WAGANAKISING ODAWAK STATUTE 2019-008
HEMP AUTHORIZATION AND REGULATORY COMMISSION STATUTE

SECTION I. PURPOSE

The purpose of this Statute is to authorize the regulating of Hemp, and create the Hemp Regulatory Commission that will license, regulate, inspect and have enforcement regulatory power for Hemp Operations.

SECTION II. DEFINITIONS

A. "Applicant" means a person, or a person who is authorized to sign for a business entity, who submits an application to participate in the industrial Hemp program.

B. "Brokering" means engaging or participating in the marketing of Hemp by acting as an intermediary or negotiator between prospective buyers and sellers.

C. "Cannabis" means all parts of the cannabis plant, whether growing or not, including its seeds, resin, compounds, salts, derivatives, and extracts. and does not mean "publicly marketable Hemp product", as defined by this Statute.

D. "CBD" means cannabidiol.

E. "Certified seed" means seed for which a certificate or any other instrument has been issued by an agency authorized under the laws of a state, territory, or possession to officially certify seed and that has standards and procedures approved by the United States Secretary of Agriculture to assure the genetic purity and identity of the seed certified.

F. "Commission" means the Hemp Regulatory Commission which is comprised of three to five appointed officials, and duly authorized staff exercising delegated authority of the Commission.

G. "DEA" means the United States Drug Enforcement Administration

H. "Decarboxylated" means the completion of the chemical reaction that converts THC-acid into delta-9-THC, the intoxicating component of cannabis. The decarboxylated value is also calculated using a conversion formula that sums delta-9-THC and eighty-seven and seven tenths (87.7) percent of THC-acid.

I. "Delta-9-THC" means delta-9-tetrahydrocannabinol concentration (the primary intoxicating component of cannabis).

J. "Directly related to" means immediate family relations as defined in the Tribe's Constitution or any other statute defining nepotism.

K. "Executive" means the Executive Branch of the Little Traverse Bay Bands of Odawa Indians Tribal government.

L. "Finacial Interest" is a person or entity that has more than a five (5) percent interest, share or ownership in an operation(s).

M. "Handling" means means possessing or storing industrial Hemp for any period of time on premises owned, operated, or controlled by a person licensed to cultivate or process industrial Hemp. "Handling" also includes possessing or storing industrial Hemp in a vehicle for any period of time other than during its actual transport from the premises of a licensed person to cultivate or process industrial Hemp to the premises of another licensed person.

N. "Harvest Lot" means a quantity of Hemp, of the same Variety, harvested in a distinct timeframe that is (1) cultivated in one contiguous production area within a grow site; or (2) cultivated in a portion of portsion of one contiguous production area within a grow site. Harvest Lot does not include a quantity of Hemp comprised of Hemp grown in noncontiguous production areas.

O. "Harvest Lot Identifier" meas a unique identifier used by the Commission to identify the Harvest Lot.

P. "Hemp" means the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

Q. "Grower licensing agreement" means a document executed by a person and the Commission authorizing the person to grow, handle, and store Hemp at one (1) or more specified locations.

R. "GPS" means Global Positioning System.

S. "Industrial Hemp products" means products derived from, or made by, processing industrial Hemp plants or plant parts.

T. "Law enforcement agency" means the Little Traverse Bay Bands of Odawa Indians Tribal Police, Drug Enforcement Administration (DEA), or other federal law enforcement agency or drug suppression unit.

U. "Licensed grower" means a person authorized by the Commission to grow, handle, store, and market Hemp under the terms established by this Statute.

V. "Licensed processor" means a person authorized by the Commission to process, handle, store, and market Hemp under the terms established by this Statute.

W. "Location" or "Land" means the particular land, building or buildings where Hemp will be grown, handled, stored, or processed, which can include a field name or building name.

X. "Location ID" means the unique identifier established by the applicant for each unique set of GPS coordinates where Hemp will be grown, handled, stored, or processed, which can include legal description, a field name or building name.

Y. "Nonviable seed" means a seed that has been crushed, dehulled, or otherwise rendered to have a zero percent germination rate.

Z. "Person" means an individual or business entity.

AA. "Pesticide" means any substance or mixture of substances intended to:

1. Prevent, destroy, control, repel, attract, or mitigate any pest.
2. Be used as a plant regulator, defoliant, or desiccant. or
3. Be used as a spray adjuvant, once they have been mixed with a U.S. Environmental Protection Agency registered product.

Y. "Plot" means a contiguous area in a field, greenhouse, or indoor growing structure containing the same variety or strain of Hemp throughout the area.

Z. "PPM" means parts per million.

AA. "Post-harvest sample" means a sample taken from the harvested Hemp from a particular plot's harvest in accordance with the procedures as by the Commission. The entire plot's harvest is in the same form (for example, intact-plant, flowers, ground materials, etc.), homogenous, and not mixed with nonhemp materials or Hemp from another plot.

BB. "Pre-harvest sample" means a composite, representative portion from plants in a Hemp plot collected in accordance with the procedures as established by the Commission.

CC. "Prohibited variety" means a variety or strain of cannabis excluded by the Commission.

DD. "Processing" means converting an agricultural commodity into a marketable Form.

EE. "Processor" or "Processor Facility" means a commercial entity that purchases Hemp from a grower and that extracts resin from the Hemp or creates a Hemp-infused product for sale and transfer in packaged form.

FF. "Processor licensing agreement" means a document executed by a person and the Commission authorizing the person to process, handle, and store Hemp at one (1) or more specified locations.

GG. "Program" means the Commission's Industrial Hemp Program.

HH. "Propagule" means a plant or plant part that can be utilized to grow a new plant.

II. "Publicly marketable Hemp product" means a Hemp product that meets one (1) or more of the following descriptions:

1. The product does not include any living Hemp plants, viable seeds, leaf materials, floral materials, or delta-9-THC content above zero and three-tenths (0.3) percent. and does include, without limitation, the following products: bare stalks, bast fiber, hurd fiber,

nonviable roots, nonviable seeds, seed oils, and plant extracts (excluding products containing delta-9-THC above zero and three-tenths (0.3) percent).

2. The product is CBD that was derived from Hemp, as defined by this Statute; or

3. The product is CBD that is approved as a prescription medication by the United States Food and Drug Administration.

JJ. "Secondary pre-harvest sample" means a pre-harvest sample that is taken:

1. In a given plot after the first pre-harvest sample is taken; and

2. On a different day than the initial pre-harvest sample.

KK. "Seed source" means the origin of the seed or propagules as determined by the Commission.

LL. "Signing authority" means an officer or agent of the organization with written authorization to commit the legal entity to a binding agreement.

MM. "Variety" means a subdivision of a species that is:

1. Uniform, in the sense that the variations in essential and distinctive characteristics are describable.

2. Stable, in the sense that the variety will remain unchanged in its essential and distinctive characteristics and its uniformity if reproduced or reconstituted as required by the different categories of varieties. and

3. Distinct, in the sense that the variety can be differentiated by one (1) or more identifiable morphological, physiological, other characteristics from all other publically known varieties, or other characteristics from all other publicly known varieties.

NN. "Variety of concern" means any variety of Hemp in the Commission's program that tests above 3,000 ppm or 0.3000 percent delta-9-THC in one (1) or more pre-harvest samples. A Hemp

variety designated as a "variety of concern" could be subject to restrictions and additional testing.

OO. "Volunteer cannabis plant" means any cannabis plant that grows of its own accord from seeds or roots in the years following an intentionally planted cannabis crop. and is not intentionally planted.

PP. "Tribal Council" means the Legislative body of the Little Traverse Bay Bands of Odawa Indians (LTBB).

QQ. "Tribal Court" means the LTBB Court created under Article IX of the LTBB Constitution.

RR. "Tribe" or "LTBB" means the Little Traverse Bay Bands of Odawa Indians which as reaffirmed in Public Law 103-324 is recognized as eligible by the Secretary of the Interior for the special programs and services provided by the United States to Indians because of their status as a federally recognized tribe, and are recognized as possessing powers of self-government.

SECTION III. HEMP AUTHORIZED

This Statute authorizes the growing, processing, handling, and storage of Hemp within locations under the jurisdiction of the Tribe.

SECTION IV. HEMP REGULATORY COMMISSION

A. The Tribe hereby establishes a Hemp Regulatory Commission as an Executive Commission whose duty it is to regulate Hemp operations. The Commission shall consist of at least three (3) but not more than five (5) persons. There shall be among them a Chairperson, Vice-Chairperson, Secretary and Treasurer, provided the Secretary and Treasurer may be combined into one position.

B. The purpose of the Commission is to ensure compliance with Tribal, Federal, and, if applicable, State laws and regulations. The Commission will serve as the licensing authority for a Hemp growing and/or processing operation along with the individuals employed in the Hemp operation and the permitting authority for Hemp operation locations. As part of the licensing

process, the Commission will administer background investigations. The Commission will monitor compliance with the internal control standards for the Hemp operation and track revenues. In order to carry out its regulatory duties, the Commission shall have unrestricted access to all areas of a Hemp operation and to all records. The Commission shall have authority to take enforcement actions, including suspension or revocation of an individual's Hemp license when appropriate.

C. The Tribe recognizes the importance of an independent Commission in maintaining a well-regulated Hemp operations. The Commission shall be and act independently, and autonomously from the Tribal Council in all individual licensing decisions. No prior or subsequent review by the Tribal Council of any licensing and fining actions of the Commission shall be required or permitted except as otherwise explicitly provided in this Statute. To avoid potential conflicts of interest between an operation and regulation of the Hemp facility, the Tribe hereby finds that, at a minimum:

1. No member of the Tribal Council may serve on the Commission.

2. No person with a financial interest in the Hemp operation shall serve on the Commission.

3. The following persons are ineligible to serve on the Commission: employees of the Hemp operation. Hemp contractors (including any principal of a management or other contracting company), persons directly related to or sharing a residence with any of the above.

D. The members of the Commission shall be appointed by the Tribal Council as follows:

1. Composition of the Commission. The Commission shall consist of three (3) to five (5) people appointed by the Tribal Council and shall be licensed.

2. Term. Members of the Commission shall be appointed to serve for three (3) year terms. Terms shall be staggered so no more than two terms start in any one year. Members may be reappointed for additional terms without limitation.

3. Subject to the availability of funding and a budget approved by the Tribal Council, members of the Commission may receive a stipend, mileage and expense reimbursement

in accordance with a stipend policy adopted by the Tribal Council.

E. The Commission shall:

1. Approve the permitting of a "Location" or "Land".

2. Conduct background investigations on applicants, and persons with a financial interest.

3. Review and approve all investigative work conducted.

4. Obtain and process fingerprints, or utilize the Tribal Law Enforcement agency to obtain and process fingerprints.

5. Make suitability determinations, which shall be signed by a majority of the Commissioners present when the license is approved.

6. Issue Hemp licenses to operations, consistent with the suitability determination.

7. Inspect, examine and monitor all Hemp operations, and have immediate access to review, inspect, examine, photocopy and audit all Hemp related records of the Hemp establishment.

8. Ensure compliance with all Tribal and Federal laws, rules, and regulations regarding Hemp.

9. Investigate any suspicion of wrongdoing associated with any Hemp activities, and report any potential criminal violations to Tribal Law Enforcement.

10. Promulgate and issue regulations on the levying of fees associated with Hemp license applications.

11. Promulgate and issue regulations on suspension or revocation of Hemp licenses for violations of this Statute, or any other Tribal, Federal, or State, if applicable, Hemp regulations.

12. Issue citations for violations of this Statute, or any other Tribal, Federal, or State, if applicable, Hemp regulations.

13. Adopt a schedule of fines and/or forfeitures as a recommendation that may be imposed by the Court upon the receipt of an admission of guilt or plea of no contest for violations committed. This schedule shall not apply as to penalties assessed by the court after adjudicating a violation where the defendant has entered a plea of not guilty.

14. Perform such other duties the Commission deems appropriate for the proper regulation of the Hemp operation.

15. The Commission shall be authorized to employ such staff and/or consultants as reasonably may be required to fulfill its responsibilities under this Statute.

F. 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 persons who are not directly involved in the licensing process.

1. Information obtained during the course of an person's background investigation may be disclosed to management, human resource personnel or others employed by the Hemp operation on a need-to-know basis for actions to be taken in their official capacity. This information must be public record and shall not include information from Federal Bureau of Investigation (FBI) records, Law Enforcement Information Network (LEIN) records, or disclose individuals interviewed during the background investigation.

2. This Section does not apply to requests for such information or records from any Tribal, Federal or State law enforcement or regulatory agency, or for the use of such information or records by the Commission in the performance of their official duties to the extent permitted under applicable law.

G. The Commission shall collect, and retain for a period of at least three calendar years, Location ID information for every site or location where the Commission has approved Hemp to be grown.

H. Removal. Members of the Commission can only be removed by a majority vote of Tribal Council.

I. A majority of the sitting member of the Commission shall constitute a quorum. The concurrence of a majority of the members appointed to the Commission shall be required for any final determination by the Commission. The Commission may act in its official capacity even if there are vacancies on the Commission.

J. The Commission shall keep a written record of all its regularly scheduled, special, and emergency meetings, and licensing hearings and meetings.

J. All regulations promulgated under this Statute shall be submitted to Tribal Council for approval.

SECTION V. LICENSING APPLICATION

A. Grower and/or Processor License Application.

1. Any person who wishes to grow or process Hemp at any location within the Tribe's jurisidiction, shall submit to the Commission annually a completed License Application.

2. A Grow Facility and a Processor may co-locate at the same location.

3. A person who does not hold a license from the Commission shall not:

a. Grow, cultivate, handle, or process.

b. Broker, store, or market Hemp or other cannabis that does not fall within the definition of a "publicly marketable Hemp product" at any location within the Tribe's jurisidiciton.

4. The Commission shall deny any Grower or Processor License Application that fails to meet the deadline established in the application.

5. Each applicant shall pay an application fee in the amount established and approved by Tribal Council.

6. The Application shall include the following at a minimum:

a. Full name, residential address, telephone number, and email address, if an email address is available.

b. If the applicant represents a business entity, the full name of the business, the principal business location address, the full name of the applicant who will have signing authority on behalf of the entity, title, and email address if an email address is available, of the person.

c. Documentation showing either a valid tenancy, ownership or other legal interest in the proposed property.

d. Street address. location ID, legal description and GPS coordinates for each field, greenhouse, building, or site where Hemp will be grown, handled, processed or stored.

e. Information regarding any other Hemp growing or processing facility that is licensed in any other jurisdiction.

f. Proof of Insurance that includes worker's compensation insurance, and general liability insurance.

7. A business plan and operations plan shall be included with the application that includes at a mimimal the following:

a. The proposed acreage or greenhouse or indoor square footage to be planted or used for processing.

b. A description of the type of facility proposed and the anticipated or actual number of employees. The name of the proposed Manager of the Facility.

c. A security plan which shall include a general description of the security systems(s) and lighting plan showing the outside lighting, and current centrally alarmed and monitored security system service agreements.

d. A list of pesticides, and other chemicals proposed for use.

e. A description and plan of all equipment and methods that will be employed to stop any impact to adjacent uses, including assurances that no odor will be detected from outside the Location.

f. A plan for the disposal of Hemp and related byproducts.

g. A statement of previous farming experience.

h. Planned source of seeds or propagules.

8. Any License Application that is missing required information shall be subject to denial.

9. The Commission shall notify applicants by letter or email whether the application has been denied or conditionally approved.

B. Criminal Background Check.

1. Each applicant and persons with a financial interest shall undergo and pay for an annual criminal background check.

2. The Commission shall perform background investigations and issue licenses to the applicant, and persons with a financial interest.

3. The Commission may utilize the Tribe's Law Enforcement Commission to take fingerprints and conduct criminal history checks. The criminal history check shall include a check of criminal history records information maintained by the Federal Bureau of Investigation and any other services as are available and appropriate.

4. The criminal background check report must indicate that, within ten (10) years from the date when the background check was issued, the applicant shall not have either a felony conviction. or a drug-related misdemeanor conviction or violation.

SECTION VI. LOCATION OR LAND PERMIT

A. A licensed grower shall not plant or grow any cannabis that is not Hemp.

B. A licensed grower shall not plant or grow Hemp or other cannabis on any site not listed in the grower licensing agreement.

C. A licensed grower shall not grow Hemp or other cannabis in or adjacent to any structure that is used for residential purposes.

D. A licensed grower shall not handle or store leaf or floral material from Hemp or other cannabis in or adjacent to any structure that is used for residential purposes.

E. Hemp shall be physically segregated from other crops unless prior approval is obtained in writing from the Commission.

F. A licensed grower shall not plant Hemp or other cannabis plants in an outdoor growing location of less than one-quarter acre and 1,000 plants unless prior approval is received in writing from the Commission.

G. A licensed grower shall not grow Hemp or other cannabis in any outdoor field or site that is located within 1,000 feet of a school or a public recreational area.

H. An applicant or licensed grower shall not include any property on his or her application or Site Modification Request, to grow or cultivate Hemp that is not owned or completely controlled by the applicant or licensed grower.

I. A licensed grower shall not grow, handle, or store Hemp or other cannabis on property owned by, leased from, or previously submitted in a license application by any person who is ineligible or was terminated, or denied a license.

SECTION VII. APPEALS

A. Any person who would like to challenge a denial of a license or a suspension of a license must request a hearing before the Commission, prior to an appeal being filed in Tribal Court. The

Commission Hearing shall be open to the public and occur at a time and date and location designated by the Commission.

B. The Court shall uphold the decision of the Commission unless the Court determines that the Commission's decision is clearly arbitrary, capricious, or otherwise not in accordance with applicable law or regulations.

SECTION VIII. GROWER AND/OR PROCESSOR LICENSING AGREEMENTS

A. An applicant shall not be a participant in the Commission's program until the conditionally approved applicant and the Commission have executed a grower and/or processor licensing agreement.

B. The agreement shall have a consent to entry onto, and inspection of, all premises where Hemp or other cannabis plants or materials are located, or licensed to be located, by representatives of the Commission and law enforcement agencies, with or without cause, with or without advance notice.

C. Consent to forfeiture and destruction, without compensation, of:

1. Material found to have a measured delta-9-THC content in excess of zero and three-tenths (0.3) percent on a dry weight basis.

2. Plants located in an area that is not licensed by the Commission

3. Plants not accounted for in required reporting to the Commission.

D. Agree to apply for registration of all growing, processing, handling, and storage locations, including a legal description of the location, GPS coordinates, and receive Commission approval for those locations prior to having Hemp on those premises.

E. Acknowledge that licensed growers or processor shall submit a Site Modification Request Form, the appropriate fees based on the requested changes, and obtain prior written approval from a representative of the Commission before implementing any change to the licensed sites stated in the grower licensing agreement, and that growing site changes shall be subject to a site

modification surcharge.

F. Acknowledge that Hemp shall not be grown, processed, handled, or stored in any location other than the location listed in the grower licensing agreement.

G. Agree not to interplant Hemp with any other crop without express written permission from the Commission.

H. Acknowledge that anyone applying pesticides to Hemp shall hold a pesticide license and apply pesticides in accordance with regulations or the agreement.

I. Acknowledge that licensed growers and/or processors shall comply with restrictions established by the Commission limiting the movement of Hemp plants and plant parts.

J. Acknowledge that the risk of financial or other loss shall be borne solely by the licensed grower and/or processor.

K. Agree that any time Hemp is in transit, a copy of the grower and/or processor licensing agreement, a copy of the pre-harvest test results that correspond to the to the Harvest Lot in transit as identified by the Harvest Lot Identifier that accompanies the Hemp, a copy of the transport manifest that includes all information required to be documented by the Commission or the Tribe, and any other documentation that may be required by the Tribe, the Commission, or the USDA, shall be available for inspection upon the request of a representative of the Commission or a law enforcement agency.

L. Agree that, upon request from a representative of the Commission or a law enforcement agency, a licensed grower and/or processor shall immediately produce a copy of his or her grower licensing agreement for inspection.

M. Agree to submit Planting Reports, Harvest/Destruction Reports, and Production Reports, and other reports required by the Commission to which the grower and/or processor has agreed, on or before the deadlines established in this Statute.

N. Agree to scout and monitor unregistered fields for volunteer cannabis plants and to destroy those volunteer cannabis plants for three (3) years past the last date of planting reported to the Commission.

O. Agree not to employ or rent land to cultivate Hemp from any person who was terminated or denied admission to the program for one (1) or both of the following reasons:

1. Failure to obtain an acceptable criminal background check. or
2. Failure to comply with an order from a representative of the Commission.

P. Agree that land used for the cultivation or storage of Hemp shall not be owned by or leased from any person who was terminated, or denied admission to the program for one (1) or both of the following reasons:

1. Failure to obtain an acceptable criminal background check. or
2. Failure to comply with an order from a representative of the Commission.

Q. Agree to notify the Commission of any interaction with law enforcement immediately by phone and follow-up in writing within three (3) calendar days of the occurrence.

R. Agree to notify the Commission of any theft of cannabis materials, whether growing or not.

S. Failure to agree or comply with terms and conditions established in the grower licensing and/or processor agreement shall constitute grounds for appropriate Commission action, up to and including termination of the grower licensing agreement and expulsion from the Commission's program.

T. A person who has been expelled from the program shall not be eligible to reapply to the program for a period of five (5) years from the date of expulsion.

U. Failure to agree and sign the grower licensing and/or processor agreement shall terminate conditional approval and a licensing agreement shall not be executed.

SECTION IX. REGULATIONS FOR SAMPLING, THC TESTING, AND POST-TESTING ACTIONS

A. The Commision shall adopt Regulations for Sampling, Testing, and Post-Testing Actions that contain the following, but not limited to:

1. Handling Procedures of Pre-Harvest Samples

2. Pre-Harvest Sampling Procedure

3. A *Harvest/Destruction Report* Form.

4. Time-frames and Grower Responsibities.

5. Inspections and sample collection.

6. Process for harvested materials from Varieties of Concern.

7. Floral materials harvested for phytocannabinoid extraction.

8. Notification.

9. Equipment Used.

10. Post-harvest retest.

11. Selecting Samples for Testing

12. Post-Testing Actions

B. Any regulations promulgated or required in accordance with this Statute shall follow the Administrative Procedures Act and be submitted to Tribal Council for approval.

SECTION X. SITE MODIFICATIONS AND SITE MODIFICATION SURCHARGE FEES.

A. A licensed grower who elects to grow or process Hemp in a new location or store or handle at a site other than the sites specified by a legal description and the GPS coordinates listed in the grower and/or processor licensing agreement shall submit a Site Modification Request Form, and obtain written approval from a representative of the Commission, prior to planting, processing or storing at the proposed location.

B. Any request for a new growing and/or processing location shall comply with the land use restrictions.

C. The Commission shall charge a site modification surcharge fee for each new growing location, be it an individual field or greenhouse or indoor structure, where Hemp will be planted.

D. The Commission shall not approve a site modification request for a new growing and/or processing location until the Commission has received the site modification surcharge fee.

E. The Commission shall not assess a site modification surcharge for changes to storage-only locations.

SECTION XI. SEED ACQUISITION WITHIN THE UNITED STATES

A. A person shall not acquire seeds or propagules from a source within the United States without first:

1. Submitting a complete Domestic Seed/Propagule Request form, and

2. Obtaining written approval of the Domestic Seed/Propagule Request from a representative of the Commission.

B. The Commission shall not approve a Domestic Seed/Propagule Request unless the licensed grower affirms in writing that the requested seed acquisition plan shall not infringe on the intellectual property rights of any person.

C. A person submitting a Domestic Request form shall submit to the Commission documentation showing that mature plants grown from that seed variety or strain have a floral material delta-9-THC content of not more than 3,000 ppm on a dry weight basis from an independent third-party laboratory.

D. A person submitting a Domestic Seed/Propagule Request form shall submit to the Commission documentation verifying the seed or propagule source as a current legal Hemp operation in the state of origin.

E. A person acquiring seeds or propagules shall arrange for the seeds or propagules to arrive at the Commission for inventory and distribution.

F. Upon request from a representative of the Commission, a licensed grower or licensed processor shall provide a distribution list showing locations where and to whom the Hemp seeds were distributed following inventory at the Commission's facility.

SECTION XII. SEED ACQUISITION FROM A SOURCE OUTSIDE THE UNITED STATES.

A. A person seeking to obtain seeds from an international source shall submit a complete International Seed Request form to the Commission

B. Hemp seeds can be imported from Canada if accompanied by either:

1. A phytosanitary certification from Canada's national plant protection organization to verify the origin of the seed and confirm that no plant pests are detected; or

2. A Federal Seed Analysis Certificate for hemp seeds grown in Canada.

C. Importation of seeds from countries other than Canada shall be accompanied by a phytosanitary certificate from the exporting country's national plant protection organization to verify the origin of the seed and confirm that no plant pests are detected.

D. Hemp seed shipments may be inspected upon arrival at the first port of entry by Customs and Border Protection (CBP) to ensure USDA regulations are met, including certification and freedom from plant pests.

E. All licensed growers intending to plant the requested seed shall be listed on the request form.

F. The Commission shall not approve an International Seed Request form unless the licensed grower affirms in writing that the licensed grower's planned activities shall not infringe on the intellectual property rights of any person.

G. A person submitting an International Seed Request form shall submit to the Commission

documentation showing that mature plants grown from that seed variety have a floral material delta-9-THC content of not more than 3,000 ppm on a dry weight basis.

H. A person acquiring seeds or propagules from a source outside the United States shall arrange for the seeds or propagules to arrive at the Commission's facility, for inventory and distribution.

I. Upon request from a representative of the Commission, a licensed grower shall provide a distribution list showing locations where and to whom the imported Hemp seeds were distributed following inventory at the Commission's facility.

SECTION XIII. SEEDS OF WILD, LANDRACE, OR UNKNOWN ORIGIN

A. A person shall not acquire or grow Hemp or cannabis seeds or propagules of wild, landrace, or unknown origin without first obtaining written approval from a representative of the Commission.

B. The Commission shall not permit Hemp or cannabis seeds or propagules of wild, landrace, or unknown origin to be planted, cultivated, or replicated by any person without the Commission first arranging for replication and THC testing of mature plants grown from the seeds or propagules by the Commission or its designee.

C. Any licensed grower or licensed processor found to have saved seed, propagules, or cuttings, or cultivated seeds, propagules, or cuttings from a cannabis plant of wild, landrace, or unknown origin, without advance written permission from the Commission shall be subject to suspension or revocation of his or her license and forfeiture without compensation of his or her materials.

SECTION XIV. PLANTING REPORTS FOR OUTDOOR PLANTINGS

A. A licensed grower shall submit to the Commission a complete and current Field Planting Report, within fifteen (15) days after every planting, including replanting, of seeds or propagules in an outdoor location.

B. Each Field Planting Report shall identify the:

1. Correct variety name as designated upon approval of the acquisition request or as approved by the Commission.

2. Field location ID as listed in the grower licensing agreement.

3. Primary intended use of the harvest for each planting.

C. A licensed grower who does not plant Hemp in an approved outdoor site listed in the grower license agreement shall submit a Field Planting Report, on or before July 31, stating that Hemp has not and shall not be planted at that site.

SECTION XV. PLANTING REPORTS FOR INDOOR PLANTINGS

A. A licensed grower shall submit to the Commission a complete and current Greenhouse/Indoor Planting Report within fifteen (15) days after establishing plants at an indoor location.

B. Each Greenhouse/Indoor Planting Report shall identify the:

1. Correct Hemp variety name as designated in the Domestic Seed/Propagule Request form or International Seed Request form and approved by the Commission.

2. Greenhouse or indoor growing location ID as listed in the grower licensing agreement.

3. Primary intended use for the harvest of each planting.

C. In addition to the initial Greenhouse/Indoor Planting Report, a licensed grower with an approved greenhouse or indoor growing site shall submit quarterly reports for each location ID to the Commission, such Reports shall be due no later than March 31, June 30, September 30, and December 31.

SECTION XVI. SITE ACCESS FOR REPRESENTATIVES OF THE COMMISSION AND LAW ENFORCEMENT AGENCIES

A. The Commission shall provide information about approved growing, processing, handling, and storage site locations to Tribal Law Enforcement, DEA, and other law enforcement agencies whose representatives request registered site information, including legal description and GPS coordinates.

B. Licensed growers shall have no reasonable expectation of privacy with respect to premises where Hemp or other cannabis seeds, plants, or materials are located, and any premises listed in the grower licensing agreement.

C. A licensed grower, whether present or not, shall permit a representative of the Commission or a law enforcement agency to enter into premises where Hemp or other cannabis seeds, plants, or materials are located and any premises listed in the grower licensing agreement with or without cause and with or without advanced notice.

SECTION XVII. PESTICIDE USE

A. A licensed grower who uses a pesticide on Hemp shall be certified to apply pesticides by the Commission regulations.

B. A licensed grower who is certified to apply pesticides by the Commission shall not use, or be eligible to use pesticides to Hemp in violation of the product label.

C. A licensed grower shall not use any pesticide in violation of the product label.

D. A licensed grower who uses a pesticide on a site where Hemp will be planted shall comply with the longest of any planting restriction interval on the product label prior to planting the Hemp.

E. The Commission may perform pesticide testing on a random basis or if representatives of the Commission have reason to believe that a pesticide may have been applied to Hemp in violation of the product label.

F. Hemp seeds, plants, and materials bearing pesticide residue in violation of the label shall be subject to forfeiture or destruction without compensation.

SECTION XVIII. RESPONSIBILITY OF A LICENSED GROWER PRIOR TO HARVEST OF HEMP PLOTS

A. The Commission may collect samples of any cannabis material prior to harvest at any time.

B. A licensed grower shall submit a complete and current Harvest/Destruction Report form to the Commission at least fifteen (15) days prior to the intended harvest date or intended destruction of a failed crop.

C. The Commission's receipt of a Harvest/Destruction Report shall trigger a sample collection by the Commission.

D. During the Commission's scheduled sample collection, the grower or an authorized representative shall be present at the growing site.

E. Representatives of the Commission shall be provided with complete and unrestricted access to all Hemp and other cannabis plants, whether growing or harvested, and all land, buildings, and other structures used for the cultivation, handling, and storage of all Hemp and other cannabis plants. and all locations listed in the grower licensing agreement.

F. The licensed grower shall harvest the crop not more than fifteen (15) days following the date of sample collection by the Commission, unless specifically authorized in writing by the Commission.

G. If the licensed grower fails to complete harvest within fifteen (15) days, the Commission may order a secondary pre-harvest sample of the plot, and the licensed grower shall be assessed a secondary pre-harvest sample fee per plot in the amount by the Commission prior to collecting the sample.

H. Harvested materials from varieties of concern shall not be commingled with other harvests without prior written permission from the Commission.

I. Floral materials harvested for phytocannabinoid extraction shall not be moved outside the Commonwealth or beyond a processor, nor commingled, nor extracted, until the Commission releases the material in writing.

J. A licensed grower who fails to submit a Harvest/Destruction Report or who does submit a Harvest/Destruction Report and proceeds to harvest a crop prior to a sample being collected by the Commission shall be subject to revocation of his or her license.

SECTION XIX. THC TESTING

A. The Hemp to be selected for sampling shall be determined by a representative of the Commission.

B. The Commission shall collect and retain samples from each plot in accordance with the Commission regulations and procedures.

C. All samples shall become the property of the Commission and shall not be returnable. Compensation shall not be owed by the Commission for the sample.

D. The Commission may identify and contract with a third party lab to perform THC testing services.

SECTION XX. TRANSPORTATION REQUIREMENTS.

A. The Licensee or other Person responsible for the transportation of a Hemp Crop grown under this Ordinance must ensure that the following documentation accompanies the Hemp crop at all times during transport:

1. a copy of the Grower license that corresponds to the Location or Registered Land Area from which the Hemp originated;

2. a copy of the test results that correspond to the to the Harvest Lot in transit as identified by the Harvest Lot Identifier that accompanies the Hemp.

3. a copy of the transport manifest that includes all information required to be documented by the Commission or the Tribe.

4. any other documentation that may be required by the Tribe, the Commission, or the USDA.

SECTION XXI. RESTRICTIONS ON SALE OR TRANSFER

A. A licensed grower shall not sell or transfer, or permit the sale or transfer, of living plants, viable seeds, leaf material, or floral material to any person without prior approval by the Commission.

B. The Commission shall permit the sale or transfer of stripped stalks, fiber, dried roots, nonviable seeds, seed oils, floral and plant extracts (excluding THC in excess of zero and three-tenths (0.3) percent, and other marketable Hemp products to members of the general public, if the marketable Hemp product's delta-9-THC level is not more than zero and three-tenths (0.3) percent.

C. A licensed grower selling or transferring, or permitting the sale or transfer, of floral or plant extracts (including CBD), shall retain testing data or results for at least three (3) years demonstrating that the extract's delta-9-THC level is not more than zero and three-tenths (0.3) percent.

D. A licensed grower may transfer up to one (1) pound of Hemp per transfer to testing laboratories, for the purpose of measuring THC, CBD, or other phytocannabinoid profile levels. The licensed grower shall ensure compliance with laws in other states.

E. Licensed growers shall comply with the federal Food Drug and Cosmetic Act, 21 U.S.C. Chapter 9, and all other applicable federal laws and regulations relating to product development, product manufacturing, consumer safety, and public health.

SECTION XXII. OTHER PROHIBITED ACTIVITIES

A. A licensed grower shall not plant or grow Hemp on any site not listed in the grower

licensing agreement.

B. A licensed grower shall not transport live Hemp plants, viable seeds, leaf materials, or floral materials to unapproved locations including trade shows, county fairs, educational or other events, or any other address not listed on the licensed grower's current grower licensing agreement or within another research program.

C. A licensed grower shall not allow unsupervised public access to Hemp plots, including activities such as a Hemp maze.

D. A person shall not ship or transport, or allow to be shipped or transported, live Hemp plants, cuttings for planting, or viable seeds from a variety that is currently designated by the Commission as a prohibited variety.

E. A person shall not ship or transport, or allow to be shipped or transported, any Hemp product with a delta-9-THC concentration in excess of zero and three-tenths (0.3) percent.

SECTION XXIII. OTHER REQUIRED REPORTS

A. A licensed grower shall submit a completed production report form annually.

B. A licensed grower's failure to submit an accurate and complete report that is required by the Commission before the deadline established by the Commission shall constitute grounds for the Commission to terminate the grower licensing agreement and deny future applications for licensure.

SECTION XXIV. INFORMATION SUBMITTED TO THE COMMISSION SUBJECT PUBLIC DOCUMENTS STATUTE

Information and documents generated or obtained by the Commission in connection with the program shall be subject to disclosure pursuant WOS 2010-009 Public Documents Statute, as amended. Personal and confidential business information shall be exempt.

SECTION XXV. IMMEDIATE LICENSE SUSPENSION

A. The Commission shall immediately suspend a license, without an opportunity for a hearing, if the licensed person pleads guilty to, or is convicted of, any felony or drug-related misdemeanor.

B. The Commission shall immediately suspend a license, without an opportunity for a hearing, if the licensed person or his or her agent admits to having made any false statement to the Commission or its representative or failed to comply with any instruction or order from the Commission, a representative of the Commission, or any law enforcement officer.

SECTION XXVI. TEMPORARY LICENSE SUSPENSION PROCEDURES

A. The Commission shall notify a licensee in writing that the grower and/or processor licensing agreement has been temporarily suspended if a representative of the Commission receives information supporting an allegation that a licensed grower has:

1. Violated a Commisson Regulation.

2. Made a false statement to a representative of the Commission or a law enforcement agency.

3. Been found to be growing or in possession of cannabis with a measured delta-9-THC concentration at or above 30,000 ppm.

4. Failed to comply with an order from a representative of the Commission or a law enforcement agency.

B. A person whose grower licensing agreement has been temporarily suspended shall not harvest, process, or remove cannabis from the premises where Hemp or other cannabis was located at the time when the Commission issued its notice of temporary suspension, except as authorized in writing by a representative of the Commission.

C. As soon as possible after the notification of temporary suspension, a representative of the Commission shall inspect the licensed grower's premises and perform an inventory of all

cannabis, Hemp, and Hemp products that are in the licensed grower's possession.

D. The Commission shall schedule a license revocation hearing for a date as soon as practicable after the notification of temporary suspension, but in any event not later than sixty (60) days following the notification of temporary suspension.

SECTION XXVII. LICENSE REVOCATION HEARINGS AND CONSEQUENCES OF REVOCATION

A. The Commission shall notify a person whose grower licensing agreement has been temporarily suspended of the date when the person's license revocation hearing will occur at a time and place designated by the Commission.

B. License revocation hearings shall be open to the public.

C. A person whose grower and/or processor licensing agreement has been temporarily suspended shall appear in person at the assigned hearing time. Failure to appear on time shall constitute a waiver of the person's right to present information and arguments against revoking the grower licensing agreement.

D. A representative of the Commission shall be allowed an opportunity to present information and arguments for revoking the grower licensing agreement.

E. A person whose grower licensing agreement has been temporarily suspended shall be allowed an opportunity to present information and arguments against revoking the grower licensing agreement.

F. If a majority of the Commission find that it is more likely than not that a licensed grower and/or process has committed any of the acts in violation of Commission Regulations or violated any provision of the grower and/or processor licensing agreement, then the licensing agreement shall be revoked effective immediately.

G. If a majority of the members of the Commission vote against revoking the grower licensing agreement, the Commission shall lift the temporary suspension within immediately.

H. If a majority of the members of the Commission vote in favor of revoking the licensing agreement, then a representative of the Commission or a law enforcement agency shall destroy or confiscate all cannabis, Hemp, and Hemp products that are in the person's possession.

I. A person whose property is destroyed or confiscated by a representative of the Commission or a law enforcement agency shall be owed no compensation or indemnity for the value of the cannabis, Hemp, or Hemp products that were destroyed or confiscated.

J. A person whose licensing agreement has been revoked shall be barred from participation in the program in any capacity for a minimum period of five (5) years.

SECTION XXVIII. MONETARY CIVIL PENALTIES

A. If the Commission receives information supporting a finding that it is more likely than not that a person has engaged in conduct violating a provision Commission Regulations, or the licensing agreement with a culpable mental state greater than negligence, then the Commission shall assess a monetary civil penalty not to exceed $2,500 per violation.

B. A person wishing to appeal the Commission's assessment of a monetary civil penalty shall submit a written request for a hearing within fifteen (15) days of the notification date.

C. Appeals shall be heard by Commission.

D. Hearings on the appeal shall be open to the public and occur at a time, date, and location designated by the commissioner.

E. An appealing person shall appear in person at the assigned hearing time. Failure to appear on time shall constitute grounds for dismissal of the appeal.

F. An appealing person shall be allowed an opportunity to present arguments for reversing the assessed monetary civil penalty.

G. A representative of the Commission shall be allowed an opportunity to present arguments for affirming the assessed monetary civil penalty.

H. A majority of the Commission may affirm the assessed monetary civil penalty, affirm and increase or decrease the assessed monetary civil penalty, or reverse the assessed monetary civil penalty.

I. Any person who disagrees with the Commission's decision, after a hearing has been held, may appeal the Commission's decision to Tribal Court.

J. The Court shall uphold the decision of the Commission unless the Court determines that the Commission's decision is clearly arbitrary, capricious, or otherwise not in accordance with applicable law or regulations.

SECTION XXIX. NEGLIGENTLY VIOLATED

A person who is found by the Commission to have negligently violated any statute or Statute governing that person's participation in the Hemp program three (3) times in a five (5) year period shall be ineligible to hold a license for a period of five (5) years beginning on the date of the third violation.

SECTION XL. CORRECTIVE ACTION PLANS FOR NEGLIGENT VIOLATIONS

A. In addition to being subject to the license suspension, and license revocation, a person who is found by the Commission to have negligently violated any statute or regulation governing that person's participation in the Hemp program shall be subject to a corrective action plan at the discretion of the Commission.

B. The Commission may impose a corrective action plan for a negligent violation of any statute or regulation governing a person's participation in the Hemp program, including without limitation:

1. Failing to disclose, or provide required information about, a site where Hemp is being grown, processed, or stored.

2. Failing to obtain a necessary license from the Commission or a necessary authorization from federal agency.

3. Producing Hemp or other cannabis with a delta-9 THC concentration of more than 0.3 percent on a dry weight basis.

1. Corrective action plans issued by the Commission shall include, at a minimum, the following information:

1. A reasonable date by which the person shall correct his or her violation.

2. A requirement for periodic reports from the person to the Commission about the person's compliance with the corrective action plan, statutes, and regulations for a period of at least three (3) years from the date of the corrective action plan.

SECTION XLI. MANDATORY REPORTS TO TRIBAL AND FEDERAL LAW ENFORCEMENT

A. In addition to being subject to the license suspension, license revocation, and monetary civil penalty, a person who is found by the Commission to have violated any statute or regulation governing that person's participation in the Hemp program with a culpable mental state greater than negligence shall be subject to the reporting requirements set forth in this section.

B. The Commission shall immediately report a person who is found by the Commission to have violated any statute or regulation governing that person's participation in the Hemp program with a culpable mental state greater than negligence to the following law enforcement agencies:

1. The Attorney General of the United States.

2. Tribal Law Enforcement.

SECTION XLII. UNITED STATES SECRETARY OF AGRICULTURE COMMISSION

A. Not more than thirty (30) days after receiving and compiling the following information, the Commission shall provide it to the United States Secretary of Agriculture or the Secretary's

designee:

1. The licensed grower's name.

2. The licensed grower's telephone number, email address, residential address, mailing address, or another form of contact information.

3. The Location ID for each field, facility, or other place where Hemp is licensed to be grown.

4. An indication whether the person's license is currently in good standing.

B. The Commission shall provide real-time updates to the Secretary.

SECTION XLIII. REGULATIONS

Any regulations promulgated or required in accordance with this Statute shall be submitted to Tribal Council for approval.

SECTION XLIV. SAVINGS CLAUSE

In the event that any phrase, provision, part, paragraph, subsection or section of this Statute is found by a court of competent jurisdiction to violate the Constitution, laws or Statutes of the Little Traverse Bay Bands of Odawa Indians or federal law, such phrase, provision, part, paragraph, subsection or section shall be considered to stand alone and to be deleted from this Statute, the entirety of the balance of this Statue remain in full and binding force and effect.

SECTION XLV. EFFECTIVE DATE

Effective upon signature of the Executive or 30 days from Tribal Council approval whichever comes first or if the Executive vetoes the legislation, then upon Tribal Council override of the veto.

CERTIFICATION

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Statute was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on June 6, 2019 at which a quorum was present, by a vote of 7 in favor, 0 opposed, 0 abstentions, and 2 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Frank Bernard	X			
David Harrington	X			
Dexter McNamara				X
Emily Proctor	X			
Julie Shananaquet	X			
Leroy Shomin	X			
Marcella Reyes	X			
Tamara Kiogima	X			
Fred Harrington, Jr.				X

Date: 06.10.19 _____
Fred Harrington, Jr., Legislative Leader

Date: 06-06-19 _____
Tamara Kiogima, Tribal Council Secretary

Received by the Executive Office on 6-10-19 by _____

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: 7-9-19 _____
Regina Gasco Bentley, Tribal Chairperson

Received from the Executive on 07.09.19 by _____