



WHITE EARTH RESERVATION

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DISTRICT I Henry Fox DISTRICT II Eugene Sommers DISTRICT III Cheryl "Annie" Jackson

NOTICE TO TRIBAL MEMBERSHIP

Date: April 2, 2024

From: Laurie York, Executive Director 

Re: Draft Cannabis Code revision to repeal and replace the White Earth Adult Use Cannabis Code and the White Earth Medicinal Cannabis Code

Attached please find the proposed revision to both the White Earth Adult Use Cannabis Code and the White Earth Medicinal Cannabis Code; the attached would repeal and replace for Codes. Pursuant to White Earth Reservation Business Committee Resolution 001-16-0174, this notice to membership will be posted for a 15-day comment period, ending April 17, 2024. All comments may be made in writing and shall be respectful and constructive. The proposed revision is currently under consideration by the White Earth Reservation Business Committee.

After completion of the 15-day comment period, all comments will be considered by the White Earth Reservation Business Committee. The comments will be summarized, this summary and summary responses will be publicly posted.

Upon receipt of a final draft, the Executive Director will post another notice to Tribal membership for an additional 15 days, after which the White Earth Reservation Business Committee will consider for a vote at a White Earth Reservation Business Committee work session.

Thank you in advance for your consideration and input.

**WHITE EARTH BAND OF OJIBWE
TITLE 25: CANNABIS CODE**

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CHAPTER 1: GENERAL PROVISIONS

§1.01 Title and Purpose.

1. **Title.** The title of this Code is the White Earth Band of the Minnesota Chippewa Tribe Cannabis Code.
2. **Purpose.** The purpose of this Code is to (a) establish regulation and control of the cultivation, manufacture, distribution, sale, purchase, and possession, of cannabis flower, cannabis products, medical cannabinoid products, low-potency hemp edibles, and hemp-derived consumer products within the Reservation, (b) establish regulation and control of the distribution, sale, and purchase of cannabis flower, cannabis products, medical cannabinoid products, low-potency hemp edibles, and hemp-derived consumer products to, from or by licensed cannabis enterprises to, from, or by third parties outside the Reservation, and (c) to protect the health, welfare, and economic security of the Band and the people of the White Earth Band of the Minnesota Chippewa Tribe. In order to achieve its purpose, this Code shall, among other things, establish the Cannabis Regulatory Authority, delegate rulemaking authority to the Cannabis Regulatory Authority, delegate authority to enforce this Code and the regulations to the Cannabis Regulatory Authority, establish licensure requirements, establish civil penalties for violation of the Code and regulations, establish and levy taxes, and exclude illegal cannabis from the Reservation.

§1.02 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.

§1.03 Sovereign Immunity.

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, and agents.

§1.04 Prohibitions.

1. In order to protect the welfare and safety of individuals within the White Earth Reservation, the following conduct is prohibited:
 - (a) cannabis distribution to individuals under 21 years of age unless medical cannabis flower or medical cannabinoid products are distributed to an individual who is a Patient and has a Primary Caregiver, or distribution is made to the individual's parent or legal guardian as set forth in this Code;
 - (b) cannabis sale revenue going to criminal enterprises, gang, or cartels;
 - (c) diverting cannabis outside Minnesota;
 - (d) utilizing cannabis sales as a cover or pretext for tracking illegal drugs or illegal activity;
 - (e) utilizing violence and firearms in cannabis cultivation and distribution;

- (f) operating motor vehicles while under the influence of cannabis;
 - (g) growing cannabis on public lands;
 - (h) possessing or using cannabis on federal property;
 - (i) undertaking any task under the influence of cannabis that would constitute negligence or professional malpractice;
 - (j) selling, distributing, manufacturing, or cultivating cannabis flower, cannabis products, medical cannabinoid products, or low-potency hemp edibles on, about, or within the Reservation without licensure from the Cannabis Regulatory Authority or in a manner inconsistent with this Code or regulations enacted by the Cannabis Regulatory Authority; and
 - (k) cultivating, manufacturing, processing, selling, distributing, purchasing, obtaining, or possessing illegal cannabis.
2. Violations of the Code are subject to civil penalties and such other actions as may be allowed by law.

§1.05 Definitions. For purposes of this Code, the following terms have the meanings given them.

Adult-use cannabis concentrate. “Adult-use cannabis concentrate” means cannabis concentrates which are condensed accumulations of a cannabis plant’s concentration of cannabinoids, terpenes, and flavonoids whether extracted through solvent-based or solventless methods of extraction. Adult-use cannabis concentrates include, without limitation, waxes, shatters, budder, badder, batter, sugar and crumble, sauce, resin concentrates (including without limitation live resin concentrates), cured rosin, infused pre-rolls.

Adult-use cannabis flower. “Adult-use cannabis flower” means cannabis flower which is not medical cannabis flower, hemp plant parts or hemp-derived consumer products.

Adult-use cannabis product. “Adult-use cannabis product” includes edible cannabis products but does not include medical cannabinoid products or lower-potency hemp edibles.

Approved cannabis testing facility. “Approved cannabis testing facility” means a laboratory that is approved by the Cannabis Regulatory Authority pursuant to the regulations enacted by the Authority

Band. “Band” means the White Earth Band of the Minnesota Chippewa Tribe.

Business premises. “Business premises” means includes the indoor area of a facility and the outdoor area of the facility including without limitation the yard and parking lot up to the curtilage.

Cannabis or Cannabis plant. “Cannabis” or “Cannabis plant” means all parts of the plant of the genus Cannabis that is growing or has not been harvested and has a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent on a dry weight basis.

Cannabis business. “Cannabis business” means (1) a licensed cannabis enterprise, (2) an enterprise or business established or licensed through a tribal government within the State of Minnesota, (3) a tribal government within the boundaries of the State of Minnesota, (4) a business which holds a license duly issued by the State of Minnesota’s Office of Cannabis Management, or (5) an approved cannabis testing facility.

Cannabis concentrate. “Cannabis concentrate” means: (1) the extracts and resins of a cannabis plant or cannabis flower; (2) the extracts or resins of a cannabis plant or cannabis flower that are refined to increase the presence of targeted cannabinoids; or (3) a product that is produced by refining extracts or resins of a cannabis plant or cannabis flower and is intended to be consumed by combustion or vaporization of the product and inhalation of smoke, vapor, or aerosol from the product. Cannabis concentrate includes without limitation adult-use cannabis concentrate.

Cannabis flower. “Cannabis flower” means the harvested flower, bud, leaves, and stems of a cannabis plant. Cannabis flower includes adult-use cannabis flower and medical cannabis flower. Cannabis flower does not include cannabis seed, hemp plant parts, or hemp-derived consumer products.

Cannabis product. “Cannabis product” (a) means any of the following: (1) cannabis concentrate; (2) a product infused with cannabinoids, including but not limited to tetrahydrocannabinol, extracted or derived from cannabis plants or cannabis flower; (3) or any other product that contains cannabis concentrate.

(b) “Cannabis product” includes adult-use cannabis products including without limitation edible cannabis products and medical cannabinoid products. “Cannabis product” does not include cannabis flower, low-potency hemp edibles, or hemp-derived consumer products.

Cannabis Regulatory Authority. “Cannabis Regulatory Authority” or “Authority” means the tribal agency that has rulemaking and enforcement authority as set forth in this Code necessary to protect the interests of the health, welfare, economic security, and political integrity of the White Earth Band of the Minnesota Chippewa Tribe.

Code. “Code” means the White Earth Band of the Minnesota Chippewa Tribe Cannabis Code.

Cultivate or cultivation. “Cultivate” or “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis plants, cannabis flower, hemp plants, or hemp parts.

Edible cannabis product. “Edible cannabis product” means any product that is intended to be eaten or consumed as a beverage by humans and contains a cannabinoid in combination with food ingredients. Edible cannabis products include without limitation products that resemble beverages, candy, gummies, chews, sprinkles, powders, and baked goods. Edible cannabis products do not include low-potency hemp edibles. An edible cannabis product may not include a synthetic cannabinoid).

Hemp or Hemp plant. “Hemp” or “Hemp plant” means all parts of the hemp plant of the genus Cannabis that is growing or has not been harvested and has a delta-9 tetrahydrocannabinol concentration of no more than 0.3 percent on a dry weight basis.

Hemp-derived consumer product. (a) “Hemp-derived consumer product” means a product intended for human or animal consumption, does not include cannabis flower or cannabis concentrate, and (1) contains or consists of hemp plant parts, (2) contains hemp concentrate in combination with other ingredients, or (3) topical products.

Illegal cannabis. “Illegal cannabis” means with respect to any cannabis flower, cannabis product, or medical cannabinoid products that is on, in or about the Reservation and which is (1) cultivated, manufactured, sold, or distributed by an entity or individual not licensed by the Band, or not

licensed by a tribal government or the State of Minnesota, (2) purchased, possessed, or obtained by an individual or entity from an entity or individual not licensed by the Band or not licensed by a tribal government or the State of Minnesota, (3) purchased, possessed, or obtained by an individual or entity in amounts or quantities in excess of the limits established by this Code or regulations enacted by the Cannabis Regulatory Authority, or (4) cultivated, manufactured, possessed, sold, distributed, purchased, or obtained in a manner that is expressly prohibited by this Code or regulations enacted by the Cannabis Regulatory Authority.

Licensed cannabis enterprise. “Licensed cannabis enterprise” means an enterprise licensed by the Cannabis Regulatory Authority located within the exterior boundaries of the White Earth Reservation.

Low-potency hemp edible. “Low-potency hemp edible” means any product that (1) is intended to be eaten or consumed as a beverage by humans; (2) contains hemp concentrate or a cannabinoid in combination with food ingredients; (3) is not a drug; (4) consists of servings that contain delta-9 tetrahydrocannabinol or other cannabinoids in amounts identified by the Cannabis Regulatory Authority in regulations; (5) does not contain synthetic cannabinoid; and (6) does not contain a cannabinoid derived from cannabis plants or cannabis flower. Beverages can contain the amounts of servings of delta-9 tetrahydrocannabinol per container as identified by the Cannabis Regulatory Authority in regulations.

Medical cannabinoid product. “Medical cannabinoid product” means a product that: (1) consists of or contains cannabis concentrate or hemp concentrate or is infused with cannabinoids; (2) is provided to a Patient, a Primary Caregiver, or a parent, legal guardian, or spouse of a Patient, by a Licensed Enterprise by a Licensed Enterprise; and (3) is in the form of liquid, oil, pill, liquid or oil for use with vaporized delivery methods, water-soluble cannabinoid multiparticulate (including without limitation granules, powder, and sprinkles), orally dissolvable products (including without limitation lozenges, gum, mints, buccal tablets, and sublingual tablets), edible products in the form of gummies and chews, topical formulations, or other forms or delivery methods approved by the Cannabis Regulatory Authority in regulations. “Medical cannabinoid product” does not include adult-use cannabinoid products or low-potency hemp edibles.

Medical cannabis flower. “Medical cannabis flower” means cannabis flower provided to a Patient, a Primary Caregiver, or a parent, legal guardian, or spouse of a Patient, by a Licensed Enterprise.

Medical card. “Medical card” means the document issued by the Cannabis Regulatory Authority that: (1) identifies the Patient who has been diagnosed with a Qualified Medical Condition, (2) identifies the Primary Caregiver, if any, or parent, legal guardian, or spouse of the Patient, and (3) contains such other information the Cannabis Regulatory Authority requires to verify and confirm the Patient may purchase, possess, administer or use medical cannabis flower or medical cannabinoid products.

Patient. “Patient” means a person who is entitled to the protections of this Code and who has a medical card issued pursuant to this Code. “Patient” shall include a visiting patient.

Primary Caregiver. “Primary Caregiver” means the individual who (1) is at least twenty-one (21) years of age; (2) has been approved by the Cannabis Regulatory Authority to assist a Patient who requires assistance in (a) obtaining medical cannabis flower or medical cannabinoid products from a licensed cannabis enterprise, or (b) administering medical cannabis flower or medical

cannabinoid products; and (3) is authorized by the Cannabis Regulatory Authority to assist the Patient with the use of medical cannabis flower or medical cannabinoid products.

Qualified medical condition. “Qualified medical condition” means a diagnosis of any of the conditions approved and listed by the Cannabis Regulatory Authority as qualifying medical conditions, and which list shall be revised and published from time to time by the Cannabis Regulatory Authority.

Reservation. “Reservation” means all those lands within the exterior boundaries of the White Earth Reservation as established by an Act of March 19, 1867, 16 Stat. 719 and, outside those exterior boundaries, any lands held in trust by the United States of America for the benefit of the White Earth Band.

Reservation Business Committee. “Reservation Business Committee” means the duly elected governing body of the White Earth Band of the Minnesota Chippewa Tribe.

Restricted area. “Restricted area” means an area within a business premises where cannabis flower or cannabis products are cultivated, manufactured, or stored by a licensed cannabis enterprise.

Synthetic cannabinoid. “Synthetic cannabinoid” 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, medical cannabis flower, hemp plants, or hemp parts and is instead created or produced by chemical or biochemical synthesis.

Tribal government. “Tribal government” means any of the following governments: Bois Forte, Fond du Lac, Grand Portage, Leech Lake, Mille Lacs, White Earth, Red Lake, Lower Sioux, Lower, Prairie Island, Shakopee Mdewakanton Sioux, Upper Sioux, and the Band.

Visiting patient. “Visiting patient” means an individual who possesses a valid registration verification card or its equivalent that is issued under the laws or regulations of another state, district, commonwealth, or territory of the United States or another federally recognized tribe verifying that the individual is enrolled in or authorized to participate in that jurisdiction’s medical cannabis or marijuana program.

§1.06 Permissible Cannabis Activity.

1. This Code allows for the possession, use, sale, distribution, cultivation, and manufacture of cannabis, cannabis products, medical cannabis flower, medical cannabinoid products, low-potency hemp edibles, and hemp-derived consumer products in a manner consistent with and pursuant to this Code and the regulations enacted by the Cannabis Regulatory Authority.
2. The is Code allows for home cannabis cultivation only for personal consumption. All individuals participating in this activity shall register annually with the Cannabis Regulatory Authority. The Cannabis Regulatory Authority by regulation shall establish the necessary forms for annual registration and set a minimal administrative fee. Home cannabis cultivation shall be limited to 10 cannabis plants per residence, including curtilage and yard, of an individual 21 years of age or older and subject to all limitations of this Code and regulations. Home grown cannabis for personal consumption if properly registered with the Cannabis Regulatory Authority shall be exempt from the definition of “Illegal Cannabis” as listed in Article 4 above and license requirements of this Code.

CHAPTER 2: REGULATORY BODY

§2.01 Cannabis Regulatory Authority.

1. Authority. The Cannabis Regulatory Authority is established as a regulatory authority to implement this Code with rulemaking and enforcement authorities consistent with all provisions of this Code and regulations enacted by the Cannabis Regulatory Authority. The Cannabis Regulatory Authority shall act independently and autonomously from the Reservation Business Committee in all matters within the Authority's purview.
2. Composition. The Cannabis Regulatory Authority will be comprised of a director and the requisite number of members to carry out the duties and responsibilities of the Cannabis Regulatory Authority. The director and members are appointed by the Reservation Business Committee. The qualifications of the director and members will be established pursuant to the Cannabis Regulatory Authority's regulations and will include educational and background requirements.
3. Removal. The director and any member of the Cannabis Regulatory Authority shall be removed by the Reservation Business Committee for neglect of duty, misconduct, malfeasance or other acts that would render the director or a member of the Authority unqualified for the position. No director or member of the Cannabis Regulatory Authority will be removed without first being granted notice that the Reservation Business Committee is considering the removal of that director or member, and allowing that individual an opportunity to be heard before the Reservation Business Committee votes on the removal. Any removal by the Reservation Business Committee of a Director or any member of the Cannabis Regulatory Authority will be final.
4. Rulemaking Authority. The Cannabis Regulatory Authority, with licensed cannabis enterprise input, shall develop, enact, maintain, and enforce an organized system of regulations consistent with this Code. The regulations will be enacted by a majority approval of the Reservation Business Committee. In addition to the Cannabis Regulatory Authority's express obligation to establish regulations as identified in other sections of this Code, and consistent with the terms and provisions of this Code, the Authority shall by regulation:
 - (a) establish the process and procedures for its enforcement of this Code including without limitation seizure of illegal cannabis, inspections, compliance violations, administrative procedures, variances, hearings, and appeals;
 - (b) identify qualified medical conditions, and establish the process and procedures for Patient registration and Primary Caregiver registration;
 - (c) establish processes and procedures in connection with applying for and obtaining a license or renewal of a license hereunder (including without limitation forms incident to licensure), suspension of a license, and revocation of a license;
 - (d) establish regulations regarding cultivation of cannabis flower, required record-keeping related to cultivation, use of pesticides and other agricultural chemicals in connection with cultivation, and cultivation plans;
 - (e) establish facility security plans;
 - (f) establish regulations regarding operations for manufacturing cannabis products, cannabis concentrate, medical cannabinoid products, low-potency hemp edibles, and hemp-derived consumer products;

- (g) establish regulations regarding the retail sale of cannabis flower, cannabis products, medical cannabinoid products, low-potency hemp edibles, and hemp-derived consumer products;
 - (h) establish regulations regarding the sale of cannabis flower, cannabis products, low-potency hemp edibles, and hemp-derived consumer products to licensed cannabis enterprises, cannabis businesses, and individuals 21 years of age and older;
 - (i) establish regulations regarding the sale of medical cannabis flower and medical cannabinoids to Patients, Primary Caregivers, or legal guardians, parents or spouses of a Patient;
 - (j) establish regulations regarding packaging and labeling of cannabis flower, cannabis products, medical cannabinoid products, low-potency hemp edibles, and hemp-derived consumer products;
 - (k) establish regulations regarding acceptable testing laboratories and testing requirements regarding cannabis flower, cannabis products, medical cannabinoid products, low-potency hemp edibles, and hemp-derived consumer products; and
 - (l) establish regulations regarding transportation and delivery of cannabis flower, cannabis products, medical cannabinoid products, low-potency hemp edibles, and hemp-derived consumer products;
5. Establishment of Fees, Fines, and Penalties. The Cannabis Regulatory Authority shall by regulation establish a schedule of reasonable license application fees, license renewal fees, and fines and civil penalties (including without limitation a schedule of civil financial) to be assessed for violations of this Code and any regulations enacted by the Cannabis Regulatory Authority. The regulations shall provide for reasonable annual updates to such schedules by the Cannabis Regulatory Authority.
6. Enforcement Authority. The Cannabis Regulatory Authority will have the authority to enforce this Code and enacted regulations. This authority includes but is not limited to issuance of cease-and-desist orders, seizure, notices of violations, unannounced compliance checks, and license denials, suspensions, and revocations. The Cannabis Regulatory Authority's regulations will establish a process for enforcement action. The Band's law enforcement shall assist with the Cannabis Regulatory Authority's enforcement actions and assist in performing compliance checks authorized under this Code and regulations.
- (a) Non-Waiver. Any failure by the Cannabis Regulatory Authority to take action on a past violation(s) will not constitute a waiver of the Authority's right to take action on any present or future violation(s).
7. Reservation Monitoring System. The Cannabis Regulatory Authority shall contract with an outside vendor to establish a monitoring system within the Reservation for integrated cannabis tracking, inventory, and verification to track all cannabis plants, cannabis flower (including without limitation adult-use cannabis flower and medical cannabis flower), and cannabis products from seed, if applicable, until sale to customers, Patients, Primary Caregivers, or the parent, legal guardian, or spouse of a Patient. The monitoring system must allow licensed cannabis enterprises to submit monitoring data to the Cannabis Regulatory Authority through the use of monitoring system software commonly used and permit licensed cannabis enterprises to submit monitoring data to the Cannabis Regulatory Authority through manual data entry. The Cannabis Regulatory Authority shall by regulation establish the procedures for the Reservation monitoring system consistent with this section.

8. Taxes. The Cannabis Regulatory Authority shall levy an excise, gross receipts, sales, or other tax on the sale or transfer of all cannabis products or hemp derived consumer products. The Reservation Business Committee will set the rate of such taxes.
9. Education and Awareness. The Cannabis Regulatory Authority will have an educational and awareness purpose to inform consumers and the public about cannabis and hemp derived consumer product safety, health and wellness considerations, and other important topics related to cannabis and hemp derived consumer products. The Cannabis Regulatory Authority will develop necessary materials to support this function.

CHAPTER 3: LICENSURE

§3.01 License Classes and Authorized Actions by License Holders.

1. The Cannabis Regulatory Authority is authorized to issue the following licenses subject to this Code and the regulations enacted by the Cannabis Regulatory Authority:
 - (a) One Seed-to-Sale License to be issued to an entity that is owned by the Band;
 - (b) Cannabis Manufacturing Licenses in a number to be determined through resolution by the RBC in its discretion which are issued to an entity that is owned in whole or in part by the Band; and
 - (c) Unlimited Low-Potency Hemp Retailer Licenses.
2. A Seed-to-Sale License authorizes the license holder to:
 - (a) Cultivate cannabis (including without limitation adult-use flower and medical cannabis flower) and hemp from seed or immature plant to mature plant, harvest cannabis flower from mature plant, and package and label immature cannabis plants (including without limitation immature plant parts) seedlings, and cannabis flower (including without limitation adult-use flower and medical cannabis flower) for sale;
 - (b) Purchase (1) cannabis flower, cannabis plants, cannabis seedlings, cannabis products, hemp plant parts, hemp concentrate, low-potency hemp edibles, and hemp-derived consumer products from a licensed cannabis enterprise, a cannabis business, a low-potency hemp edible manufacturer, a low-potency hemp retailer, or, in the case of low-potency hemp edibles and hemp-derived consumer products, from an unlicensed business if no license for the sale of such products is required, (2) hemp plants, and hemp plant parts and propagules from a hemp grower including without limitation from an industrial hemp grower licensed under Chapter 18K of the Minnesota Statutes, or (3) purchase hemp concentrate from a hemp processor including without limitation from an industrial hemp processor licensed under Chapter 18K of the Minnesota Statutes;
 - (c) Make or manufacture cannabis concentrate including without limitation adult-use cannabis concentrate;
 - (d) Make or manufacture cannabis products (including without limitation adult-use cannabis products), medical cannabinoid products, low-potency hemp edibles and hemp-derived consumer products;

- (e) Package and label cannabis flower, cannabis products (including without limitation adult-use cannabis products), low-potency hemp edibles, hemp-derived consumer products, and medical cannabis flower, medical cannabinoid products for sale;
- (f) Sell cannabis concentrate (including without limitation adult-use cannabis concentrate), adult-use cannabis flower, adult-use cannabis products, cannabis products to a licensed cannabis enterprise or to a cannabis business;
- (g) Sell cannabis concentrate (including without limitation adult-use cannabis concentrate), adult-use cannabis flower, adult-use cannabis products, cannabis products, and low-potency hemp edibles, hemp-derived consumer products, and other products authorized by law, to individual customers who are 21 years of age or older;
- (h) Sell medical cannabis flower or medical cannabinoid products to a Patient, Primary Caregiver, or parent, legal guardian, or spouse of a Patient;
- (i) Sell low-potency edibles to low-potency hemp retailers, a licensed cannabis enterprise, or a cannabis business, or to individuals who are 21 years of age or older;
- (j) Import low-potency edibles or hemp-derived consumer products;
- (k) Transport immature cannabis plants (including without limitation cannabis plant parts) and seedlings, cannabis flower (including without limitation adult-use cannabis flower and medical cannabis flower), cannabis products, hemp plant parts, hemp concentrate, low-potency hemp edibles, hemp-derived consumer products, medical cannabinoid products, and other products authorized by tribal law or by the law of another jurisdiction, to a licensed cannabis enterprise or a cannabis business;
- (l) Deliver adult-use cannabis flower, cannabis products, low-potency hemp edibles, and hemp-derived consumer products to individual customers who are 21 years of age or older;
- (m) Deliver medical cannabis flower and medical cannabinoid products to Patients, Primary Caregivers, or legal guardians, parents, or spouses of Patients;
- (n) Organize temporary cannabis events lasting no more than four days;
- (o) Allow on-site consumption (including without limitation event on-site consumption) of adult-use cannabis products, cannabis products, cannabis flower (including without limitation adult-use cannabis flower and medical cannabis flower), low-potency hemp edibles, and hemp-derived consumer products within a facility approved for on-site consumption by the Cannabis Regulatory Authority; and
- (p) Perform such other actions approved by the Cannabis Regulatory Authority, by tribal law, or by the law of another jurisdiction.

3. A Cannabis Manufacturer License authorizes the license holder to:

- (a) Cultivate cannabis (including without limitation adult-use flower and medical cannabis flower) and hemp from seed or immature plant to mature plant, harvest cannabis flower from mature plant, and package and label immature cannabis plants (including without limitation immature plant parts) seedlings, and cannabis flower (including without limitation adult-use flower and medical cannabis flower) for sale;

(b) Purchase (1) cannabis flower, cannabis plants, cannabis seedlings, cannabis products, hemp plant parts, hemp concentrate, low-potency hemp edibles, and hemp-derived consumer products from a licensed cannabis enterprise, a cannabis business, a low-potency hemp edible manufacturer, a low-potency hemp retailer, or, in the case of low-potency hemp edibles and hemp-derived consumer products, from an unlicensed business if no license for the sale of such products is required, (2) hemp plants, and hemp plant parts and propagules from a hemp grower including without limitation from an industrial hemp grower licensed under Chapter 18K of the Minnesota Statutes, or (3) purchase hemp concentrate from a hemp processor including without limitation from an industrial hemp processor licensed under Chapter 18K of the Minnesota Statutes;

(c) Make or manufacture cannabis concentrate including without limitation adult-use cannabis concentrate;

(d) Make or manufacture cannabis products (including without limitation adult-use cannabis products), medical cannabinoid products, low-potency hemp edibles, and hemp-derived consumer products;

(e) Package and label cannabis flower, cannabis products (including without limitation adult-use cannabis products), low-potency hemp edibles, and medical cannabinoid products for sale;

(f) Sell cannabis concentrate (including without limitation adult-use cannabis concentrate), adult-use cannabis flower, adult-use cannabis products, and cannabis products to a licensed cannabis enterprise, or to a cannabis business;

(g) Transport immature cannabis plants and seedlings, cannabis flower (including without limitation adult-use cannabis flower and medical cannabis flower), cannabis products, hemp plant parts, hemp concentrate, low-potency hemp edibles, hemp-derived consumer products, medical cannabinoid products, and other products authorized by tribal law or the law of another jurisdiction, to a licensed cannabis enterprise or a cannabis business;

(h) Deliver adult-use cannabis flower, cannabis products, low-potency hemp edibles, and hemp-derived consumer products to individual customers who are 21 years of age or older;

(i) Deliver medical cannabis flower and medical cannabinoid products to Patients, Primary Caregivers, or legal guardians, parents, or spouses of Patients; and

(j) Perform such other actions approved by the Cannabis Regulatory Authority, or by tribal law or the law of another jurisdiction.

4. A Low-Potency Hemp Retailer License authorizes the license holder to:

(a) Purchase low-potency hemp edibles and hemp-derived consumer products from a licensed cannabis enterprise; and

(b) Sell low-potency hemp edibles and hemp-derived consumer products that meet all applicable packaging and labeling requirements set forth in the regulations to individual customers who are at least 21 years of age.

§3.02 License Applications, Renewals, and Requirements.

1. The Cannabis Regulatory Authority shall require the payment of application fees, initial licensing fees, and renewal licensing fees as provided in the regulations.

2. License Application and Renewal; Application and Contents. The Cannabis Regulatory Authority shall by regulation establish forms and procedures for processing cannabis licenses issued under this Code and shall require in such regulations compliance with applicable building, fire, and safety codes established under tribal law. At a minimum, any application to obtain or renew a cannabis license shall include the following information:

(a) the disclosure of whether the applicant is a business entity or individual;

(b) if the applicant is an individual, disclosure of the name, address, and date of birth of the applicant;

(c) if the applicant is a business entity, the name of the business entity, and disclosure of the jurisdiction in which the entity was organized;

(d) if the applicant is a business entity, the applicant must file and update as necessary a disclosure of ownership and control and the Cannabis Regulatory Authority shall establish the contents and form of the disclosure which shall include, at a minimum: (1) 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, (2) 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, (3) 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 (4) 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, or (5) if the applicant or license holder is a partnership, copies of the partnership agreement and any amendments thereto.

(e) the address of the cannabis business along with a general description of the location(s) that the applicant plans to operate including the planned square feet of planned space for cultivation, manufacturing, wholesaling, and retailing, as applicable;

(f) a list of the names and addresses of all employees of the applicant or license holder, and the Cannabis Regulatory Authority by regulation shall establish the requirements and procedures for updating the list of employees; and

(g) a certification by the applicant or license holder that the applicant or license holder will comply with the requirements of this Code.

3. License Transfers.

(a) The licenses issued under the Code may not be transferred without the prior written consent of the Cannabis Regulatory Authority, which consent may be given or withheld in the Cannabis Regulatory Authority's sole discretion. A new license must be obtained when: (1) the form of the license holder's business structure converts or changes to a different type of legal business

structure, (2) the license holder dissolves, consolidates, reorganizes, or becomes insolvent, or merges with another legal organization.

(b) Notwithstanding anything to the contrary in this Code or the regulations enacted by the Cannabis Regulatory Authority, low-potency hemp retailer licenses may be freely transferred provided that (1) the holder of the low-potency hemp retailer license provides thirty days prior written notice of the transfer and proposed transferee to the Cannabis Regulatory Authority, (2) simultaneous with written notice of the transfer, the holder of the low-potency hemp retailer license pays a transfer fee (established in the regulations) to the Cannabis Regulatory Authority, and (3) the transferee certifies in writing that it will comply with the terms and provisions of this Code and the regulations enacted by the Cannabis Regulatory Authority.

(c) Notwithstanding anything to the contrary herein, a license holder's relocation of the licensed cannabis enterprise operations to a new location does not constitute a transfer of the license and does not require the prior written consent of the Cannabis Regulatory Authority.

4. Criminal History Checks and Disqualifications.

(a) Criminal history 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 (and in the case of a license holder, each new employee of the license holder) shall submit a completed criminal history records check consent form a full set of classifiable fingerprints, and the required fees to the Cannabis Regulatory Authority. The Cannabis Regulatory Authority shall determine if the license applicant or prospective worker is disqualified under the regulations adopted pursuant to this section of the Code.

(b) Criminal offenses; disqualifications. The Cannabis Regulatory Authority shall by regulation determine which criminal convictions shall disqualify a person from holding or receiving a cannabis license issued pursuant to this Code or working for a licensed cannabis enterprise, and the length of any such disqualification.

(c) Risk of harm; set aside. The Cannabis Regulatory Authority may, in accordance with regulations, set aside a disqualification under Section 3.02.4.b 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.

(d) Exception. The criminal history record check requirements and disqualifications under Section 3.02.4 do not apply to an applicant for a low-potency hemp retailer license.

5. 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:

- (a) if an individual, the individual must be at least 21 years of age;
- (b) have completed an application for initial licensure or an application for renewal;
- (c) have paid the applicable application and license fee or renewal fee;

(d) 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;

(e) not employ an individual who is disqualified from working for a licensed cannabis enterprise;

(f) never had a license previously issued under this Code or under the laws of any jurisdiction revoked;

(g) 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 Article; and

(h) if a license holder seeks a renewal of a license, the license holder must be in compliance with the Code and regulations.

6. Application Process.

(a) An applicant must submit all required information to the Cannabis Regulatory Authority on the forms and in manner prescribed by the Cannabis Regulatory Authority.

(b) Failure by an applicant to submit all required information will result in the applicant receiving a deficiency notice from the Cannabis Regulatory Authority and if the applicant fails to comply with the terms of the deficiency notice the application shall be rejected. The Cannabis Regulatory Authority shall by regulation establish the criteria for compliance with any deficiency notices.

(c) Within thirty days of receipt of a completed application and fee, and the results of any required criminal history checks, the Cannabis Regulatory Authority shall issue the appropriate license or send the applicant a notice of rejection setting forth the specific reason(s) that the Authority did not approve the application.

(d) All licenses issued pursuant to this Code and enacted regulations shall be renewed by the license holders annually. The Cannabis Regulatory Authority 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 or the regulations, within fifteen days of receipt of a completed renewal application and fee, the Cannabis Regulatory Authority shall issue the appropriate license renewal or send the applicant a notice of rejection setting forth the specific reasons that the Authority did not approve the application.

(e) The Cannabis Regulatory Authority shall issue written notices to current license holders advising of the deadline to renew licenses held at least ninety days prior to expiration of a license. The Cannabis Regulatory Authority shall by regulation establish the forms and process for this notice procedure.

§3.03 Licensed Cannabis Enterprise General Operational Requirements and Prohibitions.

1. Records. Licensed cannabis enterprises must retain financial records for the current and previous five years pertaining to each facility location and must make those records available

for inspection by the Cannabis Regulatory Authority at any time during regular business hours. The financial records may be retained by the Licensed cannabis enterprise in digital or electronic format.

2. Individuals Under 21 Years of Age. A licensed cannabis enterprise:
 - (a) may not employ an individual under 21 years of age and may not contract with an individual under 21 years of age if the individual's scope of work involves the handling of cannabis plants, cannabis flower, medical cannabis flower, cannabinoid products, or medical cannabinoid products.
 - (b) may not permit an individual under 21 years of age to enter the business premises.
 - (c) may not knowingly sell or give cannabis flower, cannabis products, low-potency hemp edibles, or hemp-derived consumer products to an individual under 21 years of age.
3. Use of Cannabis Flower and Cannabis Products Within Business Premises of a Licensed Cannabis Enterprise. A licensed cannabis enterprise:
 - (a) may not knowingly permit an individual who is not an employee to consume cannabis flower, cannabis products, or low-potency hemp edibles or hemp-derived consumer products within its business premises unless the licensed cannabis enterprise is authorized by the Cannabis Regulatory Authority to permit on-site consumption.
 - (b) may not knowingly permit an employee to consume cannabis flower, cannabis products, medical cannabis flower, medical cannabinoid products, low-potency hemp edibles, or hemp-derived consumer products within its business premises or while the employee is otherwise engaged in activities within the course and scope of employment except as otherwise provided in this Code or regulations.
 - (c) may permit employees to sample cannabis flower (including without limitation adult-use flower and medical cannabis flower), cannabis products, medical cannabinoid products, low-potency hemp edibles, or hemp-derived consumer products on the business premises for quality control; provided, however, that the Cannabis Regulatory Authority shall by regulation address the parameters of quality control testing on the business premises of a licensed cannabis enterprise.
4. Restricted Access. A licensed cannabis enterprise 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. Except as otherwise provided in this Code or the regulations enacted by the Cannabis Regulatory Authority, a licensed cannabis enterprise may not permit any individual to enter a restricted area unless the licensed cannabis enterprise 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) is a cannabis worker employed by or contracted with the licensed cannabis enterprise;
 - (b) is employed by the Cannabis Regulatory Authority;
 - (c) is a contractor of the licensed cannabis enterprise including without limitation a general contractor, electrician, plumber, carpenter, engineer, security technician, alarm technician, and similar trades, whose scope of work will not involve the handling of cannabis flower, cannabis

products, or medical cannabinoid products, and, if the individual is working in an area with immediate access to cannabis flower, cannabis products, or medical cannabinoid products, the individual is supervised by a cannabis worker employed by or contracted with the licensed cannabis enterprise; or

(d) has express authorization from the Cannabis Regulatory Authority to enter a restricted area and, if the individual is working in an area with immediate access to cannabis flower, cannabis products, or medical cannabinoid products, the individual is supervised by a cannabis worker employed by or contracted with the licensed cannabis enterprise.

5. Reservation Monitoring System. A licensed cannabis enterprise shall use the Reservation monitoring system for integrated tracking, inventory, and verification of cannabis flower, cannabis products, and medical cannabinoid products.
6. Annual Audit. A holder of a Seed-to-Sale license or Cannabis Manufacturer License shall submit an annual financial audit to the Cannabis Regulatory Authority within 180 days after the close of the license holder's fiscal year.
7. Facility Updates. In connection with operations authorized under this Code, licensed cannabis enterprises may take the following actions without the prior consent or approval of the Cannabis Regulatory Authority: (1) lease or acquire new facilities or business premises, in whole or in part; (2) expand, renovate, rehabilitate, remodel, repair, or alter existing facilities or business premises in which the licensed cannabis enterprise has an interest; (3) sell, transfer, or convey interests (including without limitation leasing, subletting, or assigning interests, in whole or in part, in the facilities or business premises) in existing facilities or business premises, provided however, that the purchaser, transferee, grantee, tenant, subtenant, or assignee may not use the facility or business premises for any acts under this Code without first obtaining a license from the Cannabis Regulatory Authority. The Cannabis Regulatory Authority shall by regulation establish procedures for licensed cannabis enterprises to update the Cannabis Regulatory Authority about the actions identified in subparagraphs (1), (2), and (3) in this Section consistent with the terms and conditions of this Section.
8. Environmental Plan. In order to minimize environmental impact to the Reservation, the Cannabis Regulatory Authority shall by regulation establish the content of an environmental plan and the procedures for the holder of a Seed-to-Sale License to submit the environmental plan in connection with its cultivation operations. Prior to enactment of such regulations, and prior to approval by the Reservation Business Committee, any regulations regarding environmental plans shall be approved by the Band's Division of Natural Resources. The Cannabis Regulatory Authority will consult with the Band's Division of Natural Resources with the review of any environmental plans.
9. Low-Potency Hemp Retailer License Holders Excluded. Except for Section 3.03.2.c, the terms and provisions of this Section 3.03 do not apply to the holder of a Low-Potency Hemp Retailer license.

CHAPTER 4: MISCELLANEOUS

§4.01 Personal Adult Use of Cannabis On, About, or Within the Reservation.

1. Personal adult use, possession, and transportation of cannabis flower and cannabinoid products.

(a) On, about, or within the Reservation, an individual of 21 years of age or older may: (1) possess or transport two ounces or less of adult-use cannabis flower in a public place; (2) possess two pounds or less of adult-use cannabis flower in the individual's private residence; (3) possess or transport eight grams or less of adult-use cannabis concentrate; or (4) possess or transport edible cannabis products or low-potency edibles infused with a total of 800 milligrams or less of tetrahydrocannabinol.

(b) On, about, or within the Reservation, an individual of 21 years of age or older may use cannabis flower, adult-use cannabis products, or medical cannabinoid 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 enterprise has authorization from the Cannabis Regulatory Authority to permit on-site consumption; or (4) property which the RBC expressly permits by resolution or policy the use of adult-use cannabis flower or adult-use cannabis products.

(c) An individual may not: (1) use, possess, 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 medical cannabis flower or medical cannabinoid products unless the individual is a Patient, Primary Caregiver, or parent, legal guardian, or spouse of a Patient, (3) operate a motor vehicle while under the influence of cannabis flower (including without limitation adult-use flower and medical cannabis flower), cannabis products, medical use cannabinoids, or low-potency hemp edibles, or (4) on property which the RBC expressly prohibits by resolution or policy the use of cannabis flower, adult-use cannabis products, or medical cannabinoid products.

§4.02 Firearms Prohibited

Firearms are prohibited at any time on, about, or within a licensed cannabis enterprise's 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 Cannabis Regulatory Authority may carry firearms on, about, or within a licensed cannabis enterprise's business premises or a transportation or delivery vehicle operated by a licensed cannabis enterprise.

§4.03 Compacts Between the Band and the State of Minnesota

The terms and provisions of this Code may be supplemented by the terms and provisions of a duly executed compact between the Band and the State of Minnesota. The Cannabis Regulatory Authority shall enact regulations consistent with and to give effect to the terms and provisions of duly executed compacts between the Band and the State of Minnesota.

§4.04 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 by the Cannabis Regulatory Authority shall be governed by this Code.

§4.05 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).

§4.06 Effective Date

This Code will take effect on the date of approval by the Reservation Business Committee.