.
3. **Display and Storage of Lower-Potency Hemp Edibles.** A licensee holding a lower-potency hemp edible retailer endorsement shall ensure that all lower-potency hemp edibles, other than lower-potency hemp edibles that are intended to be consumed as a beverage, are displayed behind a checkout counter to which the public has no access or in a locked case. All lower-potency hemp edibles that are not displayed must be stored in a secure area.
4. **Age Verification.** Prior to initiating a sale of lower-potency hemp edibles, a licensee holding a lower-potency hemp edible retailer endorsement must verify the customer is at least 21 years of age or older pursuant to Section 7.08 of this Code regarding age verification applies to the verification of a customer's age.
5. **Compliant Products.** A licensee holding a lower-potency hemp retailer endorsement shall ensure that all lower-potency hemp edibles offered for sale comply with all

applicable limits on the amount and types of cannabinoids that the product can contain, and all other requirements set forth in this Code or in any regulations enacted pursuant to this Code.

6. **Prohibitions.** A licensee holding a lower-potency hemp edible retailer endorsement shall not:
 - (a) Sell or deliver lower-potency hemp edibles to an individual who is under 21 years of age;
 - (b) Sell or deliver lower-potency hemp edibles to a person who is visibly intoxicated;
 - (c) Sell or deliver cannabis flower, cannabis products, [or hemp-derived consumer products];
 - (d) Allow for the dispensing of lower-potency hemp edibles from vending machines; or
 - (e) Distribute or allow free samples of lower-potency hemp edibles except when the business is licensed to permit on-site consumption and samples are consumed within the premises.

§7.12 **Security; All Cannabis Businesses.** A cannabis business must maintain and follow a security plan which includes the use of alarm systems, video surveillance, lighting, locks, and incident response protocols to deter and prevent the theft and diversion of Cannabis; unauthorized entry into the business; and the theft of currency.

1. **Purpose.** The purpose of this Section is to reinforce adherence to the Federal Enforcement Priorities by preventing diversion of cannabis from a jurisdiction where cannabis is legal pursuant to this Code or Minnesota law to other jurisdictions and by preventing lawful cannabis activity from being used as a cover or pretext for trafficking illegal drugs or other unlawful activity.
2. **Exception.** Video surveillance equipment is not required to be installed in transport motor vehicles.
3. **Exception.** This Section 7.12 is not applicable to the types of businesses described in Section 7.01.

§7.13 **Security; Firearms; All Cannabis Businesses.**

1. **Purpose.** The purpose of this Section is to reinforce adherence to the Federal Enforcement Priorities by preventing violence and the use of firearms in the cultivation and distribution of cannabis.
2. Consistent with the terms and provisions of the Cole Memorandum and Wilkinson Memorandum, firearms are prohibited at any time on, about, or within a licensed cannabis business premises, or within a transportation or delivery vehicle operated by a licensed cannabis enterprise; provided, however, that (a) a currently licensed law enforcement or peace officer, or (b) security personnel approved by the Agency may

carry firearms on, about, or within a licensed cannabis business premises or a transportation or delivery vehicle operated by a licensed cannabis business unless the carrying of such firearms is prohibited by or inconsistent with Minnesota law.

3. **Exception.** This Section 7.13 is not applicable to the types of businesses described in Section 7.01.

§7.14 **Restricted Access; All Cannabis Businesses.**

1. Except as otherwise provided in this Section, a cannabis business may not permit any individual to enter a “restricted area” unless the cannabis business records the individual’s name, time of entry, time of exit, and authorization to enter the restricted area through the use of an electronic or manual entry log and the individual:
 - (a) a cannabis worker employed by or contracted with the cannabis business;
 - (b) is the executive director, or authorized employee of the Agency;
 - (c) is an authorized employee of the Minnesota Office of Cannabis Management and is authorized under the Cannabis Compact to enter the restricted area;
 - (d) is a contractor of the cannabis business whose scope of work will not involve the handling of Cannabis including without limitation an electrician; a plumber; a heating, ventilation, and air conditioning specialist; an engineer; a security or alarm technician; or such other specialty related to the mechanical operating systems of the premises provided, however, that such contractor is supervised at all times by a cannabis worker employed by or contracted with the cannabis business if the contractor is working in an area that has immediate access to Cannabis;
 - (e) is a licensed professional who is engaged to work on behalf of the cannabis businesses including without limitation an attorney, a legal assistant or paralegal, or an accountant; or
 - (f) has express authorization from the Agency to enter a restricted area and, if the individual is in an area with immediate access to Cannabis, that individual is supervised at all times by a cannabis worker employed by or contracted with the cannabis business.
2. A cannabis business shall ensure that all areas of entry to restricted areas within its business premises are conspicuously marked and cannot be entered without recording the individual’s name, time of entry, time of exit, and authorization to enter the restricted area through the use of an electronic or manual entry log.
3. **Exception.** This Section 7.14 is not applicable to the types of businesses described in Section 7.01.

§7.15 **Prohibition of Cultivation of Cannabis on Public Land; All Cannabis Businesses.**

1. **Purpose.** The purpose of this Section is to reinforce adherence to the Federal Enforcement Priorities by preventing cannabis cultivation on Public Lands and

preventing the attendant public safety and environmental dangers posed by cannabis production on Public Lands.

2. The Agency shall prohibit cannabis cultivation on Public Lands unless the Band or the Reservation Business Committee authorizes such cannabis cultivation or production on such Public Lands.
3. The Agency shall prohibit cannabis cultivation and manufacturing which poses a significant and material risk to public safety and which is conducted in a manner prohibited by this Code, any regulations enacted pursuant to this Code, and the Cannabis Compact.

§7.16 Prohibition of Cannabis Possession or Use on Federal Property; All Cannabis Businesses.

1. **Purpose.** The purpose of this Section is to reinforce adherence to the Federal Enforcement Priorities by preventing cannabis possession or use on Federal Property.
2. The Agency shall prohibit the possession or use of cannabis on Federal Property. No cannabis business shall be permitted to operate on Federal Property; provided, however, the foregoing prohibition does not apply to transportation or delivery operations that use public highways or roads.

CHAPTER 8: RESERVED

§8.01 **Reserved.**

§8.02 **Reserved.**

§8.03 **Reserved.**

CHAPTER 9: MEDICINAL CANNABIS PROGRAM

§9.01 **Patient Registry Program; Qualified Patients; Application for Qualified Patients.** An individual who desires to obtain, possess, and use medical cannabis may be enrolled in the Band's medical cannabis registry. In order to be enrolled in the Band's medical cannabis registry, an individual must be diagnosed with a qualifying medical condition whether such diagnosis is made by a health care practitioner or through the applicant's self-certification thereof. Enrollment in the Band's medical cannabis registry shall be established and confirmed by a medical card issued by the Agency in the name of the applicant or the applicant's primary caregiver on behalf of the applicant. In order to be enrolled in the Band's medical cannabis registry, an individual must submit an application for enrollment to the Agency. The application form shall be available to the applicant to provide to a health care practitioner for completion and submission to the Agency, or the applicant may submit a self-certification application form to the Agency.

1. **Health Care Practitioner Application:** The application form submitted in connection with a health care practitioner certification of applicant's qualifying medical condition shall include the following:

- (a) Name, mailing address, telephone number, electronic mail address, and date of birth of the applicant;
- (b) Name, mailing address, telephone number, and electronic mail address of the applicant's health care practitioner;
- (c) Name, mailing address, telephone number, electronic mail address, and date of birth of the applicant's primary caregiver, if any, or the applicant's parent(s), legal guardian, or spouse if the parent(s), legal guardian, or spouse will be acting as a primary caregiver;
- (d) A copy of the applicant's current and valid government-issued form of identification that includes a photograph of the applicant (e.g., government-issued driver's license or Band-issued identification card);
- (e) If applicant is a minor, the applicant's parent(s) or legal guardian must submit a copy of the parent(s)'s or legal guardian's current and valid government-issued form of identification that includes a photograph of the applicant (e.g., government-issued driver's license or Band-issued identification card);
- (f) An application fee in the amount established by the Agency;
- (g) A copy of the certification form issued by the health care practitioner which certifies that the applicant has been diagnosed with a qualifying medical condition, and, if applicable, in the health care practitioner's medical opinion, the applicant requires assistance in administering the medical cannabis or in obtaining medical cannabis from a licensed cannabis business;
- (h) An acknowledgement that the Band, the Reservation Business Committee, the Agency, or any of their employees, commissioners, officers, directors, or representatives shall not be liable for any injury, death, loss, damages, or claims, whether to the person or property, suffered by applicant as a result of enrollment in the Band's medical cannabis registry;
- (i) A certification that the applicant shall comply with the terms and provisions of this Code and any regulation enacted pursuant to this Code, and an acknowledgment that the applicant's enrollment in the Band's medical cannabis registry is conditioned on such compliance; and
- (j) Any other information required by the Agency.

2. **Self-Certification Application:** The application form submitted in connection with an applicant's self-certification of a qualifying medical condition shall include the following:

- (a) Name, mailing address, telephone number, electronic mail address, and date of birth of the applicant;
- (b) Name, mailing address, telephone number, electronic mail address, and date of birth of the applicant's primary caregiver, if any, or the applicant's parent(s),

legal guardian, or spouse if the parent(s), legal guardian, or spouse will be acting as a primary caregiver;

- (c) A copy of the applicant's current and valid government-issued form of identification that includes a photograph of the applicant (e.g., government-issued driver's license or Band-issued identification card);
- (d) If applicant is a minor, the applicant's parent(s) or legal guardian must submit a copy of the parent(s)'s or legal guardian's current and valid government-issued form of identification that includes a photograph of the applicant (e.g., government-issued driver's license or Band-issued identification card);
- (e) An application fee in the amount established by the Agency;
- (f) An acknowledgement that the Band, the RBC, the Agency, or any of their employees, commissioners, officers, directors, or representatives shall not be liable for any injury, death, loss, damages, or claims, whether to the person or property, suffered by applicant as a result of enrollment in the Band's medical cannabis registry;
- (g) A certification that the applicant shall comply with the terms and provisions of this Code and any regulation enacted pursuant to this Code, and an acknowledgment that the applicant's enrollment in the Band's medical cannabis registry is conditioned on such compliance; and
- (h) Any other information required by the Agency.

§9.02 **Limitation.** A parent or legal guardian under 21 years of age cannot submit a self-certification application for enrollment in the Band's medical cannabis registry on behalf of a minor.

§9.03 **Enrollment into Band's Medical Cannabis Registry.** Within five (5) business days after the receipt of an application for enrollment, the Agency shall either approve or deny the applicant's enrollment in the Band's medical cannabis registry.

§9.04 **Approval of Enrollment; Enrollment Period.** If the Agency approves an applicant's enrollment into the Band's medical cannabis registry, the Agency must provide immediate written notice to the applicant and to the applicant's health care practitioner, if applicable, in the manner provided in this Article.

1. When an applicant's application for enrollment in the Band's medical cannabis registry is approved, the applicant shall be deemed a "qualified patient" and the Agency shall issue the applicant and the applicant's primary caregiver, parent(s), legal guardian, or spouse a unique qualified patient registry number and a medical card.
2. The medical card shall include the qualified patient's name and date of birth, an assigned qualified patient registry number, and the name and date of birth of the qualified patient's primary designated caregiver, if any, or the name of the qualified patient's parent(s), legal guardian, or spouse, if the parent(s), legal guardian, or spouse will act as the qualified patient's caregiver.

3. A qualified patient's enrollment into the Band's medical cannabis registry is valid for three (3) years. To re-enroll, the qualified patient must submit the information provided in Section 9.01 to the Agency.

§9.05 **Denial of Enrollment.** The Agency may deny an applicant's enrollment into the Band's medical cannabis registry only if the applicant:

1. Does not submit a complete application form with all required submissions;
2. Does not submit all information required by the Agency in connection with the application;
3. Provides false information on the application or in connection therewith; or
4. Has had enrollment in the Band's medical cannabis registry previously revoked.
5. **Notice of Denial.** If the Agency denies an applicant's enrollment into the Band's medical cannabis registry, the Agency must provide written notice to the applicant of all reasons for the denial. Denial of enrollment is considered a final determination by the Agency.

§9.06 **Primary Caregiver; Application; Registration.** The Agency must register a primary caregiver if an applicant or qualified patient requires assistance in administering medical cannabis or obtaining medical cannabis. In order to be a primary caregiver for an applicant or qualified patient, an individual must submit an application to the Agency and be registered by the Agency as a primary caregiver.

1. In order to serve as a primary caregiver, an individual must
 - (a) Complete and submit an application form provided by the Agency;
 - (b) Pay any required application fee;
 - (c) Be at least 18 years of age; and
 - (d) Agree to only possess the applicant's or qualified patient's medical cannabis for the purposes of assisting the applicant or qualified patient.
2. Nothing in this Article shall be construed to prevent a registered primary caregiver from being enrolled in the Band's medical cannabis registry as a qualified patient and possessing and administering medical cannabis as a qualified patient.
3. **Parents, legal guardians, spouses.** A parent, legal guardian, or spouse of an applicant or qualified patient may act as the primary caregiver provided the parent, legal guardian, or spouse is registered by the Agency as a primary caregiver.
4. **Responsibilities of Primary Caregivers.** A primary caregiver registered with Agency must:
 - (a) Notify the Agency within thirty (30) days after any change to the information submitted in the primary caregiver's registration application or the application

for enrollment into the Band's medical cannabis registry (if the primary caregiver applied on behalf of the applicant);

- (b) Notify the Agency immediately upon the death of the primary caregiver's qualified patient; or
- (c) Dispose all unused medical cannabis in a manner set forth in this Article within ten days of the qualified patient ceasing for any reason to be enrolled in the Band's medical cannabis registry.

§9.07 Disposal of Medical Cannabis. A qualified patient who is no longer enrolled in the Band's medical cannabis registry or a primary caregiver who is no longer registered with the Agency must immediately upon ceasing to be enrolled or ceasing to be registered dispose of all unused medical cannabis in their possession, custody, or control as follows:

1. Depositing it with a licensed cannabis retailer located within the Reservation;
2. Depositing it with the Band's law enforcement agency;
3. Disposing it at a government recognized drug take-back program located within the Reservation; or
4. Disposing of it in a manner consistent with the Agency's written disposal instructions made available to the public.

§9.08 Visiting Patients. The Agency shall create a process for accepting visiting patients who wish to be enrolled in the Band's medical cannabis registry.

§9.09 Health Care Practitioners.

1. **Duties of the Agency Related to Health Care Practitioners.** The Agency must:
 - (a) Allow health care practitioners to participate in the Band's medical cannabis registry program if they request to participate and if they meet the qualifications of a health care practitioner;
 - (b) Provide explanatory information and assistance to health care practitioners to assist their understanding of the medical benefits, properties, and therapeutic uses of medical cannabis;
 - (c) Make available to participating health care practitioners a certification form in which a health care practitioner certifies that an individual has a qualifying medical condition;
 - (d) Provide immediate written notification to the health care practitioner that has diagnosed an individual with a qualifying medical condition and provided a written certification to the Agency thereof has been enrolled in the Band's medical cannabis registry; and
 - (e) Maintain internal security measures and record keeping requirements that prevents unauthorized release of qualified patient information including

without limitation medical and health records furnished by the health care practitioner to the Agency.

2. **Duties of the Health Care Practitioner Prior to Individual Enrollment in Band's Medical Cannabis Registry.** Before an individual is enrolled in the Band's medical cannabis registry, a health care practitioner must:
 - (a) Have a medical relationship with the individual where the individual is deemed to be the health care practitioner's patient such that the health care practitioner can determine, in the health care practitioner's medical judgment, whether the individual has a qualifying medical condition, and, if so, provide the individual with a certification of that diagnosis; and
 - (b) Develop a treatment plan for the individual diagnosed with the qualified medical condition.
3. **Duties of the Health Care Practitioner After the Individual Enrollment in Band's Medical Cannabis Registry.** Upon receiving written notice from the Agency of a qualified patient's enrollment in the Band's medical cannabis registry, a health care practitioner must:
 - (a) Be available to provide continuing treatment of the qualified patient's qualifying medical condition;
 - (b) Determine, every three years, if the qualified patient continued to have a qualifying medical condition and, if so, issue the qualified patient a new certification of that diagnosis; and
4. **Health Care Practitioner's Ongoing Duty to Maintain Health Records.** A health care practitioner must maintain health records for each individual for whom the health care practitioner has certified a qualifying medical condition. These health records need not be maintained separately from the health care practitioner's established records for the ongoing medical relationship with the individual.

CHAPTER 10: MISCELLANEOUS

§10.01 **Cannabis Compact.** The terms and provisions of this Code may be supplemented by the terms and provisions the Cannabis Compact. Any regulations enacted pursuant to this Code shall be consistent with the terms and provisions of the Cannabis Compact.

§10.02 **Severability; Conflict.** If any part of this Code is held to be invalid by a court of competent jurisdiction, the remainder of this Code shall remain in effect. Any conflict between the terms and provisions of this Code and regulations enacted pursuant to this Code shall be governed by this Code. Any conflict between the terms and provisions of this Code and the terms and provisions of the Cannabis Compact shall be governed by this Code.

§10.03 **Implementation Period.**

1. Until such time as updated regulations are enacted pursuant to this Code, the Agency shall use the terms and provisions of this Code to guide the performance of its duties

and obligations set forth in existing regulations previously adopted by the Band in a manner consistent with the terms and provisions of this Code. To the extent that any terms and provisions of this Code conflict with the terms and provisions of existing regulations, excluding Attachment A to the Cannabis Compact and the Cannabis Technical Authority, this Code shall govern and the Agency shall act in accordance with this Code.

2. With regard to cannabis activity conducted in the Minnesota Market, until such time as updated regulations are enacted pursuant to this Code, the Agency shall use the terms and provisions of the Cannabis Compact including without limitation Attachment A thereto and the Cannabis Technical Authority to guide the performance of its duties and obligations set forth in existing regulations previously adopted by the Band in a manner consistent with the terms and provisions of the Cannabis Compact, Attachment A thereto, and the Cannabis Technical Authority. To the extent that any terms and provisions of the Cannabis Compact, Attachment A attached thereto, or the Cannabis Technical Authority conflict with the terms and provisions of existing regulations, the Cannabis Compact, Attachment A attached thereto, and the Cannabis Technical Authority shall govern and the Agency shall act in accordance with this Code.

§10.04 **Synthetic Cannabis Prohibited.** The use, possession, manufacture, sale, transfer, and retail sale of synthetic cannabis is prohibited.

§10.05 **Repealer.** This Code replaces and repeals the Adult-Use Cannabis Code (enacted August 2023) and Medicinal Cannabis Code (first enacted January 5, 2021, last amended August 2023).