

**WHITE EARTH RESERVATION TRIBAL COUNCIL
A/K/A WHITE EARTH BUSINESS COMMITTEE
WHITE EARTH BAND OF CHIPPEWA INDIANS**

Resolution No. 001-17-002

WHEREAS, the White Earth Reservation Tribal Council is the duly elected governing body of the White Earth Reservation pursuant to Article IV, Section 1, of the revised constitution of the Minnesota Chippewa Tribe, as amended, and organized under Section 16, of the Act of June 18, 1934 (48 Stat. 984), and

WHEREAS, the White Earth Reservation Tribal Council, also known as the White Earth Reservation Business Committee, is the duly authorized governing body of the White Earth Band, and

WHEREAS, Resolution No. 011-16-017A, as amended (the “Resolution”), establishes a procedure for the consideration and approval of Tribal ordinances, Tribal codes, and other Tribal laws; the Resolution provides that the Tribal Ordinance, Code or Law, shall be evidenced by the adoption of a White Earth Reservation Tribal Council Resolution, and

WHEREAS, the Resolution further provides that the White Earth Reservation Tribal Council shall have 30 days to conduct an initial review of the Ordinance, Code or Law during which period the Executive Director shall issue a notice to the Tribal members in specifically listed conspicuous places in order to allow for a fifteen (15) day comment period from Tribal members, and

WHEREAS, the White Earth Reservation Tribal Council has previously determined that an Industrial Hemp Development Code should be drafted for the purpose of establishing the framework for growing, cultivating and developing value added products from industrial hemp production on the White Earth Reservation; and

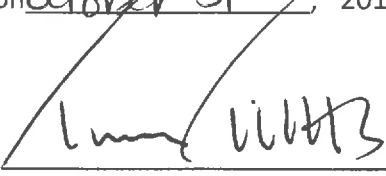
WHEREAS, the White Earth Reservation Tribal Council has reviewed the attached Industrial Hemp Development Code, and now desires to place this matter before the Tribal membership for public comment pursuant to Resolution No. 011-16-017A, now

THEREFORE BE IT RESOLVED, that the White Earth Reservation Tribal Council hereby invokes Resolution No. 011-16-017A and begins the thirty (30) day initial review period contemplated by that Resolution, and

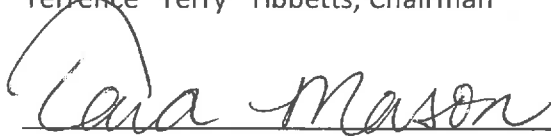
BE IT FURTHER RESOLVED, that the White Earth Reservation Tribal Council hereby directs the Executive Director to post this Resolution and the attached Industrial Hemp Development Code to the places listed in Resolution No. 011-16-017A for a period of fifteen (15) days in order to solicit public comment and input from Tribal members, posting date effective November 2, 2016, and

BE IT FINALLY RESOLVED, that the White Earth Reservation Tribal Council shall review all comments and input received in accordance with such public posting and make a decision on a final version of the White Earth Child and Family Protection Code within the timeline contemplated by Resolution No. 011-16-017A.

We do hereby certify that the foregoing resolution was adopted by a vote of 3 for, 0 against, 0 silent, a quorum being present at a special meeting of the White Earth Reservation Tribal Council held on October 31, 2016 in White Earth, Minnesota.



Terrence "Terry" Tibbetts, Chairman



Tara Mason, Secretary/Treasurer

**WHITE EARTH BAND OF OJIBWE
INDUSTRIAL HEMP DEVELOPMENT CODE**

Section 1. Short Title. This chapter may be referred to as the “Industrial Hemp Development Code.”

Section 2. Findings. The White Earth Tribal Council finds and declares all the following:

- a) As a sovereign nation, the White Earth Band has the authority to enact this Industrial Hemp Development Code and enforce it within the exterior boundaries of the White Earth Reservation.
- b) Industrial hemp is an agricultural product which may be grown or cultivated within the boundaries of the White Earth Reservation by registered licensees for the limited purpose of agricultural or academic research conducted by the White Earth Tribal and Community College and other participating institutions of higher education.
- c) The growth and cultivation of industrial hemp on the White Earth Reservation shall be subject to and comply with the requirements of the accepted practices and procedures adopted under this Code.
- d) Sites used for growing or cultivating industrial hemp on the White Earth Reservation must be certified by, and registered with, the White Earth Natural Resources Division.
- e) Pursuant to the Agricultural Act of 2014 (the 2014 Farm Bill), Section 7606, titled Legitimacy of Industrial Hemp Research, the growing or cultivating of industrial hemp with THC concentration of not more than 0.3 percent on a dry weight basis by institutions of higher education for purposes of research conducted under an agricultural pilot program or academic research is permitted. The growing or cultivating of industrial hemp must be allowed under the laws of the state in which such institution of higher education is located and such research occurs. 7 U.S.C. § 5940.
- f) The State of Minnesota enacted the Industrial Hemp Development Act, which permits the development of industrial hemp in accordance with the pre-condition under the 2014 Farm Bill for allowing the growth and cultivation of industrial hemp in the State of Minnesota. Minn. Stat. § 18K.01–.09.
- g) The White Earth Tribal and Community College is an institution of higher education within the meaning of the Higher Education Act of 1965. 20 U.S.C. § 1001.
- h) This White Earth Band Industrial Hemp Development Code is intended to comply with the provisions of the 2014 Farm Bill.

Section 3. Purpose. The intent of this Code is to establish a policy and procedures for growing and cultivating industrial hemp on the White Earth Reservation in order to research the potential of industrial hemp as an agricultural crop for the benefit of the people of the White Earth Band of Ojibwe.

Section 4. Definitions. For purposes of this Code, the terms defined in this section have the meanings given to them.

1. “Agricultural pilot program” means a pilot program to study the growth, cultivation, and/or marketing of industrial hemp.

2. "Certified seed" means industrial hemp seed that has been certified by a third party organization recognized by the Division as having not more than 0.3 percent of delta-9 tetrahydrocannabinol concentration on a dry weight basis.
3. "Division" means the White Earth Natural Resources Division.
4. "Hemp products" include all products made from industrial hemp including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper, building materials, plastics, seed, livestock feed, seed meal, seed oil intended for consumption, seed certified for cultivation, extracted chemical from leaves, stems, roots, flowers and seed for therapeutic, nutritional, pharmaceutical, and nutraceutical products, or any other hemp product derived from industrial hemp, provided the product is derived from seeds originating from industrial hemp, provided the product is derived from seeds originating from industrial hemp cultivars approved by the Division in accordance with the provisions of this Chapter.
5. "Industrial hemp" means the plant *Cannabis sativa* L. and any part of the plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.
6. "Institution of higher education" means a public or private institution or organization that engages in industrial hemp research, including colleges, universities, agricultural research centers, and conservation research centers.
7. "Licensee" means a person who is duly registered pursuant to the provisions of this Code to grow or cultivate agricultural hemp under an agricultural pilot program or academic research project within the White Earth Reservation.
8. "Person" means an enrolled member of the White Earth Band of Ojibwe who resides within the exterior boundaries of the White Earth Reservation.
9. "Tetrahydrocannabinol" or "THC" means the component delta-9-tetrahydrocannabinol contained in the genera *Cannabis*, or the resinous extractives of the genera *Cannabis*, or the synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity.
10. "White Earth Tribal Council" means the governing body of the White Earth Band of Ojibwe.

Section 5. Industrial Hemp Cultivation Permitted on the White Earth Reservation.

1. **Subdivision 1. Permitted Activity.** Industrial hemp growing or cultivation is permitted within the exterior boundaries of the White Earth Reservation in accordance with the provisions of this Code. Before the growing or cultivating of industrial hemp, a person must obtain a license from the White Earth Natural Resources Division. A licensed person may only produce industrial hemp that is grown or cultivated as permitted in the terms of his or her license and from certified seed. A licensed person must contract with the White Earth Tribal and Community College for purposes of engaging in industrial hemp research conducted under an agricultural pilot program or academic research as authorized under this Code. Any use of industrial hemp that is not intended for agricultural or academic research directed by the White Earth Tribal and Community College is in violation of this Code.
2. **Subdivision 2. Site Registration.** Before growing or cultivating industrial hemp pursuant to this Code, each site or sites must be registered with and certified by the Division. A person must register each site or sites annually in the form prescribed by the

Division and must pay the annual registration and certification fee established by the Division.

3. **Subdivision 3. Immunity from Civil or Criminal Penalties.** Notwithstanding any other provision of law, a person properly registered under this Code is not subject to any civil or criminal actions under the laws of the White Earth Band if the person is acting in compliance with this Code.

Section 6. Agricultural Pilot Program; Industrial Hemp Development Research.

1. **Subdivision 1. Agricultural Pilot Program.** Industrial hemp grown or cultivated under this Code must be grown or cultivated for purposes of research conducted under an agricultural pilot program or academic research to be directed by the White Earth Tribal and Community College to study the growth, cultivation, or marketing of industrial hemp. All persons duly licensed to grow or cultivate industrial hemp pursuant to this Code must collaborate with the White Earth Tribal and Community College for the purpose of engaging in an agricultural pilot program or academic research project. The White Earth Tribal and Community College may collaborate with other public or private institutions for testing or conducting any research activities authorized under this Code.
2. **Subdivision 2. Industrial Hemp Development Research.** As part of the industrial hemp research program, the White Earth Tribal and Community College and in collaboration with other partnering institutions of higher education, to the greatest extent possible according to the particular area of research expertise of each institution, shall engage in industrial hemp research intended to accomplish one or more of the following:
 - a) Oversee and analyze the growth of industrial hemp by selected and licensed growers, for agronomy research and analysis of required soils, growing conditions, and harvest methods relating to the production of various varieties of industrial hemp that may be suited for various commercial hemp products;
 - b) Conduct seed research on various types of industrial hemp that are best suited to be grown on the White Earth Reservation, including but not limited to seed production;
 - c) Study the economic feasibility of developing an industrial hemp market in various types of industrial hemp that can be grown on the White Earth Reservation;
 - d) Report on the estimated value-added benefits, including environmental benefits, that businesses would reap by having an industrial hemp market of industrial hemp varieties grown on the White Earth Reservation;
 - e) Study the agronomic research being conducted worldwide relating to industrial hemp varieties, production, and utilization;
 - f) Research and promote industrial hemp and hemp seed grown on the White Earth Reservation on the world market that can be grown on the land within the exterior boundaries of the White Earth Reservation; and
 - g) Study the feasibility of attracting federal and private funding for the White Earth Band industrial hemp research program.

Section 7. Rulemaking Authority. The White Earth Natural Resources Division shall adopt rules that include but are not limited to:

- a) Testing of the industrial hemp during growth to determine tetrahydrocannabinol levels;
- b) Supervision of the industrial hemp during its growth and harvest;

- c) Assessment of a fee that is proportionate with the costs of the Division's activities in licensing, testing, and supervising industrial hemp production; and
- d) Any other rules and procedures necessary to carry out this section.

Section 8. Industrial Hemp Licenses; Application Requirements.

1. **Subdivision 1. Industrial Hemp License.** A person wishing to engage in industrial hemp cultivation to grow industrial hemp for research and development purposes shall apply to the Division for registration prior to the planting of industrial hemp for research and development. The Division must consult with the White Earth Tribal and Community College on the number of industrial hemp licenses that are issued and number of sites that are registered with the Division. The Division must provide a copy of each license application to the White Earth Tribal and Community College for review and approval. A person is permitted to grow or cultivate industrial hemp only after being approved by the both the Division and White Earth Tribal and Community College. A Division-issued license authorizes industrial hemp development only at the site or sites specified in the person's license application. A licensed person is responsible for all costs caused by damage or destruction to industrial hemp crop plants grown pursuant to their license.
2. **Subdivision 2. Permit Application.** An application for an industrial hemp license or agricultural hemp seed production permit must include:
 - a) The name, physical address, and mailing address of the applicant;
 - b) The name and address of the industrial hemp operation of the applicant;
 - c) The legal description, global positioning system coordinates, and map of the land area on which the applicant plans to engage in industrial hemp cultivation, storage, or both;
 - d) The acreage size of the field where the applicant wishes to grow industrial hemp;
 - e) The source and amount of certified seed to be used;
 - f) A statement signed by the applicant, under penalty of perjury, that the person applying for the industrial hemp license or agricultural hemp seed production license has not been convicted of a drug related felony in the previous ten (10) years;
 - g) A written consent allowing the Division to conduct a background check;
 - h) A written consent allowing the Division, if a license is issued to the applicant, to enter the premises on which the industrial hemp is grown to conduct physical inspections of industrial hemp planted and grown by the applicant, and to ensure the plants meet the definition of industrial hemp as set forth in this Code. Not more than two (2) physical inspections may be conducted under this subdivision per year, unless a valid search warrant for inspection has been issued; and
 - i) Any other information required by the Division.
3. **Subdivision 4. Application Fee.** The permit application shall be accompanied by a registration fee, as determined pursuant to Section 10.
4. **Subdivision 3. License Duration.** Registration under this Code is valid for a one-year term, beginning on January 1. A person may apply to renew registration under this section in a form and manner prescribed by the Division.
5. **Subdivision 4. Transferability.** An industrial hemp permit issued under this section is a personal privilege and is not transferable to any other person.

6. **Subdivision 5. Recordkeeping.** A person registered under this section must keep records as required by the Division. Upon not less than three days' notice, the Division may subject the records to inspection or audit during normal business hours. The Division may make an inspection or audit for the purpose of ensuring compliance with:
- a) A provision of this section;
 - b) Division rules;
 - c) Industrial hemp license or agricultural hemp seed production permit requirements, terms, or condition; or
 - d) A Division order directed to the person's industrial hemp activities.

Section 9. License Issued. Upon review and approval of an application by both the Division and the White Earth Tribal and Community College, the Division shall notify the applicant and request that the application fee determined be submitted. Upon receipt of the appropriate fee, the Division shall issue a license, which is valid for a period of one year and only for the site or sites specified in the license.

Section 10. Fees. The Division shall charge a fee for each license granted to a person under this Code.

- a) The fee amount charged for the first growing season after the effective date of this Code is one hundred dollars (\$100.00) per acre of land under cultivation.
- b) Fee collected under this chapter must be credited to an industrial hemp account, which is established in an agricultural fund. Interest earned in the account accrues to the account.

Section 11. Certified Seeds.

- a) All industrial hemp must be grown or cultivated with seed certified by a third party organization recognized by the Division as having not more than 0.3 percent of delta-9 tetrahydrocannabinol concentration.
- b) Each licensee must file documentation with the Division showing that the seeds planted are of a type and variety certified to have no more than 0.3 percent tetrahydrocannabinol concentration.
- c) Subject to Division guidelines, a person may retain seed from industrial hemp crops to ensure a sufficient supply of seed for that grower for the following year. A person shall obtain a permit from the Division in order to retain seed for future planting. Seed retained by a person for future planting may not be sold or transferred. Retained seeds must meet the Division's agricultural hemp seed standards.

Section 12. Inspections.

- a) All licensees are subject to random sampling of their industrial-hemp crop to verify that the THC concentration does not exceed 0.3 percent on a dry weight basis.
- b) All inspections, sampling, and testing performed pursuant to this Code shall be conducted by the White Earth Natural Resources Division or a qualified independent third party agency authorized by the Division to carry out these duties.
- c) During the inspection, the licensee or authorized representative shall be present at the growing area. The licensee or authorized representative shall provide the Division or independent third party agency's inspector with complete and unrestricted access to all industrial hemp plants and seeds whether growing or harvested, all land, buildings, and

other structures used for the cultivation and storage of industrial hemp, and all documents pertaining to the licensee's industrial hemp activities.

- d) Sampling of industrial-hemp plants will occur in the following manner:
 - 1. Samples of each variety of industrial hemp may be sampled from the growing areas at the Division or independent third party agency's discretion.
 - 2. Samples will be sent to a qualify independent third party agency
 - 3. Quantitative laboratory determination of the THC concentration on a dry weight basis will be performed according to protocols approved by the Division.
 - 4. A sample test greater than 0.3 percent THC on a dry weight basis will be considered conclusive evidence that at least one cannabis plant or part of a plant in the growing area contains a THC concentration over the limit allowed for industrial hemp and that the licensee of that growing area is therefore not in compliance with this Code. Upon receipt of such a test result, the Division may summarily suspend and revoke the registration of an industrial hemp licensee. The Division shall furnish to the licensee a portion of the violative sample if the licensee requests it within thirty days of notification.
 - 5. Test results from an institution of higher education, may, at the Division's discretion, be accepted in lieu of Division sampling.
- e) Fees
 - 1. Licensee shall reimburse the Division for costs incurred in actual drive time, mileage, inspection, and sampling time involved with conducting an inspection.
 - 2. Licensee shall reimburse the Division for all laboratory-analysis costs incurred.

Section 13. Violations. The following acts and omissions by any licensee or representative of the licensee constitute violations of this Code for which civil penalties and disciplinary sanctions including revocation of a registration, may be imposed by the White Earth Natural Resources Division:

- a) Refusal or failure by a licensee or authorized representative to fully cooperate and assist the Division or authorized independent third party agency with the inspection process;
- b) Failure to provide any information required or requested by the Division for purposes of this Code;
- c) Providing false, misleading, or incorrect information pertaining to the licensee's cultivation of industrial hemp to the Division by any means, including but not limited to information provided in any application form, report, record, or inspection required or maintained for purposes of this Code;
- d) Failure to submit any requested information in accordance with this Code;
- e) Growing industrial hemp that when tested is shown to have a THC concentration greater than 0.3 percent on a dry weight basis;
- f) Using industrial hemp for any purpose other than research that is directed by an institution of higher education; or
- g) Failure to pay fees assessed by the Division for inspection or laboratory-analysis costs.

Section 14. Severability. If any section, subsection, paragraph, sentence, phrase or portion of this Code is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 15. Effective Date. This Code shall become effective upon the final approval of the White Earth Tribal Council.