

**WHITE EARTH BAND OF THE MINNESOTA CHIPPEWA TRIBE  
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 patient's 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 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.
4. After serious deliberation, the White Earth Band has determined that Medicinal Cannabis is an appropriate and useful therapeutic regime to treat patients in connection with Qualified Medical Conditions. Although the lawful sale and possession of Medicinal Cannabis has been decriminalized, there remains the need to regulate and control cultivation, processing, manufacturing, packaging, delivery, transporting, distributing, sale, possession, and use of Medicinal Cannabis on the White Earth Reservation.
  - a. The use or possession of Medicinal Cannabis;
  - b. Possession, prescribing use, administering a Medicinal Cannabis Program;
  - c. Dispensing Medicinal Cannabis;

- d. Cultivating, manufacturing, processing Medicinal Cannabis.

### **§ 1.02 Purpose**

1. The purpose of this Code is to:
  - a. Protect and promote the health, safety, and welfare of individuals and entities on the White Earth Reservation and regulate and control cultivation, processing, manufacturing, packaging, delivery, transporting, distributing, sale, possession and use of Medicinal Cannabis on the White Earth Reservation;
  - b. Ensure that members of the White Earth Band, members of other federally recognized tribes, and Minnesota residents have the ability to lawfully obtain, possess and use Medicinal Cannabis in accordance with this Code and any regulations adopted by the Commission;
  - c. Establish the White Earth Medicinal Cannabis Control Commission and define and authorize its powers, duties, and authority; and
  - d. Establish protocols and direct the Commission to adopt regulations governing and lawful cultivation, manufacturing, processing, testing, packaging, transporting, delivering, distributing, sale, and possession of Medicinal Cannabis including, but not limited to the licensing process for the Medicinal Cannabis Program, in order to meet the purpose of the Medicinal Cannabis Program described in this Code.
2. The purpose of this Code outlined in Subdivision 1 above shall be carried out in a manner consistent with applicable law and federal guidance.
  - a. For the purposes of Medicinal Cannabis Programs, this code shall be construed to balance the needs of Qualified Patients and their Primary Caregiver for access to Medicinal Cannabis.

### **§ 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 the Minnesota Chippewa Tribe 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 the Minnesota Chippewa Tribe 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. This Code strikes a balance between tribal self-government and any conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. § 841. This Code was drafted to satisfy the federal guidance reflected in the Cole Memorandum, the Wilkinson Memorandum, and any other federal guidance released.
3. Nothing in this Code shall be construed to permit any person to engage in the following activities or prevent the Band or Commissions from imposing any civil, criminal, or other penalties for:
  - a. Undertaking any task under the influence of Medicinal Cannabis that would constitute negligence or professional malpractice;
  - b. Possessing, selling, or engaging in the use of Medicinal Cannabis in violation of or inconsistent with the terms and provisions of this Code and any regulations adopted by the Commission including, but not limited to:
    - i Possessing or using Medicinal Cannabis for nonmedical purposes;
    - ii Possessing or using Medicinal Cannabis on a school bus or van;
    - iii Possessing or using Medicinal Cannabis on the grounds of any school; or
  - c. Activities related to cultivation, manufacturing, processing, packaging, transporting, distribution, possessing, sale, use or consumption of Medicinal

Cannabis that are otherwise illegal under Band law or any other applicable law.

4. To the extent practicable, this Code shall operate to:
  - a. Permit the lawful sale and distribution of Medicinal Cannabis to Qualified Patients or their Primary Caregiver and the lawful possession, use, and consumption of Medicinal Cannabis by Qualified Patients or their Primary Caregiver;
  - b. Authorize and permit the lawful cultivation, manufacturing, processing, packaging, transporting, testing, distribution, possession, and sale of Medicinal Cannabis and Medicinal Cannabis Products by the Medicinal Cannabis Program;
  - c. Prevent the distribution of Medicinal Cannabis to persons under 21 years of age;
  - d. Prevent revenue from the sale of Medicinal Cannabis from going to criminal enterprises, gangs, and cartels;
  - e. Prevent the Diversion of Medicinal Cannabis from the White Earth Reservation where it is regulated under Band Law to other jurisdictions;
  - f. Prevent Medicinal Cannabis activity that is legal under this Code from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;
  - g. Prevent violence and the use of firearms in the cultivation and distribution of Medicinal Cannabis;
  - h. Prevent drugged driving and the exacerbation of other adverse public health consequences associated with the use of Medicinal Cannabis;
  - i. 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
  - j. 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, unless such provision would be specifically required by said 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, processing, packaging, 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;
  - d. Permit any person from operating any type of motor vehicle under the influence of cannabis; or
  - e. Permit the use or possession of cannabis in schools, jails or correctional facilities, or childcare facilities.
6. No person or entity may purchase, cultivate, manufacture, produce, possess, process, package, store, transport, deliver, transfer, or sell Medicinal Cannabis or Medicinal Cannabis Products within the White Earth Reservation, unless licensed to do so by the Commission. The foregoing shall not be interpreted to prevent Qualified Patients from purchasing, possessing, transporting and using Medicinal Cannabis in accordance with this Code or regulations adopted by the Commission.
  7. Band law continues to regulate the use, possession, cultivation, manufacture, production, processing, packaging, storage, transportation, transfer, sale, delivery, or consumption of Medicinal Cannabis products on the White Earth Reservation, and all other conflicting uses under state or federal law, unless authorized by this Code, the Commission, or any regulations adopted by the Commission are unlawful.
  8. No individual or entity may produce Medicinal Cannabis Products on the White Earth Reservation without a License issued by the Commission.
  9. Any person and/or entity that fails to produce a License issued by the Commission upon demand evidencing the lawful cultivation, production, processing, manufacturing, packaging, delivery, transport, transfer, distribution, sale,

possession, consumption, use, purchase, storage, and/or receipt of Medicinal Cannabis and/or Medicinal Cannabis Products is *prima facie* evidence that such purported Medicinal Cannabis and/or Medicinal Cannabis Products are Illegal Cannabis.

### **§ 1.05 Definitions**

1. As used in this Code, the following terms shall have the following meanings:
  - a. ***Cannabis*** shall mean all parts of the plant of the genus 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 Cannabis concentrate.
  - b. ***Commission*** means the Medicinal Cannabis Control Commission established as a government agency of the White Earth Band of the Minnesota Chippewa Tribe pursuant to this Code for the purpose of performing regulatory oversight of the Medicinal Cannabis Program, and monitoring compliance with this Code and applicable regulations.
  - c. ***Conviction*** means a plea or verdict of guilt or a conviction following a plea of *nolo contendere*.
  - d. ***Diversions*** means the intentional transfer of Medicinal Cannabis to a person other than a Qualified Patient, the Qualified Patient's registered Primary Caregiver, or the Qualified Patient's parent or legal guardian if the parent or legal guardian is registered with the Commission.
  - e. ***Dried Raw Cannabis*** means the dried leaves and flowers of the mature cannabis plant.
  - f. ***Financial Source*** means any person or entity that, directly or indirectly, extends financing to a Licensed Medicinal Cannabis Program.
  - g. ***Flower*** means the flower of the cannabis plant, including the harvested flower, bud, leaves, trimmings, and stems.
  - h. ***Illegal Cannabis*** means cannabis that was cultivated, produced, processed, manufactured, packaged, delivered, transported, transferred, distributed, sold, possessed, consumed, used, purchased, stored, and/or received by a person and/or entity not Licensed by the Commission.

- i. ***License*** means the formal permission to act in accordance with the Code granted by the Commission to a person or entity.
- j. ***Licensed Facility*** means a secured building, space, grounds, and physical structure used and controlled by a Licensed Medicinal Cannabis Program for the cultivation, harvesting, packaging, processing, manufacture, storing, distribution, and sale of Medicinal Cannabis and where access is restricted to designated employees of the Licensed Medicinal Cannabis Program, escorted or authorized visitors, Qualified Patients, and members of the Commission.
- k. ***Licensed Person*** means any person holding a license issued by the Medicinal Cannabis Control Commission under this Code or any applicable regulations.
- l. ***Medical Card*** means the document issued by the Commission that: (1) identifies the Qualified Patient who has been diagnosed with a Qualified Medical Condition, (2) identifies the Primary Caregiver, if any, or parent, legal guardian, or spouse, and (3) contains such other information the Commission requires to verify and confirm the Qualified Patient may purchase, possess, and use Medicinal Cannabis.
- m. ***Medicinal Cannabis*** means any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins,, and is delivered in the form of: (1) combustion with use of dried raw cannabis, (2) liquid, including, but not limited to oil, (3) pill, (4) vaporization delivery method with use of liquid or oil, (5) concentrate, (6) edibles, (7) tinctures, and (8) any other method approved by the Commission.
- n. ***Medicinal Cannabis Plant Monitoring System*** means a system that include, but is not limited to, testing and data collection established and maintained by the Licensed Medicinal Cannabis Program facility and available to the Medicinal Cannabis Control Commission for the purposes of tracking each Medicinal Cannabis plant and monitoring plant development throughout the life cycle from seed planting to final packaging.
- o. ***Medicinal Cannabis Products*** means any manner of delivery or delivery device or related supplies used in the administration of Medicinal Cannabis for or by a Qualified Patient and may include, without limitation, flower, concentrate, extracts, and smoking products, vaporizing products, edible products, beverages, topical products, ointments, oils, and tinctures.



- p. ***Medicinal Cannabis Testing Facility*** or ***Testing Facility*** means an entity approved by the Commission and registered with the Commission pursuant to this Code, to examine, analyze, and test the safety and potency of Medicinal Cannabis and Medicinal Cannabis Products.
- q. ***Medicinal Cannabis Program*** means a White Earth Band-owned legal entity Licensed by the Commission to cultivate, acquire, manufacture, produce, possess, process, prepare, package, store, transport, transfer, distribute, supply, dispense, purchase, deliver, receive, or sell Medicinal Cannabis and Medicinal Cannabis products.
- r. ***Person*** means any individual or entity.
- s. ***Plant material waste*** means plant material that is not used in the production of Medicinal Cannabis in a form approved by the Commission.
- t. ***Primary Caregiver*** means a person who (1) is at least twenty-one (21) years old, (2) has been approved by the Commission to assist a Qualified Patient who requires assistance in administering Medicinal Cannabis or obtaining Medicinal Cannabis from a Licensed Facility, and (3) is authorized by the Commission to assist the Qualified Patient with the use of Medicinal Cannabis.
- u. ***Produce*** or ***Production*** means the planting, propagation, cultivation, growing, harvesting, manufacturing, extraction, processing or packaging of Medicinal Cannabis or Medicinal Cannabis Products.
- v. ***Qualified Patient*** means a person who (1) has been diagnosed with a Qualified Medical Condition, and (2) has been issued a Medical Card by the Commission to purchase, possess, and use Medicinal Cannabis.
- w. ***Qualified Medical Condition*** means a diagnosis of any of the conditions approved and listed by the Commission as qualifying medical conditions, and which shall be revised and published from time to time by the Commission.
- x. ***Reservation*** means all those lands within the exterior boundaries of White Earth Reservation.
- y. ***Reservation Business Committee (RBC)*** means the duly elected governing body of the White Earth Band of the Minnesota Chippewa Tribe.

- z. *White Earth Band* of the Minnesota Chippewa Tribe or *Band* means the White Earth Band of Minnesota Chippewa Tribe, a federally recognized Indian tribe.

## **CHAPTER TWO—MEDICINAL CANNABIS AUTHORIZED**

### **§ 2.01 Medicinal Cannabis Program**

The White Earth Reservation Business Committee hereby authorizes a 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 Medicinal Cannabis Programs.
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 up to five (5) members, including a Chair, a Vice Chair and Commissioners, all to be appointed by the Reservation Business Committee for a term of three (3) 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 Commission;
  - d. Owners, operators, members, managers, officers, directors, volunteers, employees, agents, or contractors of the Medicinal Cannabis program licensed by the Commission;
  - e. Any other person having a significant influence over a Medicinal Cannabis program licensed by the Commission; or
  - f. Any person having a direct financial interest in a Medicinal Cannabis Program licensed by the Commission.

### **§ 3.03 Commission Authority**

1. The Commission shall adopt regulations to implement this Code and may take guidance from any Licensed Medicinal Cannabis Program in adopting such regulations.
2. 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.

3. The Commission shall monitor the compliance of the 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.
4. The Commission shall have authority to take enforcement actions, including suspension or revocation of any license, when appropriate. Prior to taking any enforcement actions, the Commission must:
  - a. Issue a Notice of Noncompliance to the Medicinal Cannabis Program.
  - b. Extend to the Medicinal Cannabis Program an opportunity to correct any deficiencies or noncompliance and determine an appropriate time period for the Medicinal Cannabis Program to implement those corrections.
  - c. Allow the Medicinal Cannabis Program to request a Hearing in front of the Commission to show cause why the Medicinal Cannabis Program is in fact in compliance contrary to the Notice of Noncompliance issued by the Commission or that deficiencies or noncompliance have been corrected.
  - d. All Hearings shall be adjudicated in front of the Commission and any findings of the Commission shall be deemed final.
  - e. The Medicinal Cannabis Program may appeal the determination of the Commission to the White Earth Tribal Court for abuse of discretion.
5. The jurisdiction, supervision, powers, and duties of the Commission extend to all Facilities, Programs, and Persons and entities Licensed pursuant to the provisions of this Code.
6. 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 effectuate all the purposes of this Code. These functions, powers, and duties include, but are not necessarily limited to, the power:
  - a. To adopt regulations, with the input or comment from the Medicinal Cannabis Program, which enable the Commission to implement this Code and which shall have the force of law when adopted;

- b. To establish the process by which a patient can obtain licensure as a Qualified Patient;
- c. To establish the process by which a person may obtain a license as a Primary Caregiver;
- d. To establish the process for a parent or legal guardian to obtain a License to obtain Medicinal Cannabis for their minor child or incompetent adult;
- e. To regulate the purchase, production, possession, processing, packaging, storing, transporting, transferring, selling, delivery, and receipt of Medicinal Cannabis on the White Earth Reservation in accordance with the provisions of this Code and adopted regulations;
- f. 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 Licensed Facility on the White Earth Reservation pursuant to this Code;
- g. To conduct background investigations, or cause such investigations to be conducted in connection with any Licenses;
- h. To obtain and process fingerprints, or designate a law enforcement or other Band agency to obtain and process fingerprints;
- i. To conduct reasonable inspections and reasonably monitor all activities of a Licensed Facility and Medicinal Cannabis Program Licensed by the Commission and have immediate access to review, inspect, examine, photocopy and audit all records;
- j. To levy and collect the taxes imposed by this Code;
- k. 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;
- l. To promulgate and issue regulations necessary to comply with applicable internal control standards;
- m. To develop the criteria to facilitate the distribution of Medicinal Cannabis to other patients who are registered in a state or other tribal medicinal cannabis program and adopt regulations in connection to such distribution;

- n. To allow self-certification of Qualifying Medical Conditions from patients;
  - o. To update the accepted list of Qualifying Medical Conditions;
  - p. To develop criteria for the possession and use of Medicinal Cannabis and to place any limits on the purchase or possession of Medicinal Cannabis; and
  - q. To promulgate such regulations as are necessary for implementation of this Code which when adopted will have the force of law.
7. An excise, gross receipts, sales, or other tax may be imposed on the sale or transfer of Medicinal Cannabis or Medicinal Cannabis Products produced on the White Earth Reservation. The Reservation Business Committee may determine if or when to impose such taxes as well as the amount of each tax.
  8. The Commission has no power to purchase, produce, possess, process, package, store, transport, transfer, or sell Medicinal Cannabis or Medicinal Cannabis Products, unless as part of the Commission's compliance requirements. The Commission may not revoke or refuse to issue or renew a temporary or final license on the basis that cultivating, processing, manufacturing, transporting, distributing, dispensing, possessing, or using Medicinal Cannabis is prohibited by federal law.
  9. The Commission shall have the authority to approve Medicinal Cannabis Products and their forms.
  10. The Commission shall have the authority to set minimum standards for Medicinal Cannabis Products.
  11. The Commission shall have the authority to place reasonable restrictions on the use of Medicinal Cannabis in health care facilities.
  12. The Commission shall have the authority to investigate, with the assistance of law enforcement, all activities involving the cultivation, production, possession, processing, manufacturing, packaging, delivery, transport, transfer, distribution, sale, consumption, use, purchase, storage, and/or receipt of Illegal Cannabis.
  13. The Commission shall have the authority to seize and destroy all Illegal Cannabis.
  14. The Commission shall have the authority to issue a Notice of Seizure to all persons and/or entities found to engage in the cultivation, production, processing,

manufacturing, packaging, delivery, transport, transfer, distribution, sale, possession, consumption, use, purchase, storage, and/or receipt of Illegal Cannabis.

15. The Commission shall have the authority to levy fines against any person and/or entity found to have engaged in the cultivation, production, processing, manufacturing, packaging, delivery, transport, transfer, distribution, sale, possession, consumption, use, purchase, storage, and/or receipt of Illegal Cannabis.

### **§ 3.04 Rulemaking Authority**

1. 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. Rulemaking process for regulating cannabis within the exterior boundaries of the White Earth Reservation;
  - b. Procedures for the Commission to issue Notice of Noncompliance and any due process requirements;
  - c. Procedures for any Hearings before the Commission;
  - d. Procedures for the Commission to approve acceptable forms of Medicinal Cannabis Products;
  - e. Procedures for amending and updating the list of Qualified Medical Conditions;
  - f. Procedures and requirements for a parent or legal guardian to obtain Medicinal Cannabis on behalf of their minor child or an incompetent adult under their care and custody.
  - g. Procedures for collecting and processing tax payments from Medicinal Cannabis Programs;
  - h. Requirements to prevent the sale, diversion, or distribution of Medicinal Cannabis and Medicinal Cannabis products to persons under the age of 21;
  - i. Requirements to prevent revenue from the sale of Medicinal Cannabis and Medicinal Cannabis Products from going to criminal enterprises, gangs, and cartels;

- j. Requirements to prevent the diversion of Medicinal Cannabis Products from Minnesota and the Band where it is regulated under state and Band law in some form to other states where it is illegal in all forms;
- k. Requirements to prevent tribal Medicinal Cannabis activity from being used as cover or a pretext for trafficking of other illegal drugs or illegal activity;
- l. Requirements to prevent violence and the use of firearms in the cultivation and distribution of Medicinal Cannabis and Medicinal Cannabis Products on the Reservation;
- m. Requirements to prevent drugged driving and the exacerbation of other adverse public health consequences associated with Medicinal Cannabis use on the White Earth Reservation;
- n. 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;
- o. Requirements to prevent Medicinal Cannabis possession or use on federal property. For purposes of this Code, a Licensed Facility will not constitute federal property;
- p. Procedures for the granting, denying, issuance, renewal, refusal, suspension, cancellation, or revocation of temporary and final licenses for a Licensed Facility, the Medicinal Cannabis Program, Primary Caregivers, Qualified Patients, and other Persons needing to be licensed;
- q. Procedures for accepting patients possessing medicinal cannabis cards from other jurisdictions;
- r. A schedule of application, registration, and renewal fees necessary to cover the costs to implement this Code;
- s. Security requirements for every Licensed Facility on the White Earth Reservation, including lighting, physical security, video, and alarms;



- t. 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;
- u. Labeling requirements for Medicinal Cannabis and Medicinal Cannabis Products sold or distributed by the Program;
- v. Health and safety requirements and standards for the manufacture of Medicinal Cannabis Products and the production of Medicinal Cannabis;
- w. 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;
- x. Employment and training requirements, including requiring that each Licensed Facility have a photo identification badge system for each person who works at the Facility;
- y. Restrictions governing visits to Licensed Facilities, including requiring the Facility to log visitors and issue temporary badges for all visitors on site;
- z. Restrictions on the display of Medicinal Cannabis and Medicinal Cannabis products ensuring may not be displayed in a manner that is visible to the general public from a public right-of-way;
- aa. 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;
- bb. Restrictions on the use of pesticides and other chemicals that might harm human health;
- cc. Standards for the safe manufacture of Medicinal Cannabis extracts and concentrates;
- dd. Specifications for a Medicinal Cannabis Plant Monitoring System;

- ee. Requirements for random sample testing which may done on or offsite 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;
- ff. Standards for the operation of Medicinal Cannabis testing facilities, including requirements for equipment and qualifications for personnel;
- gg. Procedures for collecting fees levied;
- hh. 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
- ii. Provisions establishing civil penalties for the failure to comply with this Code or regulations adopted hereunder.
- jj. Procedures to provide notice to any person and/or entity found to have engaged in the cultivation, production, processing, manufacturing, packaging, delivery, transport, transfer, distribution, sale, possession, consumption, use, purchase, storage, and/or receipt of Illegal Cannabis.
- kk. Procedures to seize and destroy all Illegal Cannabis.

## **CHAPTER FOUR—APPLICATION & LICENSING**

#### **§ 4.01 Program Application**

1. The Commission shall establish a reasonable form of License application to be completed and submitted by the Medicinal Cannabis Program.
2. The Commission shall establish a written schedule of nonrefundable and reasonable fees to be paid by the Medicinal Cannabis Program in connection with the License application and any renewals thereof. The application and renewal fees shall be sufficient to cover the direct cost of the Commission's operations incident to licensing and regulation of activity under the Code and any regulations adopted by the Commission.
3. The Commission shall establish a reasonable form of License renewal application to be completed and submitted by the Medicinal Cannabis Program.
4. This application or renewal fee shall be in addition to fingerprinting, photographing, and background check costs. Fingerprinting, photographing, and background check fees will be as established by the Commission.
5. All temporary and final Licenses expire after two years and must be renewed every two years thereafter.
6. All Licensed Medicinal Cannabis 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.
7. All Licensed Medicinal Cannabis Programs must submit an independent annual audit within 120 days after the close of each fiscal year to the Commission and to the Reservation Business Committee. 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 Licensed 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, except Licensed Facilities already in operation.
  4. A Licensed Facility shall post clear and legible signs indicating that the use or consumption of Medicinal Cannabis at the Facility is illegal.
  5. Medicinal Cannabis Product testing may be done on-site for cannabinoid profile. All other sample testing must be done off-site by a Medicinal Cannabis Testing Facility.
  6. All entrances to a Licensed Facility must always be locked and strictly controlled.
  7. 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.
  8. A Licensed Facility shall provide adequate security on the premises, as required by regulations adopted by the Commission and as approved by the Commission to ensure the safety of persons, to prevent unauthorized access, and to protect the Licensed Facility from theft.
    - a. These measures may include continuous video surveillance by an independent contractor of areas required by regulations adopted by the Commission such as entrances, exits, areas immediately surrounding the Licensed Facility, and areas where Medicinal Cannabis and/or cash is located. The Commission adopt regulations regarding the length of time such video surveillance must be retained the Medicinal Cannabis Program.
    - b. These measures may also include the use of Security Guards as required in regulations adopted by the Commission. At least one security guard shall be present twenty-four (24) hours a day, seven (7) days a week at each Licensed Facility.

### **§ 4.03 Person Licensing**

1. Excluding persons who are Qualified Patients with Medical Cards, 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 for the Program to lawfully operate on the Reservation:
  - a. All owners, operators, managers, officers, directors, volunteers, employees, and agents;
  - 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 civil history check for past or outstanding judgments, current liens, past or pending lawsuits, and any other information deemed to be relevant;
  - d. Conduct a criminal history records check using fingerprints;

- e. 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;
  - f. Inquire into any previous or existing business relationships with the Medicinal Cannabis industry;
  - g. Verify the applicant's history and current status with any licensing agency by contacting the agency; and
  - h. Take other appropriate steps to verify the accuracy of the information.
4. 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.

#### **§ 4.04 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. 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 is excluded from the requirements of this Section.

## **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, except as provided by this Code.

### **§ 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.

### **§ 5.05 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.