

**WHITE EARTH BAND OF OJIBWE
MEDICINAL CANNABIS CODE**

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CHAPTER ONE—GENERAL PROVISIONS

§ 1.01 Findings

1. Medicinal Cannabis has been used as a medicine for at least 5,000 years of recorded history. Modern medical research has confirmed the beneficial uses for Medicinal Cannabis in treating or alleviating the pain, nausea, and other symptoms associated with a variety of debilitating medical conditions, including cancer, multiple sclerosis, and HIV/AIDS, as found by the National Academy of Sciences' Institute of Medicine in March 1999.
2. Studies published since the 1999 Institute of Medicine report continue to show the therapeutic value of Medicinal Cannabis in treating a wide array of debilitating medical conditions. These include relief of the neuropathic pain caused by multiple sclerosis, HIV/AIDS, and other illnesses and injuries that often fail to respond to conventional treatments, and relief of nausea, vomiting, and other side effects of drugs used to treat HIV/AIDS and hepatitis C, thereby increasing the chances of patients continuing on life-saving treatment regimens.
3. Medicinal Cannabis has many accepted medical uses in the United States, having been recommended by thousands of licensed physicians to more than one million patients in states with Medicinal Cannabis laws. A wide range of medical and public health organizations, including the American Academy of IV Medicine, the American College of Physicians, the American Nurses Association, the American Public Health Association, the Leukemia & Lymphoma Society, the Epilepsy Foundation, and many others, have recognized Medicinal Cannabis's medical utility.

§ 1.02 Purposes

1. The purposes of this Code are to:
 - a. Civilly regulate those persons and lands within the White Earth Reservation to protect and promote the health, safety, and welfare of individuals and entities on the Reservation with respect to Medicinal Cannabis;
 - b. Ensure that seriously ill people throughout Minnesota and on the White Earth Reservation have the right to obtain and use Medicinal Cannabis for medical purposes where that medical use is deemed appropriate and has been recommended by a patient's Primary Care Provider who has determined that the person's health would benefit from use of Medicinal Cannabis in the treatment of a serious medical condition;

and

- c. Establish protocols for the cultivation/manufacture (growing), packaging, distribution, advertisement and locations and operations of retail Medicinal Cannabis outlets on the Reservation to meet the medical needs of tribal members and qualified patients and primary caregivers in Minnesota.
2. The purposes of this Code outlined in Subdivision 1 above shall be carried out in a manner consistent with applicable Minnesota law and federal guidance, and to balance the needs of medical patients and their care providers for access to Medicinal Cannabis with the need to limit societal and environmental impacts that are sometimes associated with Medicinal Cannabis production.

§ 1.03 Authority & Sovereign Immunity

1. This Code is enacted pursuant to the authority granted to the White Earth Reservation Business Committee in Article VI, Section 1(c) and (d) of the Revised Constitution and Bylaws of the Minnesota Chippewa Tribe, and pursuant to the inherent sovereign authority of the White Earth Band of Ojibwe to govern conduct within its Reservation.
2. Nothing in this Code shall be deemed or construed to constitute a waiver of the sovereign immunity of the Band or its officers, employees, attorneys, and agents, and the Band reserves all rights for itself and its officers, employees, attorneys.
3. The Medicinal Cannabis Program and the Medicinal Cannabis Control Commission established by this Code shall be deemed to be arms of the White Earth Band of Ojibwe and clothed with the Band's sovereign immunity.

§ 1.04 Limitations

1. Nothing in this Code shall operate or be construed to allow the State of Minnesota or any political subdivision thereof the ability to impose civil, regulatory, or land use laws within the jurisdiction of the White Earth Reservation.
2. Nothing in this Code shall be deemed to conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. § 841, or otherwise permit any activity that is lawfully and constitutionally prohibited under that Act.
3. Nothing in this Code shall be construed to (1) allow persons to engage in conduct that endangers others or causes a public nuisance; (2) allow the use of Medicinal

Cannabis for nonmedical purposes; or (3) allow any activity related to the cultivation, distribution, or consumption of Medicinal Cannabis that is otherwise illegal.

4. To the extent practicable, this Code shall operate to:
 - a. Prevent the distribution of Medicinal Cannabis to persons under 21 years of age;
 - b. Prevent revenue from the sale of Medicinal Cannabis from going to criminal enterprises, gangs, and cartels;
 - c. Prevent the diversion of Medicinal Cannabis from the White Earth Nation of the state of Minnesota where it is legal under state law or Tribal Ordinance in some form to other states;
 - d. Prevent Medicinal Cannabis activity that is legal under this Ordinance from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;
 - e. Prevent violence and the use of firearms in the cultivation and distribution of Medicinal Cannabis;
 - f. Prevent drugged driving and the exacerbation of other adverse public health consequences associated with the use of Medicinal Cannabis;
 - g. Prevent the growing of Medicinal Cannabis on public lands and the attendant public safety and environmental dangers posed by Medicinal Cannabis production on public lands; and
 - h. Prevent the possession and use of Medicinal Cannabis on federal property.

5. This Code shall not be construed to:
 - a. Prohibit a recipient of a federal grant or an applicant for a federal grant from prohibiting the manufacture, delivery, possession, or use of Medicinal Cannabis to the extent necessary to satisfy federal requirements for the grant;
 - b. Prohibit a party to a federal contract or a person applying to be a party to a federal contract from prohibiting the manufacture, delivery, possession, or use of Medicinal Cannabis to the extent necessary to comply with the terms and conditions of the contract or to satisfy federal requirements for

the contract; or

- c. Require a person to violate a tribal, state, or federal law or exempt a person from a tribal, state, or federal law or obstruct the enforcement of a tribal, state, or federal law.
6. No person, unless acting for the White Earth Medicinal Cannabis Program, may purchase, produce, possess, process, package, store, transport, transfer, or sell Medicinal Cannabis or Medicinal Cannabis products on a retail basis on the Reservation.
7. Applicable law continues to prohibit the use or consumption of Medicinal Cannabis products on the Reservation except as permitted under either Minnesota's Medicinal Cannabis laws and/or this Code. No individual may produce Medicinal Cannabis products on the Reservation for individual use.

§ 1.05 Definitions

1. As used in this Code, the following terms shall have the following meanings:
 - a. ***Cannabis-Related Legitimate Business*** shall mean the same as that term is described in subsection (n) of the SAFE Banking Act of 2020, which allows the cultivation, production, manufacture, transportation, display, dispensing, distribution, sale, or purchase of Medicinal Cannabis pursuant to law or regulation of such State, political subdivision, or Indian Tribe that has jurisdiction over the Indian country.
 - b. ***Commission*** means the White Earth Tribal Medicinal Cannabis Control Commission established to perform regulatory oversight and monitor compliance with this Code and applicable regulations as a government agency of the White Earth Band of Ojibwe.
 - c. ***Conviction*** means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
 - d. ***Facility*** means a greenhouse, building, or other enclosed area used and controlled by a White Earth Tribally licensed Medicinal Cannabis Program to produce, possess, process, package, store, or sell Medicinal Cannabis or Medicinal Cannabis products and/or in which the business records, receipts, or other funds of the operation are maintained (excluding offsite facilities dedicated to storage of those records and financial institutions).
 - e. ***Financial Source*** means any person or entity that, directly or indirectly,

extends financing to a White Earth Tribally licensed program or business.

- f. **Licensed Person** means any person holding a license issued by the Medicinal Cannabis Control Commission under this Ordinance or any applicable regulations.
- g. **Medicinal Cannabis** means all parts of the plant of the genus Medicinal Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including Medicinal Cannabis concentrate.
- h. **Medicinal Cannabis Plant Monitoring System** means a system that includes, but is not limited to, testing and data collection established and maintained by the licensed facility and available to the Medicinal Cannabis Control Commission for the purposes of documenting each Medicinal Cannabis plant and for monitoring plant development throughout the life cycle of a Medicinal Cannabis plant from seed planting to final packaging.
- i. **Medicinal Cannabis Products** means products with THC; to include Medicinal Cannabis flower as well as concentrated Medicinal Cannabis, Medicinal Cannabis extracts, and products that are infused with Medicinal Cannabis or an extract thereof, that are processed for use or consumption by humans. The term includes, without limitation, smoking products, vaporizing products, edible products, beverages, topical products, ointments, oils, and tinctures.
- j. **Medicinal Cannabis Testing Facility** or **Testing Facility** means an off-site independent entity registered with the Commission pursuant to this Code to analyze the safety and potency of Medicinal Cannabis.
- k. **Medicinal Cannabis Program** or **Program** means qualified patients, persons with valid identification cards, and the designated primary caregivers of such who associate by written agreement under Minnesota law that operates on a retail basis on the Reservation in order to produce, possess, process, package, store, transport, transfer, and sell Medicinal Cannabis and Medicinal Cannabis products for medical use as provided by applicable Medicinal Cannabis laws.
- l. **Medical Use** means the use or consumption of Medicinal Cannabis or Medicinal Cannabis products to treat or alleviate a serious medical condition or symptoms associated with a serious medical condition of a

qualified patient or person with a valid identification card.

- m. **Person** means any individual or entity.
- n. **Person With a Valid Identification Card** means an individual who is a qualified patient who has applied for and received a valid identification card pursuant to Minnesota's Medicinal Cannabis laws or the White Earth Nations Medicinal Cannabis Program.
- o. **Primary Caregiver** means the individual, designated by a qualified patient or by a person with a valid identification card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person.
- p. **Qualified Patient** means a person who is entitled to the protections of and who has an identification card issued pursuant to Minnesota's Medicinal Cannabis laws and/or White Earth Band of Ojibwe Medicinal Cannabis program
- q. **Produce** or **Production** means the planting, propagation, cultivation, growing, harvesting, manufacture, and/or extraction of Medicinal Cannabis or Medicinal Cannabis products.
- r. **Reservation** means all those lands within the exterior boundaries of the White Earth Indian Reservation located in Northern Minnesota as well as any other lands held in trust for the Band.
- s. **Serious Medical Condition** means all the conditions listed by the Commission as qualifying medical conditions, and which shall be published from time to time by the Commission.
- t. **Reservation Business Council (RBC) means** the duly elected governing body of the White Earth Band of Ojibwe.
- u. **White Earth Band of Ojibwe** or **Band** means the White Earth Band of Minnesota Chippewa, a federally recognized Indian tribe.

CHAPTER TWO—MEDICINAL CANNABIS AUTHORIZED

§ 2.01 Medicinal Cannabis Program

The White Earth Reservation Business Committee hereby authorizes a White Earth Medicinal Cannabis Program, which shall operate within the boundaries of the White

Earth Reservation and shall be implemented in accordance with this Code, any applicable regulations, and any compacts or agreements between the White Earth Band and any other governmental authority.

CHAPTER THREE—MEDICINAL CANNABIS CONTROL COMMISSION

§ 3.01 Establishment

1. The White Earth Reservation Business Committee hereby establishes the Medicinal Cannabis Control Commission to implement the provisions of this Code and oversee the regulation of the Medicinal Cannabis Program.
2. The Medicinal Cannabis Control Commission shall be independent of, and act independently and autonomously from, the White Earth Reservation Business Committee in all matters within its purview. No prior or subsequent review by the Reservation Business Committee of any action of the Commission is required or permitted except as otherwise provided in this Code or the Revised Constitution and Bylaws of the Minnesota Chippewa Tribe.

§ 3.02 Commission Structure

1. The Commission shall consist of three (3) members, including a Chair, a Vice-Chair and a Commissioner, all to be appointed by the Reservation Business Committee for a term of two (2) years. Members of the Commission may be reappointed to consecutive terms.
2. All members of the Commission must meet the qualifications as determined by the Reservation Business Committee.
3. Commissioners may only be removed from office by the Reservation Business Committee prior to the expiration of their respective terms for neglect of duty, misconduct, malfeasance or other acts that would render a member of the Commission unqualified for the position. No member of the Commission may be removed without first being granted notice that the Reservation Business Committee is considering the removal of that member, and allowing that member of the Commission the opportunity to be heard before the Reservation Business Committee votes on the removal. Any removal of the Reservation Business Committee of any member of the Commission shall be final.
4. The following individuals cannot be members of the Commission:

- a. Sitting Reservation Business Committee members;
- b. Federal or state employees;
- c. Persons who do business with the Medicinal Cannabis program licensed by the Band;
- d. Owners, operators, members, managers, officers, directors, volunteers, employees, agents, or contractors of the White Earth Tribal Medicinal Cannabis program licensed by the Band;
- e. Any other person having a significant influence over a Medicinal Cannabis program licensed by the Band; or
- f. Any person having a direct financial interest in a Medicinal Cannabis program licensed by the Band.

§ 3.03 Commission Authority

1. The Commission shall provide oversight to ensure compliance with this Code and all applicable regulations or intergovernmental compacts. The Commission shall serve as the licensing authority for facilities, programs, and persons required to be licensed as set forth within this Code. The Commission shall administer background investigations as part of the licensing process. The Commission may issue temporary licenses pending completion of the application process and background investigations. All licensing decisions by the Commission are final with no right to appeal to the Reservation Business Committee.
2. The Commission shall monitor the compliance of the White Earth Medicinal Cannabis Program's internal controls and in tracking Medicinal Cannabis revenues. To carry out its regulatory duties, the Commission shall have unrestricted access to all areas of a facility and to all its records. The Commission shall have authority to take enforcement actions, including suspension or revocation of any license, when appropriate.
3. The jurisdiction, supervision, powers, and duties of the Commission extend to all facilities, Programs, and persons licensed pursuant to this Code.
4. The Commission shall have the functions, powers, and duties specified herein as well as those necessary or proper to enable it to carry out fully and effectually all the purposes of this Code. These functions, powers, and duties

include, but are not necessarily limited to, the power:

- a. To regulate the purchase, production, possession, processing, packaging, storing, transporting, transferring, selling and receipt of Medicinal Cannabis Products on the Reservation in accordance with the provisions of this Code and applicable regulations;
 - b. To grant, deny, issue, renew, refuse, suspend, cancel, or revoke temporary and final licenses necessary for the lawful operation of a Medicinal Cannabis Program or Facility on the Reservation pursuant to this Code;
 - c. To conduct background investigations, or cause such investigations to be conducted, for all persons needing licenses;
 - d. To obtain and process fingerprints, or designate a law enforcement or other Tribal agency to obtain and process fingerprints;
 - e. To inspect, examine and monitor all of the activities of a Facility and Program licensed by the Band and have immediate access to review, inspect, examine, photocopy and audit all records;
 - f. To levy and collect the taxes imposed by this Code;
 - g. To investigate and aid in the prosecution of every violation of this Code and cooperate in the prosecution of offenders before any tribal, state, or federal court of competent jurisdiction;
 - h. To promulgate and issue regulations necessary to comply with applicable internal control standards; and
 - i. To promulgate such regulations as are necessary for implementation of this Code which when adopted will have the force of law.
5. An excise tax may be imposed on the sale or transfer of Medicinal Cannabis or Medicinal Cannabis Products produced on the Reservation. The Reservation Business Committee may determine if or when to impose such a tax as well as the amount of such tax. Tax rates shall be consistent with rates imposed by states for Medicinal Cannabis sales or transfers.
 6. The Commission has no power to purchase, produce, possess, process, package, store, transport, transfer, or sell Medicinal Cannabis or Medicinal Cannabis products. The Commission may not revoke or refuse to issue or renew a temporary or final license on the basis that manufacturing, distributing, dispensing, possessing, or using Medicinal Cannabis is prohibited by federal law.

§ 3.04 Rulemaking Authority

1. Not later than 120 (One Hundred Twenty) days after the effective date of this Code, the Commission shall propose regulations that supplement and implement this Code, with such regulations being adopted by a majority vote of the Reservation Business Committee. Such regulations shall include:
 - a. Requirements to prevent the sale, diversion, or distribution of Medicinal Cannabis and Medicinal Cannabis products to persons under the age of 21;
 - b. Requirements to prevent revenue from the sale of Medicinal Cannabis and Medicinal Cannabis products from going to criminal enterprises, gangs, and cartels;
 - c. Requirements to prevent the diversion of Medicinal Cannabis Products from Minnesota and the Band where it is legal under state law in some form to other states where it is illegal in all forms;
 - d. Requirements to prevent tribal Medicinal Cannabis activity from being used as cover or a pretext for trafficking of other illegal drugs or illegal activity;
 - e. Requirements to prevent violence and the use of firearms in the cultivation and distribution of Medicinal Cannabis and Medicinal Cannabis products on the Reservation;
 - f. Requirements to prevent drugged driving and the exacerbation of other adverse public health consequences associated with Medicinal Cannabis use on the Reservation;
 - g. Requirements to prevent the growing of Medicinal Cannabis on public lands and the attendant public safety and environmental dangers posed by Medicinal Cannabis production on public lands. For purposes of this Code, a Licensed Facility shall not constitute public lands;
 - h. Requirements to prevent Medicinal Cannabis possession or use on federal property. For purposes of this Code, a Licensed Facility will not constitute federal property;
 - i. Procedures for the granting, denying, issuance, renewal, refusal, suspension, cancellation, or revocation of temporary and final licenses

for a Facility, the Program, and Persons needing to be licensed;

- j. A schedule of application, registration, and renewal fees necessary to cover the costs to implement this Code;
- k. Security requirements for Facilities on the Reservation, including lighting, physical security, video, and alarm requirements;
- l. Requirements for the transportation of Medicinal Cannabis and Medicinal Cannabis products including seed-to-sale tracking included as part of a Medicinal Cannabis Plant Monitoring System;
- m. Labeling requirements for Medicinal Cannabis and Medicinal Cannabis Products sold or distributed by the Program;
- n. Health and safety requirements and standards for the manufacture of Medicinal Cannabis Products and the production of Medicinal Cannabis;
- o. Restrictions on the advertising, marketing, signage, and display of Medicinal Cannabis and Medicinal Cannabis products, including but not limited to a prohibition on mass-market campaigns that have a high likelihood of reaching minors;
- p. Employment and training requirements, including requiring that each Licensed Facility have a photo identification badge system for each person who works at the Facility;
- q. Restrictions governing visits to Licensed Facilities, including requiring the Facility to log visitors and issue temporary badges for all visitors on site;
- r. Restrictions on the display of Medicinal Cannabis and Medicinal Cannabis products, including ensuring that Medicinal Cannabis and Medicinal Cannabis products may not be displayed in a manner that is visible to the general public from a public right-of-way;
- s. Restrictions or prohibitions on additives to Medicinal Cannabis and Medicinal Cannabis Products, including but not limited to those that are toxic, designed to make the product more addictive, designed to make the product more appealing to children, or misleading to consumers;
- t. Restrictions on the use of pesticides and other chemicals that might

harm human health;

- u. Standards for the safe manufacture of Medicinal Cannabis extracts and concentrates;
- v. Specifications for a Medicinal Cannabis Plant Monitoring System;
- w. Requirements for random sample testing which may be done on or off-site to ensure quality control, including by ensuring that Medicinal Cannabis and Medicinal Cannabis Products are accurately labeled for potency. The testing analysis shall include testing for such substances as the following, in the discretion of the Commission: Residual solvents, poisons, or toxins; harmful chemicals; dangerous molds or mildew; filth; and harmful microbials such as E. Coli or salmonella and pesticides;
- x. Standards for the operation of Medicinal Cannabis testing facilities, including requirements for equipment and qualifications for personnel;
- y. Procedures for collecting fees levied;
- z. Minimum internal control standards designed to reasonably assure that: (i) assets are safeguarded and accountability over assets is maintained; (ii) liabilities are properly recorded and contingent liabilities are properly disclosed; (iii) financial records including records relating to revenues, expenses, assets, liabilities, and equity/fund balances are accurate and reliable; (iv) transactions are performed in accordance with the Commission's general or specific authorization; (v) access to assets is permitted only in accordance with the Commission's approved procedures; (vi) recorded accountability for assets is compared with actual assets at frequent intervals and appropriate action is taken with respect to any discrepancies; (vii) functions, duties and responsibilities are appropriately segregated and performed in accordance with sound practices by qualified personnel; and (viii) all persons subject to this Code comply with this Code and applicable regulations; and
- aa. Provisions establishing civil penalties for the failure to comply with this Code or regulations adopted hereunder.

CHAPTER FOUR—APPLICATION & LICENSING

§ 4.01 Program Application

1. The Medicinal Cannabis Program shall apply for a license and any required

subsequent renewals as required by the Medicinal Cannabis Control Commission.

2. Every application for a license or renewal shall be accompanied by a nonrefundable fee, as established by the Commission. This application or renewal fee shall be in addition to fingerprinting, photographing, and background check costs. The fees must be enough to cover the full cost, direct and indirect, borne by the Commission to license and regulate under this Ordinance. Fingerprinting, photographing, and background check fees will be as established by the Commission. All temporary and final licenses expire after one year and must be renewed annually.
3. All licensed Programs must keep accurate records and follow accepted cash handling practices, including regular bank runs and cash drops, and maintain a general ledger of cash transactions.
4. All licensed Programs must submit an independent annual audit within 120 days after the close of each fiscal year to the Commission and to the Tribal Council. These annual audits shall conform to generally accepted auditing standards.

§ 4.02 Facility Licensing

1. All production, possession, processing, packaging, and storing of Medicinal Cannabis must take place in a secure facility located on the Reservation. The secure facility may only be accessed by licensed persons, authorized visitors, emergency personnel, and law enforcement. The facility must be licensed by the Commission to lawfully operate on the Reservation.
2. All Licensed Facilities shall be constructed, maintained, and operated in a manner that adequately protects the environment and the health and safety of the public. The Commission shall identify the environmental, health, and public safety standards with which the Licensed Facility must comply. At a minimum, the Facility must be constructed to meet the Uniform Building Codes then in effect, including all uniform fire, plumbing, electrical, mechanical, and related codes and be operated so as not to create or allow erosion or result in contaminated runoff into any stream, creek, river, or other body of water.
3. The Commission may limit the size, location, capacity, and hours of operation depending on adverse impacts on the Band, environment, and surrounding area. The Licensed Facility must have an air treatment system that ensures off-site odors do not result. No Licensed Facility may be located within 1000 feet of a school, church, or tribal housing.
4. A Licensed Facility shall post clear and legible signs indicating that the use or consumption of Medicinal Cannabis at the Facility is illegal. No Medicinal

Cannabis or Medicinal Cannabis product testing may be done on-site. All such random sample testing must be done off-site by a registered Medicinal Cannabis Testing Facility.

5. All entrances to a Licensed Facility must always be locked and strictly controlled. The Commission shall prescribe those procedures necessary to ensure proper security and control of a Licensed Facility.
6. No person under the age of 21 may be present at a Licensed Facility. The entrance to a Facility must be clearly and legibly posted with a notice indicating that persons under the age of 21 are precluded from entering the Facility.
7. A Licensed Facility shall provide adequate security on the premises, as approved by the Commission, including lighting and alarms, to ensure the safety of persons, to prevent unauthorized access, and to protect the Facility from theft.
 - a. These measures may include continuous video surveillance of all areas identified by the Commission, such as entrances, exits, areas immediately surrounding the Facility, and areas where Medicinal Cannabis and/or cash is located. The Commission will determine the length of time such surveillance must be retained.
 - b. These measures may also include the use of professional armed guards licensed or registered by relevant authorities as determined by the Commission. At least two armed guards may be present 24 hours a day, seven days a week at each Licensed Facility

§ 4.03 Person Licensing

1. Excluding persons who are only qualified patients, persons with valid identification cards, or primary caregivers receiving Medicinal Cannabis from the Medicinal Cannabis Program, the following persons associated with a Medicinal Cannabis Program must be licensed by the Commission in order for the Program to lawfully operate on the Reservation:
 - a. All owners, operators, managers, officers, directors, volunteers, employees, agents, and contractors (excluding licensed professionals);
 - b. All other persons having a significant influence over a licensed Medicinal Cannabis Program; and
 - c. All persons having a direct financial interest in a licensed Medicinal Cannabis Program.

2. All such persons needing to be licensed must apply to the Commission. At a minimum, the application must request the following information:
 - a. Full name, other names used (oral or written), social security number, birth date, place of birth, citizenship, gender and all languages spoken and/or written;
 - b. Current, and for the previous 5 years, business and employment positions held, ownership interests in those businesses, business and residential addresses, and driver's license numbers;
 - c. The names and current addresses of at least three personal references, including one personal reference with whom the applicant was acquainted during each period of residence listed above;
 - d. Current business and residential telephone numbers, and all cell phone numbers;
 - e. A description of any existing and previous business relationships with other tribes, including any ownership interests in the businesses;
 - f. A description of any existing and previous business relationships with the Medicinal Cannabis industry generally, including ownership interests in the businesses;
 - g. The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to Medicinal Cannabis, whether such license or permit was granted;
 - h. For each felony conviction or ongoing felony prosecution, the charge, the name and address of the court involved, and the date of disposition, if any;
 - i. For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within 10 years of the date of the application, the name and address of the court involved and the date of disposition, if any;
 - j. For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within 10 years of the date of the application, the criminal charge, the name and address of the court involved, and the date of disposition, if any;
 - k. The name and address of any licensing or regulatory agency with which the person has filed an application for an occupational license or permit,

whether such license or permit was granted;

- l. A current photograph;
 - m. Fingerprints; and
 - n. Any other information the Commission deems relevant.
3. The Commission shall investigate the background of every individual applicant before the applicant may be licensed. As part of the investigation, the Commission shall:
 - a. Verify the applicant's identity through items such as a social security card, driver's license, birth certificate or passport;
 - b. Contact each personal and business reference provided in the license application, when possible;
 - c. Conduct a personal credit check of the applicant;
 - d. Conduct a civil history check for past or outstanding judgments, current liens, past or pending lawsuits, and any other information deemed to be relevant;
 - e. Conduct a criminal history records check using fingerprints;
 - f. Based on the results of the criminal history records check, as well as information acquired from an applicant's self-reporting or from any other source, obtain information from the appropriate court regarding any past felony and/or misdemeanor convictions or ongoing prosecutions within the past 10 years;
 - g. Inquire into any previous or existing business relationships with the Medicinal Cannabis industry;
 - h. Verify the applicant's history and current status with any licensing agency by contacting the agency; and
 - i. Take other appropriate steps to verify the accuracy of the information.
4. The Commission shall investigate the background of every individual applicant before the applicant may be licensed. As part of the investigation, the

Commission shall:

- a. Verify the applicant's identity through items such as a social security card, driver's license, birth certificate or passport;
 - b. Contact each personal and business reference provided in the license application, when possible;
 - c. Conduct a personal credit check of the applicant;
 - d. Conduct a civil history check for past or outstanding judgments, current liens, past or pending lawsuits, and any other information deemed to be relevant;
 - e. Conduct a criminal history records check using fingerprints;
 - f. Based on the results of the criminal history records check, as well as information acquired from an applicant's self-reporting or from any other source, obtain information from the appropriate court regarding any past felony and/or misdemeanor convictions or ongoing prosecutions within the past 10 years;
 - g. Inquire into any previous or existing business relationships with the Medicinal Cannabis industry;
 - h. Verify the applicant's history and current status with any licensing agency by contacting the agency; and
 - i. Take other appropriate steps to verify the accuracy of the information.
5. The Commission shall ensure that all records and information obtained as a result of a background investigation shall remain confidential and shall not be disclosed to any persons who are not directly involved in the licensing or employment processes. Information obtained during a background investigation may be disclosed to members of management, to human resource personnel, to law enforcement, and to others on a need-to-know basis, for actions taken in their official capacities.

§ 4.05 Financial Source Licensing

1. Any person (whether individual or entity) extending financing, directly or indirectly, to the licensed Medicinal Cannabis Program must be licensed by the Commission prior to extending that financing, provided that any person who is extending financing at the time of the adoption of this Code shall be licensed by

the Commission as soon as practicable.

2. These licenses shall be reviewed annually for continuing compliance and renewal. In connection with such a review, the Commission shall require the financial source to update all information provided in the previous application.
3. Any agreement between the licensed Medicinal Cannabis Program and a financial source shall include a provision for its termination without further liability on the part of the Medicinal Cannabis Program, except for the bona fide repayment of all outstanding sums (exclusive of interest) owed as of the date of termination, upon revocation or non-renewal of the financial source's license by the Commission acting in good-faith.
4. The Commission may, at its discretion, exclude from the licensing requirements of this section, financing provided by a bank, savings and loan, or other financial institution regulated by a tribal, state, or federal government or financing provided by any agency of a tribal, state, or federal government.

CHAPTER FIVE—MISCELLANEOUS PROVISIONS

§ 5.01 Employment

Nothing in this Code is intended to require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of Medicinal Cannabis in the workplace or to affect the ability of employers to have policies restricting the use of Medicinal Cannabis by employees or discipline employees who are under the influence of Medicinal Cannabis in the workplace.

§ 5.02 Driving Under the Influence Prohibited

Nothing in this Code is intended to allow driving under the influence of Medicinal Cannabis or driving while impaired by Medicinal Cannabis or to supersede laws related to driving under the influence of Medicinal Cannabis or driving while impaired by Medicinal Cannabis.

§ 5.03 Minors

Nothing in this Code is intended to permit the transfer of Medicinal Cannabis, with or without remuneration, to a person under the age of 21 or to allow a person under the age of 21 to purchase, possess, use, transport, grow, or consume Medicinal Cannabis.

§ 5.04 Firearms

Possession of firearms shall always be prohibited at a Licensed Facility except for law enforcement or security personnel authorized by the Commission or by state or federal law to possess firearms.

§ 5.04 Repealer & Severability

1. In the event of conflict between this Code and any other code, ordinance, regulation, policy, procedure, or practice of the Band, the provisions of this Code will control to the extent of such conflict.
2. If any provision of this Code is found to be invalid or unconstitutional by a court of competent jurisdiction, the remaining provisions will remain valid, constitutional, and in force so long as the original intention behind this Code remains.