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2 **WAGANAKISING ODAWAK STATUTE**
3 **HEMP AUTHORIZATION AND REGULATORY COMMISSION STATUTE**
4

5
6 **SECTION I. PURPOSE**
7

8 The purpose of this Statute is to authorize the regulating of Hemp, and create the Hemp
9 Regulatory Commission that will license, regulate, inspect and have enforcement regulatory
10 power for Hemp Operations.
11

12
13 **SECTION II. DEFINITIONS**
14

15 **A.** "Applicant" means a person, or a person who is authorized to sign for a business entity,
16 who submits an application to participate in the industrial hemp program.
17

18 **B.** "Brokering" means engaging or participating in the marketing of hemp by acting as an
19 intermediary or negotiator between prospective buyers and sellers.
20

21 **C.** "Cannabis" means all parts of the cannabis plant, whether growing or not, including its
22 seeds, resin, compounds, salts, derivatives, and extracts. and does not mean "publicly marketable
23 hemp product", as defined by this Statute.
24

25 **D.** "CBD" means cannabidiol.
26

27 **E.** "Certified seed" means seed for which a certificate or any other instrument has been
28 issued by an agency authorized under the laws of a state, territory, or possession to officially
29 certify seed and that has standards and procedures approved by the United States Secretary of
30 Agriculture to assure the genetic purity and identity of the seed certified.
31

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

1 Commission.

2

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

4

5 **H.** "Decarboxylated" means the completion of the chemical reaction that converts THC-acid
6 into delta-9-THC, the intoxicating component of cannabis. The decarboxylated value is also
7 calculated using a conversion formula that sums delta-9-THC and eighty-seven and seven tenths
8 (87.7) percent of THC-acid.

9

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

12

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

15

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

18

19 **L.** "Handling" means means possessing or storing industrial hemp for any period of time on
20 premises owned, operated, or controlled by a person licensed to cultivate or process industrial
21 hemp. "Handling" also includes possessing or storing industrial hemp in a vehicle for any period
22 of time other than during its actual transport from the premises of a licensed person to cultivate
23 or process industrial hemp to the premises of another licensed person.

24

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

29

30 **N.** "Grower licensing agreement" means a document executed by a person and the
31 Commission authorizing the person to grow, handle, and store hemp at one (1) or more specified
32 locations.

33

- 1 **O.** "GPS" means Global Positioning System.
2
- 3 **P.** "Industrial hemp products" means products derived from, or made by, processing
4 industrial hemp plants or plant parts.
5
- 6 **Q.** "Law enforcement agency" means the Little Traverse Bay Bands of Odawa Indians Tribal
7 Police, Drug Enforcement Administration (DEA), or other federal law enforcement agency or
8 drug suppression unit.
9
- 10 **R.** "Licensed grower" means a person authorized by the Commission to grow, handle, store,
11 and market hemp under the terms established by this Statute.
12
- 13 **S.** "Licensed processor" means a person authorized by the Commission to process, handle,
14 store, and market hemp under the terms established by this Statute.
15
- 16 **T.** "Location" or "Land" means the particular land, building or buildings where hemp will be
17 grown, handled, stored, or processed, which can include a field name or building name.
18
- 19 **U.** "Location ID" means the unique identifier established by the applicant for each unique set
20 of GPS coordinates where hemp will be grown, handled, stored, or processed, which can include
21 legal description, a field name or building name.
22
- 23 **V.** "Nonviable seed" means a seed that has been crushed, dehulled, or otherwise rendered to
24 have a zero percent germination rate.
25
- 26 **W.** "Person" means an individual or business entity.
27
- 28 **X.** "Pesticide" means any substance or mixture of substances intended to:
29 **1.** Prevent, destroy, control, repel, attract, or mitigate any pest.
30 **2.** Be used as a plant regulator, defoliant, or desiccant. or
31 **3.** Be used as a spray adjuvant, once they have been mixed with a U.S.
32 Environmental Protection Agency registered product.
33

- 1 **Y.** "Plot" means a contiguous area in a field, greenhouse, or indoor growing structure
2 containing the same variety or strain of hemp throughout the area.
3
- 4 **Z.** "ppm" means parts per million.
5
- 6 **AA.** "Post-harvest sample" means a sample taken from the harvested hemp from a particular
7 plot's harvest in accordance with the procedures as by the Commission. The entire plot's harvest
8 is in the same form (for example, intact-plant, flowers, ground materials, etc.), homogenous, and
9 not mixed with nonhemp materials or hemp from another plot.
10
- 11 **BB.** "Pre-harvest sample" means a composite, representative portion from plants in a hemp
12 plot collected in accordance with the procedures as established by the Commission.
13
- 14 **CC.** "Prohibited variety" means a variety or strain of cannabis excluded by the Commission.
15
- 16 **DD.** "Processing" means converting an agricultural commodity into a marketable
17 Form.
18
- 19 **EE.** "Processor" or "Processor Facility" means a commercial entity that purchases hemp from
20 a grower and that extracts resin from the hemp or creates a hemp-infused product for sale and
21 transfer in packaged form.
22
- 23 **FF.** "Processor licensing agreement" means a document executed by a person and the
24 Commission authorizing the person to process, handle, and store hemp at one (1) or more
25 specified locations.
26
- 27 **GG.** "Program" means the Commission's Industrial Hemp Program.
28
- 29 **HH.** "Propagule" means a plant or plant part that can be utilized to grow a new plant.
30
- 31 **II.** "Publicly marketable hemp product" means a hemp product that meets one (1) or more of
32 the following descriptions:
33

1 Commission whose duty it is to regulate hemp operations. The Commission shall consist of at
2 least three (3) but not more than five (5) persons. There shall be among them a Chairperson, Vice-
3 Chairperson, Secretary and Treasurer, provided the Secretary and Treasurer may be combined
4 into one position.

5
6 **B.** The purpose of the Commission is to ensure compliance with Tribal, Federal, and, if
7 applicable, State laws and regulations. The Commission will serve as the licensing authority for
8 a hemp growing and/or processing operation along with the individuals employed in the hemp
9 operation and the permitting authority for hemp operation locations. As part of the licensing
10 process, the Commission will administer background investigations. The Commission will
11 monitor compliance with the internal control standards for the hemp operation and track revenues.
12 In order to carry out its regulatory duties, the Commission shall have unrestricted access to all
13 areas of a hemp operation and to all records. The Commission shall have authority to take
14 enforcement actions, including suspension or revocation of an individual’s hemp license when
15 appropriate.

16
17 **C.** The Tribe recognizes the importance of an independent Commission in maintaining a well-
18 regulated hemp operations. The Commission shall be and act independently, and autonomously
19 from the Tribal Council in all individual licensing decisions. No prior or subsequent review by the
20 Tribal Council of any licensing and fining actions of the Commission shall be required or permitted
21 except as otherwise explicitly provided in this Statute. To avoid potential conflicts of interest
22 between an operation and regulation of the hemp facility, the Tribe hereby finds that, at a
23 minimum:

- 24
25 **1.** No member of the Tribal Council may serve on the Commission.
26
27 **2.** No person with a financial interest in the Hemp operation shall serve on the
28 Commission.
29
30 **3.** The following persons are ineligible to serve on the Commission: employees of the
31 hemp operation. hemp contractors (including any principal of a management or other
32 contracting company), persons directly related to or sharing a residence with any of the
33 above.

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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

1 establishment.

2
3 **8.** Ensure compliance with all Tribal and Federal laws, rules, and regulations
4 regarding hemp.

5
6 **9.** Investigate any suspicion of wrongdoing associated with any hemp activities, and
7 report any potential criminal violations to Tribal Law Enforcement.

8
9 **10.** Promulgate and issue regulations on the levying of fees associated with hemp
10 license applications.

11
12 **11.** Promulgate and issue regulations on suspension or revocation of hemp licenses for
13 violations of the hemp Statute, or any other Tribal, Federal, or State, if applicable, hemp
14 regulations.

15
16 **12.** Issue citations for violations of the hemp Statute, or any other Tribal, Federal, or
17 State, if applicable, hemp regulations.

18
19 **13.** Adopt a schedule of fines and/or forfeitures as a recommendation that may be
20 imposed by the Court upon the receipt of an admission of guilt or plea of no contest for
21 violations committed. This schedule shall not apply as to penalties assessed by the court
22 after adjudicating a violation where the defendant has entered a plea of not guilty.

23
24 **14.** Perform such other duties the Commission deems appropriate for the proper
25 regulation of the hemp operation.

26
27 **15.** The Commission shall be authorized to employ such staff and/or consultants as
28 reasonably may be required to fulfill its responsibilities under this Statute.

29
30 **F.** The Commission shall ensure that all records and information obtained as a result of a
31 background investigation shall remain confidential and shall not be disclosed to persons who are
32 not directly involved in the licensing process.

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

7
8 **2.** This Section does not apply to requests for such information or records from any
9 Tribal, Federal or State law enforcement or regulatory agency, or for the use of such
10 information or records by the Commission in the performance of their official duties to the
11 extent permitted under applicable law.

12
13 **G.** The Commission shall collect, and retain for a period of at least three calendar years,
14 Location ID information for every site or location where the Commission has approved hemp to be
15 grown.

16
17 **H.** Removal. Members of the Commission can only be removed by a majority vote of Tribal
18 Council.

19
20 **I.** A majority of the sitting member of the Commission shall constitute a quorum. The
21 concurrence of a majority of the members appointed to the Commission shall be required for any
22 final determination by the Commission. The Commission may act in its official capacity even if
23 there are vacancies on the Commission.

24
25 **J.** The Commission shall keep a written record of all its regularly scheduled, special, and
26 emergency meetings, and licensing hearings and meetings.

27
28 **J.** All regulations promulgated under this Statute shall be submitted to Tribal Council for
29 approval.

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32 **SECTION V. LICENSING APPLICATION**
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1 **A. Grower and/or Processor License Application.**

2
3 **1.** Any person who wishes to grow or process hemp at any location within the
4 Tribe's jurisdiction, shall submit to the Commission annually a completed License
5 Application.

6
7 **2.** A Grow Facility and a Processor may co-locate at the same location.

8
9 **3.** A person who does not hold a license from the Commission shall not:

10
11 **a.** Grow, cultivate, handle, or process.

12
13 **b.** Broker, store, or market hemp or other cannabis that does not fall within
14 the definition of a "publicly marketable hemp product" at any location within the
15 Tribe's jurisdiction.

16
17 **4.** The Commission shall deny any Grower or Processor License Application that
18 fails to meet the deadline established in the application.

19
20 **5.** Each applicant shall pay an application fee in the amount established and approved
21 by Tribal Council.

22
23 **6.** The Application shall include the following at a minimum:

24
25 **i.** Full name, residential address, telephone number, and email address, if an
26 email address is available.

27
28 **ii.** If the applicant represents a business entity, the full name of the business,
29 the principal business location address, the full name of the applicant who
30 will have signing authority on behalf of the entity, title, and email address
31 if an email address is available, of the person

32
33 **iii.** Documentation showing either a valid tenancy, ownership or other legal

1 interest in the proposed property.

- 2
- 3 **iv.** Street address, location ID, legal description and GPS coordinates for each
- 4 field, greenhouse, building, or site where hemp will be grown, handled,
- 5 processed or stored.
- 6
- 7 **v.** Information regarding any other hemp growing or processing facility that
- 8 is licensed in any other jurisdiction.
- 9
- 10 **vi.** Proof of Insurance that includes worker's compensation insurance, and
- 11 general liability insurance.
- 12

13 **7.** A business plan and operations plan shall be included with the application that

14 includes at a minimal the following:

15

- 16 **i.** The proposed acreage or greenhouse or indoor square footage to be planted
- 17 or used for processing.
- 18
- 19 **ii.** A description of the type of facility proposed and the anticipated or actual
- 20 number of employees. The name of the proposed Manager of the Facility.
- 21
- 22 **iii.** A security plan which shall include a general description of the security
- 23 systems(s) and lighting plan showing the outside lighting, and current
- 24 centrally alarmed and monitored security system service agreements.
- 25
- 26 **iv.** A list of pesticides, and other chemicals proposed for use.
- 27
- 28 **v.** A description and plan of all equipment and methods that will be employed
- 29 to stop any impact to adjacent uses, including assurances that no odor will
- 30 be detected from outside the Location.
- 31
- 32 **vi.** A plan for the disposal of hemp and related byproducts.
- 33

1 the grower licensing agreement.

2
3 **C.** A licensed grower shall not grow hemp or other cannabis in or adjacent to any structure
4 that is used for residential purposes.

5
6 **D.** A licensed grower shall not handle or store leaf or floral material from hemp or other
7 cannabis in or adjacent to any structure that is used for residential purposes.

8
9 **E.** Hemp shall be physically segregated from other crops unless prior approval is obtained in
10 writing from the Commission.

11
12 **F.** A licensed grower shall not plant hemp or other cannabis plants in an outdoor growing
13 location of less than one-quarter acre and 1,000 plants unless prior approval is received in writing
14 from the Commission.

15
16 **G.** A licensed grower shall not grow hemp or other cannabis in any outdoor field or site that
17 is located within 1,000 feet of a school or a public recreational area.

18
19 **H.** An applicant or licensed grower shall not include any property on his or her application or
20 Site Modification Request, to grow or cultivate hemp that is not owned or completely controlled
21 by the applicant or licensed grower.

22
23 **I.** A licensed grower shall not grow, handle, or store hemp or other cannabis on property
24 owned by, leased from, or previously submitted in a license application by any person who is
25 ineligible or was terminated, or denied a license.

26
27
28 **SECTION VII. APPEALS**

29
30 **A.** Any person who would like to challenge a denial of a license or a suspension of a license
31 must request a hearing before the Commission, prior to an appeal being filed in Tribal Court. The
32 Commission Hearing shall be open to the public and occur at a time and date and location
33 designated by the Commission.

1
2 **B.** The Court shall uphold the decision of the Commission unless the Court determines that
3 the Commission’s decision is clearly arbitrary, capricious, or otherwise not in accordance with
4 applicable law or regulations.
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6
7 **SECTION VIII. GROWER AND/OR PROCESSOR LICENSING AGREEMENTS**
8

9 **A.** An applicant shall not be a participant in the Commission’s program until the
10 conditionally approved applicant and the Commission have executed a grower and/or processor
11 licensing agreement.
12

13 **B.** The agreement shall have a consent to entry onto, and inspection of, all premises where
14 hemp or other cannabis plants or materials are located, or licensed to be located, by
15 representatives of the Commission and law enforcement agencies, with or without cause, with or
16 without advance notice.
17

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

19
20 **1.** Material found to have a measured delta-9-THC content in excess of zero and
21 three-tenths (0.3) percent on a dry weight basis.
22

23 **2.** Plants located in an area that is not licensed by the Commission
24

25 **3.** Plants not accounted for in required reporting to the Commission.
26

27 **D.** Agree to apply for registration of all growing, processing, handling, and storage locations,
28 including a legal description of the location, GPS coordinates, and receive Commission approval
29 for those locations prior to having hemp on those premises.
30

31 **E.** Acknowledge that licensed growers or processor shall submit a Site Modification Request
32 Form, the appropriate fees based on the requested changes, and obtain prior written approval
33 from a representative of the Commission before implementing any change to the licensed sites

1 stated in the grower licensing agreement, and that growing site changes shall be subject to a site
2 modification surcharge.

3
4 **F.** Acknowledge that hemp shall not be grown, processed, handled, or stored in any location
5 other than the location listed in the grower licensing agreement.

6
7 **G.** Agree not to interplant hemp with any other crop without express written permission from
8 the Commission.

9
10 **H.** Acknowledge that anyone applying pesticides to hemp shall hold a pesticide license and
11 apply pesticides in accordance with regulations or the agreement.

12
13 **I.** Acknowledge that licensed growers and/or processors shall comply with restrictions
14 established by the Commission limiting the movement of hemp plants and plant parts.

15
16 **J.** Acknowledge that the risk of financial or other loss shall be borne solely by the licensed
17 grower and/or processor.

18
19 **K.** Agree that any time hemp is in transit, a copy of the grower and/or processor licensing
20 agreement shall be available for inspection upon the request of a representative of the
21 Commission or a law enforcement agency.

22
23 **L.** Agree that, upon request from a representative of the Commission or a law enforcement
24 agency, a licensed grower and/or processor shall immediately produce a copy of his or her grower
25 licensing agreement for inspection.

26
27 **M.** Agree to submit Planting Reports, Harvest/Destruction Reports, and Production Reports,
28 and other reports required by the Commission to which the grower and/or processor has agreed,
29 on or before the deadlines established in this Statute.

30
31 **N.** Agree to scout and monitor unregistered fields for volunteer cannabis plants and to
32 destroy those volunteer cannabis plants for three (3) years past the last date of planting reported
33 to the Commission.

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

- 4
5 **1.** Failure to obtain an acceptable criminal background check. or
6 **2.** Failure to comply with an order from a representative of the Commission.

7
8 **P.** Agree that land used for the cultivation or storage of hemp shall not be owned by or
9 leased from any person who was terminated, or denied admission to the program for one (1) or
10 both of the following reasons:

- 11
12 **1.** Failure to obtain an acceptable criminal background check. or
13 **2.** Failure to comply with an order from a representative of the Commission.

14
15 **Q.** Agree to notify the Commission of any interaction with law enforcement immediately by
16 phone and follow-up in writing within three (3) calendar days of the occurrence.

17
18 **R.** Agree to notify the Commission of any theft of cannabis materials, whether growing or
19 not.

20
21 **S.** Failure to agree or comply with terms and conditions established in the grower licensing
22 and/or processor agreement shall constitute grounds for appropriate Commission action, up to
23 and including termination of the grower licensing agreement and expulsion from the
24 Commission's program.

25
26 **T.** A person who has been expelled from the program shall not be eligible to reapply to the
27 program for a period of five (5) years from the date of expulsion.

28
29 **U.** Failure to agree and sign the grower licensing and/or processor agreement shall terminate
30 conditional approval and a licensing agreement shall not be executed.

31
32
33 **SECTION IX. REGULATIONS FOR SAMPLING, THC TESTING, AND POST-**

1 **TESTING ACTIONS**

2
3 **A.** The Commission shall adopt Regulations for Sampling, Testing, and Post-Testing Actions
4 that contain the following, but not limited to:

- 5
6 **1.** Handling Procedures of Pre-Harvest Samples
7
8 **2.** Pre-Harvest Sampling Procedure
9
10 **3.** *A Harvest/Destruction Report Form.*
11
12 **4.** Time-frames and Grower Responsibilities.
13
14 **5.** Inspections and sample collection.
15
16 **6.** Process for harvested materials from Varieties of Concern.
17
18 **7.** Floral materials harvested for phytocannabinoid extraction.
19
20 **8.** Notification.
21
22 **9.** Equipment Used.
23
24 **10.** Post-harvest retest.
25
26 **11.** Selecting Samples for Testing
27
28 **12.** Post-Testing Actions

29
30 **B.** Any regulations promulgated or required in accordance with this Statute shall follow the
31 Administrative Procedures Act and be submitted to Tribal Council for approval.
32
33

34 **SECTION X. SITE MODIFICATIONS AND SITE MODIFICATION**

1 **SURCHARGE FEES.**

2
3 **A.** A licensed grower who elects to grow or process hemp in a new location or store or
4 handle at a site other than the sites specified by a legal description and the GPS coordinates listed
5 in the grower and/or processor licensing agreement shall submit a Site Modification Request
6 Form, and obtain written approval from a representative of the Commission, prior to planting,
7 processing or storing at the proposed location.

8
9 **B.** Any request for a new growing and/or processing location shall comply with the land use
10 restrictions.

11
12 **C.** The Commission shall charge a site modification surcharge fee for each new growing
13 location, be it an individual field or greenhouse or indoor structure, where hemp will be planted.

14
15 **D.** The Commission shall not approve a site modification request for a new growing and/or
16 processing location until the Commission has received the site modification surcharge fee.

17
18 **E.** The Commission shall not assess a site modification surcharge for changes to storage-only
19 locations.

20
21
22 **SECTION XI. SEED ACQUISITION WITHIN THE UNITED STATES**

23
24 **A.** A person shall not acquire seeds or propagules from a source within the United States
25 without first:

- 26
27 1. Submitting a complete Domestic Seed/Propagule Request form, and
28
29 2. Obtaining written approval of the Domestic Seed/Propagule Request from a
30 representative of the Commission.

31
32 **B.** The Commission shall not approve a Domestic Seed/Propagule Request unless the
33 licensed grower affirms in writing that the requested seed acquisition plan shall not infringe on

1 the intellectual property rights of any person.

2
3 **C.** A person submitting a Domestic Request form shall submit to the Commission
4 documentation showing that mature plants grown from that seed variety or strain have a floral
5 material delta-9-THC content of not more than 3,000 ppm on a dry weight basis from an
6 independent third-party laboratory.

7
8 **D.** A person submitting a Domestic Seed/Propagule Request form shall submit to the
9 Commission documentation verifying the seed or propagule source as a current legal hemp
10 operation in the state of origin.

11
12 **E.** A person acquiring seeds or propagules shall arrange for the seeds or propagules to arrive
13 at the Commission for inventory and distribution.

14
15 **F.** Upon request from a representative of the Commission, a licensed grower or licensed
16 processor shall provide a distribution list showing locations where and to whom the hemp seeds
17 were distributed following inventory at the Commission's facility.

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19
20 **SECTION XII. SEED ACQUISITION FROM A SOURCE OUTSIDE THE UNITED**
21 **STATES.**

22
23 **A.** A person seeking to obtain seeds from an international source shall submit a complete
24 International Seed Request form to the Commission

25
26 **1.** If approved, the Commission shall request the Drug Enforcement Administration
27 (DEA) Permit to Import under the Commission's DEA registration.

28
29 **2.** A person shall not acquire seeds from a source outside the United States unless the
30 Commission first obtains a Permit to Import from the DEA.

31
32
33 **B.** A person shall not acquire propagules other than seeds from outside the United States.

1
2 **C.** All licensed growers intending to plant the requested seed shall be listed on the request
3 form.

4
5 **D.** The Commission shall not approve an International Seed Request form unless the licensed
6 grower affirms in writing that the licensed grower's planned activities shall not infringe on the
7 intellectual property rights of any person.

8
9 **E.** A person submitting an International Seed Request form shall submit to the Commission
10 documentation showing that mature plants grown from that seed variety have a floral material
11 delta-9-THC content of not more than 3,000 ppm on a dry weight basis.

12
13 **F.** A person acquiring seeds or propagules from a source outside the United States shall
14 arrange for the seeds or propagules to arrive at the Commission's facility, for inventory and
15 distribution.

16
17 **G.** Upon request from a representative of the Commission, a licensed grower shall provide a
18 distribution list showing locations where and to whom the imported hemp seeds were distributed
19 following inventory at the Commission's facility.

20
21
22 **SECTION XIII. SEEDS OF WILD, LANDRACE, OR UNKNOWN ORIGIN**

23
24 **A.** A person shall not acquire or grow hemp or cannabis seeds or propagules of wild,
25 landrace, or unknown origin without first obtaining written approval from a representative of the
26 Commission.

27
28 **B.** The Commission shall not permit hemp or cannabis seeds or propagules of wild, landrace,
29 or unknown origin to be planted, cultivated, or replicated by any person without the Commission
30 first arranging for replication and THC testing of mature plants grown from the seeds or
31 propagules by the Commission or its designee.

32
33 **C.** Any licensed grower or licensed processor found to have saved seed, propagules, or

1 cuttings, or cultivated seeds, propagules, or cuttings from a cannabis plant of wild, landrace, or
2 unknown origin, without advance written permission from the Commission shall be subject to
3 suspension or revocation of his or her license and forfeiture without compensation of his or her
4 materials.

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6
7 **SECTION XIV. PLANTING REPORTS FOR OUTDOOR PLANTINGS**

8
9 **A.** A licensed grower shall submit to the Commission a complete and current Field Planting
10 Report, within fifteen (15) days after every planting, including replanting, of seeds or propagules
11 in an outdoor location.

12
13 **B.** Each Field Planting Report shall identify the:

- 14
15 **1.** Correct variety name as designated upon approval of the acquisition request or as
16 approved by the Commission.
17
18 **2.** Field location ID as listed in the grower licensing agreement.
19
20 **3.** Primary intended use of the harvest for each planting.
21

22 **C.** A licensed grower who does not plant hemp in an approved outdoor site listed in the
23 grower license agreement shall submit a Field Planting Report, on or before July 31, stating that
24 hemp has not and shall not be planted at that site.
25

26
27 **SECTION XV. PLANTING REPORTS FOR INDOOR PLANTINGS**

28
29 **A.** A licensed grower shall submit to the Commission a complete and current
30 Greenhouse/Indoor Planting Report within fifteen (15) days after establishing plants at an indoor
31 location.
32

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

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- 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.

1 **SECTION XVII. PESTICIDE USE**

2
3 **A.** A licensed grower who uses a pesticide on hemp shall be certified to apply pesticides by
4 the Commission regulations.

5
6 **B.** A licensed grower who is certified to apply pesticides by the Commission shall not use, or
7 be eligible to use pesticides to hemp in violation of the product label.

8
9 **C.** A licensed grower shall not use any pesticide in violation of the product label.

10
11 **D.** A licensed grower who uses a pesticide on a site where hemp will be planted shall comply
12 with the longest of any planting restriction interval on the product label prior to planting the
13 hemp.

14
15 **E.** The Commission may perform pesticide testing on a random basis or if representatives of
16 the Commission have reason to believe that a pesticide may have been applied to hemp in
17 violation of the product label.

18
19 **F.** Hemp seeds, plants, and materials bearing pesticide residue in violation of the label shall
20 be subject to forfeiture or destruction without compensation.

21
22
23 **SECTION XVIII. RESPONSIBILITY OF A LICENSED GROWER PRIOR TO**
24 **HARVEST OF HEMP PLOTS**

25
26 **A.** The Commission may collect samples of any cannabis material prior to harvest at any
27 time.

28
29 **B.** A licensed grower shall submit a complete and current Harvest/Destruction Report form
30 to the Commission at least fifteen (15) days prior to the intended harvest date or intended
31 destruction of a failed crop.

32
33 **C.** The Commission's receipt of a Harvest/Destruction Report shall trigger a sample

1 collection by the Commission.
2

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

5
6 **E.** Representatives of the Commission shall be provided with complete and unrestricted
7 access to all hemp and other cannabis plants, whether growing or harvested, and all land,
8 buildings, and other structures used for the cultivation, handling, and storage of all hemp and
9 other cannabis plants. and all locations listed in the grower licensing agreement.

10
11 **F.** The licensed grower shall harvest the crop not more than fifteen (15) days following the
12 date of sample collection by the Commission, unless specifically authorized in writing by the
13 Commission.

14
15 **G.** If the licensed grower fails to complete harvest within fifteen (15) days, the Commission
16 may order a secondary pre-harvest sample of the plot, and the licensed grower shall be assessed a
17 secondary pre-harvest sample fee per plot in the amount by the Commission prior to collecting
18 the sample.

19
20 **H.** Harvested materials from varieties of concern shall not be commingled with other
21 harvests without prior written permission from the Commission.

22
23 **I.** Floral materials harvested for phytocannabinoid extraction shall not be moved outside the
24 Commonwealth or beyond a processor, nor commingled, nor extracted, until the Commission
25 releases the material in writing.

26
27 **J.** A licensed grower who fails to submit a Harvest/Destruction Report or who does submit a
28 Harvest/Destruction Report and proceeds to harvest a crop prior to a sample being collected by
29 the Commission shall be subject to revocation of his or her license.

30

31

32 **SECTION XIX. THC TESTING**

33

1 **A.** The hemp to be selected for sampling shall be determined by a representative of the
2 Commission.

3
4 **B.** The Commission shall collect and retain samples from each plot in accordance with the
5 Commission regulations and procedures.

6
7 **C.** All samples shall become the property of the Commission and shall not be returnable.
8 Compensation shall not be owed by the Commission for the sample.

9
10 **D.** The Commission may identify and contract with a third party lab to perform THC testing
11 services.

12
13
14 **SECTION XX. PROHIBITED PRODUCTS**

15
16 **A.** A licensed processor shall not manufacture any of the following prohibited products:

17
18 **1.** Hemp cigarettes.

19
20 **2.** Hemp cigars.

21
22 **3.** Chew, dip, or other smokeless material consisting of hemp leaf material or hemp
23 floral material.

24
25 **4.** Hemp leaf material or floral material teas.

26
27
28 **SECTION XXI. RESTRICTIONS ON SALE OR TRANSFER**

29
30 **A.** A licensed grower shall not sell or transfer, or permit the sale or transfer, of living plants,
31 viable seeds, leaf material, or floral material to any person without prior approval by the
32 Commission.

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

6
7 **C.** A licensed grower selling or transferring, or permitting the sale or transfer, of floral or
8 plant extracts (including CBD), shall retain testing data or results for at least three (3) years
9 demonstrating that the extract's delta-9-THC level is not more than zero and three-tenths (0.3)
10 percent.

11
12 **D.** A licensed grower may transfer up to one (1) pound of hemp per transfer to testing
13 laboratories, for the purpose of measuring THC, CBD, or other phytocannabinoid profile levels.
14 The licensed grower shall ensure compliance with laws in other states.

15
16 **E.** Licensed growers shall comply with the federal Food Drug and Cosmetic Act, 21 U.S.C.
17 Chapter 9, and all other applicable federal laws and regulations relating to product development,
18 product manufacturing, consumer safety, and public health.

19
20 **F.** A licensed grower shall not knowingly permit hemp to be sold to or used by any person
21 involved in the manufacture of an item named on the prohibited products list as follows:

22
23 **5.** Hemp cigarettes.

24
25 **6.** Hemp cigars.

26
27 **7.** Chew, dip, or other smokeless material consisting of hemp leaf material or hemp
28 floral material.

29
30 **8.** Hemp leaf material or floral material teas.

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33 **SECTION XXII. OTHER PROHIBITED ACTIVITIES**

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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

1 Information and documents generated or obtained by the Commission in connection with the
2 program shall be subject to disclosure pursuant WOS 2010-009 Public Documents Statute, as
3 amended. Personal and confidential business information shall be exempt.
4
5

6 **SECTION XXV. IMMEDIATE LICENSE SUSPENSION**
7

8 **A.** The Commission shall immediately suspend a license, without an opportunity for a
9 hearing, if the licensed person pleads guilty to, or is convicted of, any felony or drug-related
10 misdemeanor.
11

12 **B.** The Commission shall immediately suspend a license, without an opportunity for a
13 hearing, if the licensed person or his or her agent admits to having made any false statement to
14 the Commission or its representative or failed to comply with any instruction or order from the
15 Commission, a representative of the Commission, or any law enforcement officer.
16
17

18 **SECTION XXVI. TEMPORARY LICENSE SUSPENSION PROCEDURES**
19

20 **A.** The Commission shall notify a licensee in writing that the grower and/or processor
21 licensing agreement has been temporarily suspended if a representative of the Commission
22 receives information supporting an allegation that a licensed grower has:
23

- 24 **1.** Violated a Commission Regulation.
- 25
- 26 **2.** Made a false statement to a representative of the Commission or a law
27 enforcement agency.
28
- 29 **3.** Been found to be growing or in possession of cannabis with a measured delta-9-
30 THC concentration at or above 30,000 ppm.
31
- 32 **4.** Failed to comply with an order from a representative of the Commission or a law
33 enforcement agency.

1
2 **B.** A person whose grower licensing agreement has been temporarily suspended shall not
3 harvest, process, or remove cannabis from the premises where hemp or other cannabis was
4 located at the time when the Commission issued its notice of temporary suspension, except as
5 authorized in writing by a representative of the Commission.

6
7 **C.** As soon as possible after the notification of temporary suspension, a representative of the
8 Commission shall inspect the licensed grower's premises and perform an inventory of all
9 cannabis, hemp, and hemp products that are in the licensed grower's possession.

10
11 **D.** The Commission shall schedule a license revocation hearing for a date as soon as
12 practicable after the notification of temporary suspension, but in any event not later than sixty
13 (60) days following the notification of temporary suspension.

14
15
16 **SECTION XXVII. LICENSE REVOCATION HEARINGS AND CONSEQUENCES OF**
17 **REVOCATION**

18
19 **A.** The Commission shall notify a person whose grower licensing agreement has been
20 temporarily suspended of the date when the person's license revocation hearing will occur at a
21 time and place designated by the Commission.

22
23 **B.** License revocation hearings shall be open to the public.

24
25 **C.** A person whose grower and/or processor licensing agreement has been temporarily
26 suspended shall appear in person at the assigned hearing time. Failure to appear on time shall
27 constitute a waiver of the person's right to present information and arguments against revoking
28 the grower licensing agreement.

29
30 **D.** A representative of the Commission shall be allowed an opportunity to present
31 information and arguments for revoking the grower licensing agreement.

32
33 **E.** A person whose grower licensing agreement has been temporarily suspended shall be

1 allowed an opportunity to present information and arguments against revoking the grower
2 licensing agreement.

3
4 **F.** If a majority of the Commission find that it is more likely than not that a licensed grower
5 and/or process has committed any of the acts in violation of Commission Regulations or violated
6 any provision of the grower and/or processor licensing agreement, then the licensing agreement
7 shall be revoked effective immediately.

8
9 **G.** If a majority of the members of the Commission vote against revoking the grower
10 licensing agreement, the Commission shall lift the temporary suspension within immediately.

11
12 **H.** If a majority of the members of the Commission vote in favor of revoking the licensing
13 agreement, then a representative of the Commission or a law enforcement agency shall destroy or
14 confiscate all cannabis, hemp, and hemp products that are in the person's possession.

15
16 **I.** A person whose property is destroyed or confiscated by a representative of the
17 Commission or a law enforcement agency shall be owed no compensation or indemnity for the
18 value of the cannabis, hemp, or hemp products that were destroyed or confiscated.

19
20 **J.** A person whose licensing agreement has been revoked shall be barred from participation
21 in the program in any capacity for a minimum period of five (5) years.

22
23
24 **SECTION XXVIII. MONETARY CIVIL PENALTIES**

25
26 **A.** If the Commission receives information supporting a finding that it is more likely than not
27 that a person has engaged in conduct violating a provision Commission Regulations, or the
28 licensing agreement, then the Commission shall assess a monetary civil penalty not to exceed
29 \$2,500 per violation.

30
31 **B.** A person wishing to appeal the Commission's assessment of a monetary civil penalty
32 shall submit a written request for a hearing within fifteen (15) days of the notification date.

1 **C.** Appeals shall be heard by Commission.
2

3 **D.** Hearings on the appeal shall be open to the public and occur at a time, date, and location
4 designated by the commissioner.
5

6 **E.** An appealing person shall appear in person at the assigned hearing time. Failure to appear
7 on time shall constitute grounds for dismissal of the appeal.
8

9 **F.** An appealing person shall be allowed an opportunity to present arguments for reversing
10 the assessed monetary civil penalty.
11

12 **G.** A representative of the Commission shall be allowed an opportunity to present arguments
13 for affirming the assessed monetary civil penalty.
14

15 **H.** A majority of the Commission may affirm the assessed monetary civil penalty, affirm and
16 increase or decrease the assessed monetary civil penalty, or reverse the assessed monetary civil
17 penalty.
18

19 **I.** Any person who disagrees with the Commission's decision, after a hearing has been held,
20 may appeal the Commission's decision to Tribal Court.
21

22 **J.** The Court shall uphold the decision of the Commission unless the Court determines that
23 the Commission's decision is clearly arbitrary, capricious, or otherwise not in accordance with
24 applicable law or regulations.
25

26
27 **SECTION XXIX. NEGLIGENTLY VIOLATED**
28

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

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 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

1
2 **A.** In addition to being subject to the license suspension, license revocation, and monetary
3 civil penalty, a person who is found by the Commission to have violated any statute or regulation
4 governing that person’s participation in the hemp program with a culpable mental state greater
5 than negligence shall be subject to the reporting requirements set forth in this section.

6
7 **B.** The Commission shall immediately report a person who is found by the Commission to
8 have violated any statute or regulation governing that person’s participation in the hemp program
9 with a culpable mental state greater than negligence to the following law enforcement agencies:

- 10
11 **1.** The Attorney General of the United States.
12
13 **2.** Tribal Law Enforcement.
14

15
16 **SECTION XLII. UNITED STATES SECRETARY OF AGRICULTURE**
17 **COMMISSION**

18
19 **A.** Not more than thirty (30) days after receiving and compiling the following information,
20 the Commission shall provide it to the United States Secretary of Agriculture or the Secretary’s
21 designee:

- 22 **1.** The licensed grower’s name.
23
24 **2.** The licensed grower’s telephone number, email address, residential address,
25 mailing address, or another form of contact information.
26
27 **3.** The Location ID for each field, facility, or other place where hemp is licensed to
28 be grown.
29
30 **4.** An indication whether the person’s license is currently in good standing.

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32 **B.** The Commission shall provide real-time updates to the Secretary.
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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 Disclosure of Public Documents 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, such phrase, provision, part, paragraph, subsection or section shall be considered to stand alone and to be deleted from these Rules and Procedures, the entirety of the balance of these Rule and Procedures 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