



# *Bois Forte*

## TRIBAL GOVERNMENT

### RESOLUTION # 46-2025

#### **Amending the Bois Forte Cannabis Regulatory Ordinance**

**WHEREAS,** the Bois Forte Band of the Minnesota Chippewa Tribe (the “Band”) is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934 and operating under the Revised Constitution and Bylaws of the Minnesota Chippewa Tribe; and

**WHEREAS,** the Bois Forte Reservation Tribal Council (“RTC”) is the governing body of the Band, which has the duty to exercise the responsibilities of self-government and management over the Band’s affairs; and

**WHEREAS,** the RTC has developed and adopted an ordinance entitled the “Bois Forte Cannabis Regulatory Ordinance” (“Ordinance”) to regulate matters relating to cannabis, including, but not limited to, the use, possession, cultivation, production, sale, and transport of cannabis products within the Band’s Territory; and

**WHEREAS,** to ensure meaningful and comprehensive regulation of cannabis activities, the Ordinance establishes the Cannabis Regulatory Commission (“Commission”) as a civil regulatory agency of the Band, delegates to the Commission principal regulatory responsibility related to cannabis, and sets the minimum qualifications and terms of members of the Commission, among other things; and

**WHEREAS,** to ensure greater flexibility in the appointment of Commission members, the RTC desires to amend Commission terms as set out in the Ordinance and to maintain current qualification requirements for Commission members, but allow for a waiver of certain qualification requirements in the RTC’s discretion.

**NOW THEREFORE BE IT RESOLVED,** that Section 2.2(C) of the Ordinance is hereby amended so that it states as follows:


“Commissioners shall serve terms as set by the Tribal Council in its discretion.”

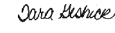
**BE IT FURTHER AND FINALLY RESOLVED**, that Section 2.2(B)(i) of the Ordinance is hereby amended so that it states as follows:

“The Tribal Council will appoint the Commissioners, provided that each appointment satisfies the mandatory qualifications set forth in subsection (E) of this Section unless waived as provided herein. The Tribal Council may request information or documentation reasonably necessary to determine whether a person satisfies the mandatory qualifications for appointment or reappointment to the Commission. Notwithstanding anything to the contrary herein, the Tribal Council in making an appointment may also waive any required qualification set forth in subsection (E)(ii) in its discretion.”

**CERTIFICATION**

We do hereby certify that the forgoing Resolution was duly adopted and enacted upon by a vote of 4 for, 0 against, 0 abstaining, by the Bois Forte Reservation Tribal Council, a quorum being present, on November 25, 2024 at Nett Lake, Minnesota.

DocuSigned by:  
  
B58AD3BCD19445C...  
Cathy Chavers  
Chairwoman

DocuSigned by:  
  
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Tara Gesnick  
Secretary-Treasurer



# Bois Forte

## TRIBAL GOVERNMENT

### RESOLUTION # 76-2024

#### Adoption of the Bois Forte Cannabis Regulatory Ordinance

**WHEREAS,** the Bois Forte Band of the Minnesota Chippewa Tribe (the “Band”) is a federally recognized Indian Tribe organized under the Indian Reorganization Act of 1934 and operating under the Revised Constitution and Bylaws of the Minnesota Chippewa Tribe; and

**WHEREAS,** the Bois Forte Reservation Tribal Council (“RTC”) is the governing body of the Band, which has the duty to exercise the responsibilities of self-government and management over the Band’s affairs; and

**WHEREAS,** the RTC has developed an ordinance entitled the “Bois Forte Cannabis Regulatory Ordinance” to regulate matters relating to cannabis, including, but not limited to, the use, possession, cultivation, production, sale, and transport of cannabis products within the Band’s Territory; and

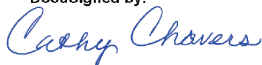
**WHEREAS,** to ensure meaningful and comprehensive regulation of cannabis activities, the Ordinance establishes the Cannabis Regulatory Commission (“Commission”) as an agency of the Band and consolidates all regulatory responsibility related to cannabis in the Commission in order to further the economic development and health, safety, and welfare goals of the Band; and

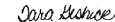
**WHEREAS,** the RTC has determined that the adoption of the Bois Forte Cannabis Regulatory Ordinance governing the regulation of cannabis activities occurring within the Band’s Territory is in the best interests of the Band.

**NOW THEREFORE BE IT RESOLVED,** that effective immediately, the RTC hereby adopts the Bois Forte Cannabis Regulatory Ordinance, attached hereto as Exhibit A.

#### CERTIFICATION

We do hereby certify that the forgoing Resolution was duly adopted and enacted upon by a vote of 4 for, 0 against, 0 abstaining, by the Bois Forte Reservation Tribal Council, a quorum being present, on APRIL 19, 2024 at Nett Lake, Minnesota.

DocuSigned by:  
  
B58AD3BCD19445C...  
Cathy Chavers  
Chairwoman

DocuSigned by:  
  
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Tara Geshick  
Secretary-Treasurer

## **Bois Forte Cannabis Regulatory Ordinance**

### **Chapter 1. General Provisions**

#### **Section 1.1. Purpose and Scope.**

- A. This Ordinance regulates matters relating to cannabis, including but not limited to, the use, possession, cultivation, production, sale, and transport of cannabis products within the Band's Territory.
- B. This Ordinance consolidates all regulatory responsibility related to cannabis in the Cannabis Regulatory Commission, an agency of the Band, in order to further the economic development and health, safety, and welfare goals of the Band.
- C. This Ordinance applies to the Band, Band members, Band businesses operating with the Band's Territory, and visitors to the Band's Territory who voluntarily consent to the jurisdiction of by affirmative actions that establish such consent, including by patronizing a business regulated under this Ordinance.
- D. Nothing in this Ordinance shall be or be deemed to be a waiver of the Band's sovereign immunity.

#### **Section 1.2. Definitions.**

- A. "Adult Use Cannabis Product" means marijuana flower, concentrate, and edibles that are cultivated, produced, distributed, and sold in compliance with this Ordinance. This includes Adult Use Cannabis Products that are acquired from a state licensed cannabis business, or a cannabis business licensed by another Indian tribe.
- B. "Adult Use Cannabis Flower" means the harvested flower, bud, leaves, and stems of a marijuana plant that is cultivated, processed, distributed, and sold in compliance with this Ordinance. This includes Adult Use Cannabis Flower that is acquired from a state licensed cannabis business, or a cannabis business licensed by another Indian tribe.
- C. "Adult Use Cannabis Edible" means any product that is intended to be eaten or consumed as a beverage by humans and contains Adult Use Cannabis Concentrate in combination with food ingredients that is produced, distributed, and sold in compliance with this Ordinance. This includes Adult Use Cannabis Edibles that are acquired from a state licensed cannabis business, or a cannabis business licensed by another Indian tribe.
- D. "Adult Use Cannabis Concentrate" means: (1) the extracts and resins of a marijuana plant or flower; (2) the extracts or resins of a marijuana plant or flower that are refined to increase the presence of targeted cannabinoids; or (3) a product that is produced by refining extracts or resins of a marijuana plant or flower and is intended to be consumed by combustion or vaporization of the product and inhalation of smoke, aerosol, or vapor from the product, and is produced, distributed, and sold in compliance with this Ordinance. This

includes Adult Use Cannabis Concentrates that are acquired from a state licensed cannabis business, or a cannabis business licensed by another Indian tribe.

E. "Band" means the Bois Forte Band of the Minnesota Chippewa Tribe, a federally recognized Indian tribe.

F. "Cannabis Paraphernalia" means all equipment, products, and materials of any kind that are knowingly or intentionally used primarily in: (1) manufacturing or packaging Adult Use Cannabis Products; (2) ingesting, inhaling, or otherwise introducing Adult Use Cannabis Products into the human body; and (3) testing the strength, effectiveness, or purity of Adult Use Cannabis Products.

G. "Gaming Operation" means the conduct of gaming and related business activities by any business owned by the Band and operated for the conduct of Class II or Class III gaming pursuant to the Band's Gaming Ordinance.

H. "Hemp" means the plant *Cannabis sativa* L. and any part of the plant, whether growing or not, including the plant's seeds, and all the plant's 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.

I. "Marijuana" means all parts of the plant of any species of the genus *cannabis*, including all agronomical varieties, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin, but shall not include the mature stalks of such plant, fiber from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination. Marijuana does not include hemp.

J. "Territory" means Indian country, as defined in 18 U.S.C § 1151, over which the Band has governmental jurisdiction, which shall include, but is not limited to, all land within the exterior boundaries of those areas known as the Nett Lake, Deer Creek, and Vermilion sectors of the Bois Forte Reservation; all Indian allotments, the Indian title to which has not been extinguished, including but not limited to Indian Point and Sugar Bush; and to the waters adjacent to that territory.

K. "Tribal Council" means the governing body of the Band.

### **Section 1.3. Hemp Products.**

This Ordinance applies to the cultivation, production, and sale, of hemp products, except that: (i) the Cannabis Regulatory Commission may promulgate regulations specific to the cultivation, production, and sale of hemp products that are different than what would otherwise be required under this Ordinance; and (ii) the Band, its enterprises, or members may cultivate, produce and

sell hemp products in compliance with State law. The quantity limitations on possession of cannabis products in this Ordinance do not apply to hemp products.

## **Chapter 2. Cannabis Regulatory Commission**

### **Section 2.1. Establishment; Purpose; Delegation of Authority.**

#### **A. Establishment and Purpose.**

(i) The Cannabis Regulatory Commission is established as the civil regulatory agency of the Band having oversight of all cannabis-related matters within the Band's jurisdiction (except as provided in 2.1.B, below or otherwise retained by Council), through Compact, Ordinance, Tribal Council Resolution, or otherwise, consistent with the powers and authorities outlined under this Ordinance. The Commission is an instrumentality of the Band government, sharing the Band's sovereign immunity, and nothing in this Ordinance shall be or be deemed to be a waiver of the Band's sovereign immunity.

(ii) The Commission is comprised of three members that include one Commission Director and two Commissioners.

#### **B. Enforcement of Individual Use and Possession Provisions.**

The Commission shall not be responsible for regulation of individual use, possession, and cultivation of marijuana, or for enforcement of such provisions in this Ordinance.

#### **C. Delegation of Authority.**

The Tribal Council delegates to the Commission the following authority to:

(i) promulgate regulations with respect to the provisions of this Ordinance, and to amend and repeal such regulations, subject to the approval of the Tribal Council;

(ii) hire staff or agents to assist in fulfilling the Commission's duties hereunder, subject to the approval of the Tribal Council;

(iii) delegate powers to such staff or agents, and to oversee such staff and agents;

(iv) impose and administer fees and taxes on entities licensed under this Ordinance, subject to the approval of the Tribal Council;

(v) sue in the Tribal Courts for civil regulatory violations of this Ordinance;

- (vi) issue, suspend, and revoke licenses as provided in this ordinance or regulations issued under this ordinance, subject to the approval of the Tribal Council;
- (vii) audit, inspect and monitor entities licensed under this Ordinance in order to ensure compliance with this Ordinance and to assess the effectiveness of this Ordinance and regulations enacted under this Ordinance;
- (viii) investigate and aid in prosecution of any suspicion of wrongdoing relating to cannabis activities and any suspected violation of this Ordinance, cooperate with law enforcement and regulators, and cooperate in prosecution of offenders before any court of competent jurisdiction;
- (ix) enforce the requirements of this Ordinance and any Cannabis Regulatory Commission regulations;
- (x) exercise all powers incidental, convenient, or necessary to enable it to administer or carry out any of the provisions of this Ordinance;
- (xi) carry out any other regulatory duties with respect to cannabis and cannabis activities as the Tribal Council shall direct.

D. Retained Authority of Tribal Council.

The powers exercised by the Commission under Section 2.1(B)(i), (ii), (iv), and (vi) above shall be subject to approval of the Tribal Council. No measure subject to approval shall be effective until approved by the Tribal Council by Resolution, or other appropriate approval document. The Commission shall submit any such measure to the Secretary-Treasurer of the Tribal Council. The measure shall become effective upon approval by Tribal Council, unless the proposal provides for a later effective date. In the absence of affirmative approval or veto by the Tribal Council, a proposed measure shall deemed denied sixty days after the date it was received by the Tribal Council from the Commission, without prejudice to resubmission by the Commission.

**Section 2.2.** Composition; Election of Members; Term.

A. Members.

- (i) The Commission shall consist of three members (each, a “Commissioner”) appointed by the Tribal Council, one of whom shall be designated as the Commission Director.
- (ii) The Commission Director is the principal regulatory officer and shall serve as Chair of the Commission. The Commission shall further appoint among themselves a Vice-Chair and a Secretary. The Commission Director shall preside over meetings of the Cannabis Regulatory Commission and the Vice-Chair shall

preside in absence of the Chair. The Secretary shall record in writing the minutes of all Cannabis meetings and all official actions taken by the Cannabis Regulatory Commission.

B. Appointment Procedure.

(i) The Tribal Council will appoint the Commissioners, provided that each appointment satisfies the mandatory qualifications set forth in subsection (E) of this Section. The Tribal Council may request information or documentation reasonably necessary to determine whether a person satisfies the mandatory qualifications for appointment or reappointment to the Commission.

(ii) An appointment will be made by majority vote of the Tribal Council. A Tribal Council Resolution of the Band as to the appointment or reappointment of a Commissioner will be conclusive evidence of the proper appointment of such person.

(iii) The effective date of appointment of the Commissioner will be set out in the Tribal Council Resolution appointing said Commissioner.

C. Term of Office.

Commissioners shall serve four-year terms, subject to the provisions in this subsection governing the initial terms of office. The initial term of the Commissioners shall be as follows: (i) two Commissioners shall be appointed to a three (3) year term; and (ii) one Commissioner shall be appointed to a four (4) year term. Following the first terms of office, all Commissioner positions shall serve for a four (4) year term.

D. Commission Director Duties.

(i) The Director shall develop and propose rules and regulations governing cannabis activities and operations licensed by the Commission for review and approval by the Commission.

(ii) The Director may be present at any cannabis operation licensed under this Ordinance during all hours of operation and shall have immediate access to any and all areas of the cannabis operation for the purpose of ensuring compliance with the regulatory provisions of this Ordinance.

(iii) The Director shall investigate reports of potential violations of this Ordinance and provide recommendations regarding enforcement actions to the Commission.

(iv) The Director shall review license applications and provide recommendations to the Commission to grant or deny such applications.



Any authority expressly reserved to the Director may be delegated by the Director to Commission personnel under the Director's authority. The Director shall supervise other Commission employees in carrying out the purposes and provisions of this Ordinance.

E. Qualifications and Eligibility.

(i) The following individuals may not serve as Commissioners: members of the Tribal Council or the Bois Forte Gaming Commission; members of the board of directors of any licensee or tribally-owned enterprise that engages in any cannabis activity; employees of any licensee or tribally-owned enterprise that engages in any cannabis activity; and, any employee of any Gaming Operation.

(ii) A Commissioner must:

a. be age 21 or older;

b. be an enrolled member of the Band residing within the State of Minnesota; and

c. pass a background check showing that they have not been convicted of any felony or any lesser crime if that crime involved theft, fraud, or misappropriation or embezzlement of money, under any federal, state, or tribal jurisdiction.

F. Removal.

Commissioners may only be removed from office before the expiration of their term of office by the Tribal Council for neglect of duty, malfeasance, misfeasance, nonfeasance, taking a position that would render the Commissioner ineligible or unqualified under subsection (E)(i) above, being convicted of a crime that would render the Commissioner unqualified under subsection (E)(ii) above, disenrollment from the Band, relocating residence outside of the State of Minnesota, or other good cause shown.

**Section 2.3.** Compensation & Budget.

Commissioners will be compensated for their service and reimbursed for actual expenses, including traveling expenses, incurred in the discharge of their duties. The Tribal Council will establish annually the rate of compensation for the Commissioners. On or before August 15 of each year, the Cannabis Regulatory Commission shall provide to the Tribal Council a proposed budget and budget justification for the following fiscal year.

**Section 2.4.** Meetings; Actions of the Commission.

A. Meetings.

(i) The Commissioners shall meet as frequently as necessary to discharge their duties, but in no case less frequently than once a quarter at a time and date to be determined by the Commissioner.

(ii) The Chair may call a special meeting when necessary. Notice of special meetings shall be given in writing to each Commissioner, served by first class mail for delivery at least five (5) business days prior to any special meeting, or by email if the Commissioner agrees in writing to electronic notice. Any or all of the Commissioners may participate in any meeting by, or conduct the meeting through, use of any means of communication by which all individuals participating may simultaneously hear each other during the meeting.

B. Quorum.

The Director and one other Commissioner shall constitute a quorum of the Cannabis Regulatory Commission.

C. Commission Actions.

Except with respect to carrying out duties expressly reserved to the authority and discretion of the Commission Director, or as otherwise provided in this Ordinance under Sections 4.5 and 4.6, actions of the Commission shall be undertaken as follows:

(i) The Director shall submit recommended actions to the Commission for approval.

(ii) The Commission shall consider the Director's recommendation, and may approve it by an affirmative vote of at least two (2) Cannabis Regulatory Commissioners, one of which may be a vote of the Director.

(iii) The Commission may approve a recommendation of the Director subject to modifications or conditions determined by the Commission.

(iv) Approval by the Commission of the Director's recommendation constitutes an official act of the Commission, subject to submission to Council for approval if required under Section 2.1.D.

(v) If the Commission does not approve a recommendation of the Director, then such recommendation shall not be an act of the Commission.

D. Authority of Director When Board of Commissioners Not Constituted.

Notwithstanding any other provision of this Ordinance, in the event there is a duly appointed and serving Director, but fewer than two duly appointed and serving Commissioners, then the Director shall be empowered, and have the sole authority, to exercise any and all powers of the Commission, until such time as there are two or more

duly appointed and serving Commissioners. Any action by the Director under this provision shall be an action of the Commission under Section 2.4.C.

**Section 2.5.** Reports.

Within 30 days of the end of each fiscal quarter, except the final fiscal quarter, the Commission shall provide to the Tribal Council a quarterly report summarizing its activities during the prior fiscal quarter and accounting for all receipts and disbursements. This annual report shall identify, without limitation, all licenses that the Cannabis Regulatory Commission issued, suspended, or revoked; all license applications that the Commission denied; all fees that the Commission collected; all enforcement actions that the Commission commenced; all sanctions that the Commission imposed; and all dates on which any Commission staff engaged in investigation of a licensee and the nature of the investigation. The Cannabis Regulatory Commission may provide the Tribal Council with additional reports on a more frequent basis as the Commission concludes is necessary and appropriate.

The quarterly report for the final fiscal quarter shall be provided to Council within 60 days of the end of the fiscal year. In addition to the material otherwise required for the quarterly report, the final fiscal quarter report shall include a summary of such information for the complete fiscal year.

**Chapter 3. Adult Possession and Use**

**Section 3.1.** Possession by Adults Permitted.

Adults age 21 years or older may:

- (i) possess or transport two ounces or less of Adult Use Cannabis Flower in a public place;
- (ii) possess two pounds or less of Adult Use Cannabis Flower in the individual's private residence;
- (iii) possess or transport eight grams or less of Adult Use Cannabis Concentrate;
- (iv) possess or transport Adult Use Cannabis Edible products with a combined total of 800 milligrams or less of tetrahydrocannabinol;
- (v) use, possess, or transport cannabis paraphernalia.

**Section 3.2.** Adult Use Permitted.

A. Subject to the limitations in Section 3.2.B(iii) and (iv) and in Section 645.02(e), subd. 7, of Chapter 6 of the Bois Forte Tribal Code, adults age 21 years or older may use Adult Use Cannabis Products in the following locations:

- (i) a private residence, including the individual's curtilage or yard;

(ii) on private property that is not generally accessible by the public, unless the individual is explicitly prohibited from consuming cannabis products on the property by the owner of the property; and

(iii) on the premises of an establishment or event licensed to permit on-site consumption.

B. Subject to the limitations in Section 645.02(e), subd. 8-11, of Chapter 6 of the Bois Forte Tribal Code, an individual may not:

(i) use cannabis products in a motor vehicle;

(ii) use cannabis products in any Band government building;

(iii) use cannabis products in a manner that involves the inhalation of smoke, aerosol, or vapor at any location where smoking is prohibited by law, regulation, or policy of the location, or in any location where the smoke, aerosol, or vapor could be inhaled by a minor;

(iv) use cannabis products in any location where cannabis use is prohibited by the owner, manager, or other entity with authority over the location, and notice of such prohibition is posted;

(v) operate a motor vehicle or watercraft while under the influence of cannabis;

(vi) use cannabis products in a school, on school grounds, or in a school zone, or at a playground, park, recreational center, sports complex, or sports field, or court; or

(vii) use cannabis products on the Bois Forte powwow grounds.

### **Section 3.3. Home Cultivation Permitted.**

A. Cultivation Limits.

Up to eight cannabis plants, with no more than four being mature, flowering plants may be grown at a single residence, including the curtilage or yard, without a license to cultivate cannabis issued under this chapter provided that the cultivation takes place at the primary residence of an individual 21 years of age or older and in an enclosed, locked space that is not open to public view.

B. Exception to the Possession Limits.

An adult age 21 years or older may lawfully possess in their residence all cannabis flower cultivated in compliance with this Section, notwithstanding the limitations that would otherwise apply to possession in a residence.

#### **Chapter 4. Licensing**

##### **Section 4.1. General Provisions.**

###### **A. Eligibility.**

The Commission may issue licenses to the Band and entities wholly-owned by the Band that are established under Band law.

###### **B. Term of License.**

A license issued under this ordinance shall have a term of two years. The Commission shall establish by regulation the rules and procedures for renewal of a license.

##### **Section 4.2. Application.**

###### **A. All applicants must submit the following information:**

- (i) identification of directors (or equivalent office as applicable to the legal entity) and management employees;
- (ii) identification of the license category or categories and any endorsements sought by the applicant;
- (iii) address and legal property description of the business;
- (iv) operating procedures (including the plans for compliance with inventory, safety testing, and security) applicable to the license category sought;
- (v) to the extent not included in (iv):
  - a. a general description of the location or locations that the applicant plans to operate, including the planned square feet of planned space for cultivation, wholesaling, and retailing, as applicable;
  - b. a copy of the applicant's business plan showing the expected size of the business; anticipated growth; the methods of record keeping; the knowledge and experience of the applicant and any officer, director, manager, and general partner of the business; the environmental plan; and other relevant financial and operational components;
- (vi) certification that the applicant will comply with the requirements of this chapter relating to the ownership and operation of a cannabis business;

(vii) identification of one or more controlling persons or managerial employees as agents who shall be responsible for dealing with the Commission on all matters; and,

(viii) any other information that the Commission may require.

B. Fees.

An application for a license shall be accompanied by a fee to be established by the Commission and approved by the Tribal Council.

**Section 4.3. Cannabis Business Licenses.**

A. The Commission may issue licenses for the following categories of cannabis business:

(i) Cultivation.

(ii) Production and Processing.

(iii) Retail.

(iv) Wholesale/Distribution.

(v) Transport.

(vi) On-site Consumption.

(vii) Event and Temporary Licenses.

(viii) Hemp-Derived Products – Processing, Distribution and Retail.

B. Combination License.

The Commission may issue a single license with endorsements to operate any combination of the cannabis business categories provided in this Chapter.

C. Employees of Licensee.

As a condition of employment, all employees of a licensee must:

(i) pass a background check showing that they have not been convicted of any felony or any lesser crime if that crime involved theft, fraud, or misappropriation or embezzlement of money, under any federal, state, or tribal jurisdiction;

- (ii) certify that they will comply with this Ordinance and the license conditions of their employer; and,
- (iii) comply with any other conditions that the Commission may impose.

D. Waivers of Employment Conditions.

An applicant not eligible for employment under Section 4.3.C(i) may apply to the Commission for a waiver, which may be granted subject to Tribal Council approval under Section 2.1.C, upon a showing that the applicant has taken responsibility for the past misconduct and is rehabilitated.

**Section 4.4.** Reciprocity for Tribal and State Licensees.

A. Tribal Licensees.

A person holding, or operating under, a valid cannabis business license issued by an Indian tribe within the State may, without obtaining any additional license from the Band, engage in cannabis commerce with a business licensed under this Ordinance to the extent permitted under the issuing Band's license conditions.

B. State Licensees.

A person holding, or operating under, a valid cannabis business license issued by the State of Minnesota, without obtaining any additional license from the Band, may engage in cannabis commerce with a business licensed under this Ordinance to the extent permitted under a compact that is in effect between the Band and State.

**Section 4.5.** Suspension, Revocation, and Other Enforcement Actions.

A. Grounds for Enforcement Actions.

A license issued under this Ordinance may be suspended or revoked if the licensee, or any employee or agent:

- (i) violates any provision of this Ordinance, any Cannabis Regulatory Commission regulation, or license condition;
- (ii) makes any false representation or statement to the Cannabis Regulatory Commission;
- (iii) fails to submit any information or report to the Cannabis Regulatory Commission or maintain any records that are required by this Ordinance, the Commission's regulations, the licensee's license, or that are necessary for Cannabis Regulatory Commission staff to perform its duties;

- (iv) maintains any licensed premises in unhealthy, unsafe, insanitary, or insecure condition;
- (v) fails to maintain adequate security protocols to prevent the theft or other loss of cannabis items in the licensee's possession;
- (vi) misrepresents to any person the condition, quality, or content of any cannabis item in the possession of or transferred by the licensee;
- (vii) obstructs or impedes the performance of the duties of the Cannabis Regulatory Commission; or
- (viii) becomes ineligible to hold a license due to a change in circumstances such that the licensee or permittee has failed to meet the minimum requirements for a license.

B. Commencement of Enforcement Action.

- (i) An enforcement action is commenced by a Commissioner, or Commission agent, submitting, in writing, an initiating report to the Cannabis Regulatory Commission.
- (ii) The initiating report shall: i. set forth allegations of the grounds for the enforcement action against the licensee who is the subject of the enforcement action with sufficient particularity that the licensee has the ability to identify the grounds for the enforcement action and respond to the allegations; ii. identify the evidence and information that are the grounds for determining that an enforcement action is justified; and iii. identify the sanction or sanctions that are appropriate in light of the allegations against the licensee.

C. Notice of Enforcement Action.

- (i) After receiving the initiating report, the Cannabis Regulatory Commission shall provide written notice to the licensee of the enforcement action, which notice shall include the allegations of and any sanctions proposed in the initiating report.
- (ii) The notice of enforcement action shall explain that the licensee has the right to respond to the allegations of the initiating report and shall identify the process that the licensee must follow to do so, including any fee that the licensee or permittee must pay.
- (iii) The notice must permit the licensee not less than ten (10) days to respond to the notice.



D. Hearing.

(i) Scheduling. If the licensee timely responds to the notice to challenge the allegations of and any sanctions proposed in the initiating report and pays any fee that the Cannabis Regulatory Commission may establish for filing such a response, then the Commission shall schedule a hearing, which hearing shall be held within thirty (30) days of the Commission receiving the response from the licensee or permittee. The Commission shall provide the licensee or permittee with not less than ten (10) days written notice of the date and time when the hearing will be held.

(ii) Prosecution. The Commissioner or Commission's agent who initiated the enforcement action may prosecute it at the hearing, or the Commission may appoint another Band official to conduct such prosecution. A Commissioner who conducts a prosecution shall not take part in the Commission's decision on the enforcement action.

(iii) Procedure. The Commission may establish procedural rules for hearing by regulation or resolution, provided that such procedures give the subject of the enforcement action a fair opportunity to be represented by counsel, rebut the allegations against them, and present legal argument and evidence.

(iv) Evidence. At the hearing, the prosecuting official and any person who is the subject of the hearing shall have the right to subpoena evidence, compel witness attendance, and present relevant oral and written evidence.

(v) Legal Standard for Commission Decisions. The Commission shall weigh the evidence, testimony and exhibits and make its decision on the basis of a preponderance of the evidence and credibility of the evidence and witnesses.

(vi) Issuance of Decision. The Cannabis Regulatory Commission's decision shall be issued in writing within thirty (30) days of the hearing, and the decision shall include a statement of facts and a statement of legal authority on which the decision is based. Each decision shall be delivered to the party for whom the hearing was held and shall include information and instructions for appealing the decision.

E. Default.

If the party who is the subject of the enforcement action does not respond to the notice, then the Commission may accept as true any allegations contained in the initiating report. It may then decide either to impose a sanction on the licensee based solely on the information presented in the initiating report, or to request or compel the submission of additional information and evidence to the Cannabis Regulatory Commission, based on which the Commission may decide whether to impose a sanction. The Commission shall issue its decision in writing without unreasonable delay.

F. Sanctions.

The Cannabis Regulatory Commission has authority to impose any sanction or sanctions that it concludes are necessary and appropriate to punish wrongdoing, deter further violations of this Ordinance and the Commission's regulations, and protect the integrity of the regulatory system. Sanctions that the Commission may impose include, but are not limited to:

- (i) barring a licensee or certain of its employees or agents from accessing premises to which a license is appurtenant;
- (ii) suspension or revocation of a license;
- (iii) imposition of a fine; and
- (iv) requiring the licensee or employees of the licensee who are the subject of the enforcement action to complete a remedial action, such as completion of educational or training courses, remedying an out-of-compliance condition on the licensed premises, or submission of reports or other information to the Cannabis Regulatory Commission.

G. Appeal.

- (i) Any decision of the Commission with respect to any applicant or licensee may be appealed to the Bois Forte Tribal Court. Any such appeal must be filed within thirty (30) days after the decision of the Commission is issued, unless a different time frame is otherwise specified or required by applicable Commission regulations. After the filing of a Notice of Appeal, the Commission shall prepare and submit to the Tribal Court within fifteen (15) days the Administrative Record of the relevant Commission hearing.
- (ii) The parties to the appeal, the person appealing the decision of the Commission and the respondent Cannabis Regulatory Commission, shall have the opportunity to submit written arguments on the issues presented by the appeal and, in the discretion of the Court, participate in hearing or oral argument before the Court.
- (iii) The Court shall review the Cannabis Regulatory Commission's decisions de novo on questions of law and for clear error on questions of fact. The Court is authorized to reverse a decision made by the Commission only where the Court of Appeals finds that: a. the Commission's decision was unreasonable, arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with applicable law; b. the Commission exceeded its jurisdiction, authority, or limitations under applicable tribal law; or c. the Commission's decision is unsupported by substantial evidence or unwarranted by the facts presented, either orally or substantively.

- (iv) The Court's rulings shall be final and not subject to further appeal.

**Section 4.6. Emergency Enforcement Actions.**

A. A Commissioner, or authorized Commission agent, may, upon finding reason to believe that a licensee or employee of a licensee has engaged in conduct that would be grounds for sanction and which presents an imminent threat to the safety of the Band, suspend a license without notice or hearing for up to 72 hours.

B. The Commission may authorize the extension of a suspension issued under 4.6(A) until completion of the hearing process, or satisfaction of conditions imposed by the Commission.

**Chapter 5. Permitted Products and Safety Testing Requirements**

**Section 5.1. Permitted Products.**

A cannabis business licensed under this ordinance may, as applicable under its license category and license conditions, and in compliance with this ordinance: cultivate, produce, distribute, transport, sell, purchase, or possess Adult Use Cannabis Flower, Cannabis Edibles, and Cannabis Concentrate.

**Section 5.2. Testing.**

- A. Testing Required.

Adult Use Cannabis Products may only be sold at retail if a representative sample of each batch of cannabis products has been tested in compliance with this Section and meets the safety standards of this Chapter and any rules or regulations adopted under this Ordinance.

- B. Testing Standards.

The following standards apply to safety testing:

- (i) Testing must be completed by a cannabis testing facility approved by the Commission or licensed by the State.
- (ii) The tested sample from each plant or product batch must be selected according to procedures approved by the Commission.
- (iii) Testing must be sufficient to determine the cannabinoid profile of the tested product and that the product contains no more than trace amounts (as determined under Section 5.2.C) of residual solvents, foreign material, microbiological contaminants, heavy metals, pesticide residue, and mycotoxins.

C. Testing for Contaminants.

The Commission shall by rule establish standards for allowable levels of contaminants in cannabis flower, cannabis products, artificially derived cannabinoids, lower-potency hemp edibles, or hemp-derived consumer products, and growing media.

**Section 5.3.** Dose or Serving Limits; Product Approval.

The Commission shall by rule establish standards for allowable dose and serving limits for cannabis flower, cannabis products, artificially derived cannabinoids, lower-potency hemp edibles, or hemp-derived consumer products, in addition to product approval procedures.

**Chapter 6. Retail Packaging**

**Section 6.1.** Packaging Requirements.

A. Retail Packaging – Adult Use Cannabis Flower, Concentrate, and Edibles (other than Beverages)

Except as provided in subsection B, all Adult Use Cannabis Products sold to retail customers must be: prepackaged in packaging or a container that is child-resistant, tamper-evident, and opaque; or placed at the point of sale in packaging or a container that is plain, child-resistant, tamper-evident, and opaque.

B. Retail Packaging – Adult Use Cannabis Edibles (Beverages).

The Commission may establish by rule alternative packaging requirements for Adult Use Cannabis Edibles intended to be consumed as a beverage.

**Section 6.2.** Labeling Requirements.

A. Adult Use Cannabis Flower.

All Adult Use Cannabis Flower sold to retail customers must have affixed on the packaging or container of the cannabis flower a label that contains at least the following information:

- (i) the name and license number of the cannabis business where the cannabis flower was cultivated;
- (ii) the net weight or volume of cannabis flower in the package or container;
- (iii) the batch number;
- (iv) the cannabinoid profile;

- (v) a symbol approved by the Commission indicating that the package or container contains cannabis;
- (vi) verification that the cannabis flower or hemp plant part was tested in compliance with this Ordinance and that the cannabis flower or hemp plant part complies with the applicable standards;
- (vii) the following statement: "Keep this product out of reach of children and pets."; and
- (viii) any other statements or information required by the Commission.

B. Adult Use Cannabis Concentrate and Edibles.

All Adult Use Cannabis Concentrate and Edibles (including beverages) sold to retail customers must have affixed on the packaging or container of the cannabis product a label that contains at least the following information:

- (i) the name and license number of the cannabis business that cultivated the cannabis flower used in the cannabis product;
- (ii) the name and license number of the cannabis business that manufactured the cannabis concentrate, and, if different, the name and license number of the cannabis business that manufactured the product;
- (iii) the net weight or volume of the cannabis product in the package or container;
- (iv) the type of cannabis product;
- (v) the batch number;
- (vi) the serving size;
- (vii) the cannabinoid profile per serving and in total;
- (viii) a list of ingredients;
- (ix) a symbol approved by the Commission indicating that the package or container contains cannabis;
- (x) a warning symbol approved by the Commission that:
  - a. is at least three-quarters of an inch tall and six-tenths of an inch wide;

- b. is in a highly visible color;
- c. includes a visual element that is commonly understood to mean a person should stop;
- d. indicates that the product is not for children; and
- e. includes the phone number of a poison control service;

(xi) verification that the cannabis product was tested in compliance with this ordinance and that the cannabis product complies with the applicable standards;

(xii) the following statement: "Keep this product out of reach of children and pets."; and

(xiii) any other statements or information required by the Commission.

C. Hemp-Derived Products.

Hemp-derived products are subject to the requirements of this Chapter, except that the Commission may by rule establish alternative labeling requirements for hemp-derived edibles provided that those requirements provide consumers with information that is substantially similar to the information described in paragraph (a).

## **Chapter 7. Commercial Cultivation**

### **Section 7.1. Permitted Activities.**

A. A cultivation facility may grow cannabis plants from seed or immature plant to mature plant, harvest cannabis flower from a mature plant, package and label immature cannabis plants and seedlings and cannabis flower for sale to other cannabis businesses, and perform other actions approved by the Commission.

B. A cannabis cultivator that cultivates cannabis at an indoor facility may cultivate up to 30,000 square feet of plant canopy, and the Commission may increase the plant canopy limits by rule or license endorsement.

C. A cultivation facility may acquire cannabis seed. It may also acquire Mature or Immature Plants from cannabis businesses licensed under this Ordinance, and insofar as permitted by applicable law or compact, from cannabis businesses licensed by other tribal governments or the State.

D. A cultivation facility may acquire and use Cannabis Paraphernalia and other equipment or products that may be reasonably needed to carry out the activities permitted under its license.

E. A cultivation facility may sell or transfer Adult Use Cannabis Flower, in bulk packaging or in packaging for retail sale that complies with Chapter 6 of this Ordinance, at wholesale to other cannabis businesses licensed under this Ordinance, and insofar as permitted by applicable law or compact, to cannabis businesses licensed by other tribal governments or the State.

**Section 7.2. Facility and Operational Standards.**

A. Facility Standards.

The following requirements apply to cultivation facilities:

- (i) Cultivation operations must be conducted within a structure that is kept in good repair and adequately ventilated, with odor-control measures for external venting. Outdoor cultivation is permitted if the cultivation area is securely fenced, and cannabis plants are not visible from any publicly accessible area.
- (ii) Cultivation facilities must comply with storm-water, wastewater, and other requirements of the Band.
- (iii) Cultivation facilities must have and maintain a water supply sufficient for the operations and derived from a source that is a regulated water system. Private water supplies may be utilized if derived from a water source that is capable of providing a safe, potable, and adequate supply of water to meet the facility's needs.
- (iv) Cultivation facilities must have and maintain plumbing of adequate size and design, installed and maintained to carry sufficient quantities of water and properly convey sewage and liquid disposable waste from the cultivation facility. There shall be no cross-connections between the potable and wastewater lines.
- (v) Cultivation facilities shall provide employees with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair.
- (vi) Cultivation facilities must have and maintain hand-washing facilities that provide effective hand-cleaning and sanitizing preparations and sanitary towel service or suitable drying devices. The hand-washing facilities must be located convenient to where operations are conducted that require employees to wash and/or sanitize their hands.
- (vii) Cultivation facilities must have and maintain screening or other protection against the entry of pests.

B. Operational Standards.

The following requirements apply to operations in a cultivation facility:

- (i) All cultivation operations must be conducted in a manner that does not adversely affect the health or safety of the employees, or the facility in which operations occur, or nearby properties through creation of mold, mildew, dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or be hazardous because of the use or storage of materials, processes, products, or wastes.
- (ii) All persons working in direct contact with cannabis shall conform to hygienic practices while on duty, including but not limited to maintaining sufficient personal cleanliness.
- (iii) Any person who, by medical examination or supervisory observation, is shown to have, or appears to have, an illness, open lesion, including boils, sores, or infected wounds, or any other abnormal source of microbial contamination for whom there is a reasonable possibility of contact with cannabis shall be excluded from any operations which may be expected to result in such contamination until the condition is corrected.
- (iv) All buildings, fixtures, and other facilities shall be maintained in a safe and sanitary condition.
- (v) Cannabis shall be stored in a manner that prevents the growth of bacterial or fungal contaminants.
- (vi) Pesticide, herbicide, fertilizer, and any other chemicals used by the cultivation operation shall be identified, held, and stored in a manner that protects against contamination of cannabis, and in a manner that is in accordance with this Ordinance and any applicable tribal, state, or federal law, rule, or regulation.
- (vii) Cultivation operations, including the receiving, inspecting, transporting, segregating, preparing, manufacturing, packaging, and storing of cannabis or cannabis product, shall be conducted in accordance with sanitation measures adequate to ensure the safety of the employees and product.
- (viii) Waste shall be disposed of so as to minimize the development of odor and minimize the potential for the waste becoming an attractant, harborage, or breeding place for pests. Litter and waste shall be properly removed and the operating systems for waste disposal shall be maintained in an adequate manner so that they do not constitute a source of contamination in areas where cannabis is exposed.

**Section 7.3. Operating Procedures.**

- A. Written Operating Procedures Required.



Each cultivation facility shall establish written operating procedures for the cultivation of cannabis. At minimum, the operating procedures must provide for compliance with Section 7.2 and include the additional following information:

- (i) the equipment and methods employed in the cultivation of the cannabis;
  - (ii) how the cultivated cannabis will be transported to a processing facility or distribution facility;
  - (iii) the manner in which all pesticide and other agricultural chemicals, if any, are to be applied during its cultivation process;
  - (iv) the manner in which chemicals will be stored and used at the premises;
  - (v) the type and quantity of all effluent discharged into the Band's wastewater or storm-water system;
  - (vi) the hours and days of the week the cultivation facility will be open;
  - (vii) the number of persons per shift who will be working at the cultivation facility;
  - (viii) plans and procedures for compliance with the facility security requirements under this ordinance;
  - (ix) plans and procedures for compliance with the safety testing requirements under this ordinance;
  - (x) plans and procedures for compliance with the inventory requirements under this ordinance; and
  - (xi) any other information required by the Commission.
- B. A copy of all operating procedures must be maintained at every cultivation facility.

## **Chapter 8. Commercial Processing**

### **Section 8.1. Permitted Products and Activities.**

- A. A processing facility may produce the following Adult Use Cannabis Concentrates:
- (i) Water-based Cannabis Concentrates;
  - (ii) Fat-based Cannabis Concentrates;
  - (iii) Solvent-based Cannabis Concentrate; and

(iv) Critical Fluid Extraction Cannabis Concentrates, provided the solvents used in this process only include N-Butane, Iso-Butane, Propane, Heptane, Carbon Dioxide, or Ethanol.

B. A processing facility may produce Adult Use Cannabis Edibles containing the permitted concentrates.

C. A processing facility may produce Adult Use Cannabis Products containing the permitted concentrates that are intended to be consumed by the inhalation of vapor.

D. A processing facility may acquire and use Cannabis Paraphernalia and other equipment or products that may be reasonably needed to carry out the activities permitted under its license.

E. A processing facility may acquire and receive Adult Use Cannabis Flower or Concentrate; make permitted products; package and label permitted products, and, transfer permitted products in bulk packaging or in packaging for retail sale that complies with Chapter 6 of this Ordinance, at wholesale to other cannabis businesses licensed under this Ordinance, and insofar as permitted by applicable law or compact, to cannabis businesses licensed by other tribal governments or the State.

F. A processing facility may perform other actions approved by the Commission.

## **Section 8.2. Processing Facility Standards.**

A. Processing Facility Standards.

The following requirements apply to processing facilities:

(i) Processing must be conducted within a structure that is kept in good repair and adequately ventilated, with odor-control measures for external venting.

(ii) Processing facilities must comply with storm-water, wastewater, and other requirements of the Band.

(iii) Processing facilities must have and maintain a water supply sufficient for the operations and derived from a source that is a regulated water system. Private water supplies may be utilized if derived from a water source that is capable of providing a safe, potable, and adequate supply of water to meet the facility's needs.

(iv) Processing facilities must have and maintain plumbing of adequate size and design, installed and maintained to carry sufficient quantities of water and properly convey sewage and liquid disposable waste from the cultivation facility. There shall be no cross-connections between the potable and wastewater lines.

(v) Processing facilities shall provide employees with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair.

(vi) Processing facilities must have and maintain hand-washing facilities that provide effective hand-cleaning and sanitizing preparations and sanitary towel service or suitable drying devices. The hand-washing facilities must be located convenient to where operations are conducted that require employees to wash and/or sanitize their hands.

(vii) The space in which any Adult Use Cannabis Concentrate is to be produced is a fully enclosed room and clearly designated.

(viii) All equipment used in the production of an Adult Use Cannabis Concentrate must be food-grade, and all counters and surface areas must be constructed in such a manner that it reduces the potential for the development of microbials and mold and can be easily cleaned.

(ix) The space in which Adult Use Cannabis Concentrate is produced must contain an emergency eye-wash station.

B. Operational Standards.

The following requirements apply to operations in a processing facility:

(i) All processing operations must be conducted in a manner that does not adversely affect the health or safety of the employees, or the facility in which operations occur, or nearby properties through creation of mold, mildew, dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or be hazardous because of the use or storage of materials, processes, products, or wastes.

(ii) All persons working in direct contact with cannabis shall conform to hygienic practices while on duty, including but not limited to maintaining sufficient personal cleanliness.

(iii) Any person who, by medical examination or supervisory observation, is shown to have, or appears to have, an illness, open lesion, including boils, sores, or infected wounds, or any other abnormal source of microbial contamination for whom there is a reasonable possibility of contact with cannabis shall be excluded from any operations which may be expected to result in such contamination until the condition is corrected.

(iv) All buildings, fixtures, and other facilities shall be maintained in a safe and sanitary condition.

(v) Cannabis shall be stored in a manner that prevents the growth of bacterial or fungal contaminants.

(vi) All chemicals used by the Processing Operation shall be identified, held, and stored in a manner that protects against contamination of cannabis, and in a manner that is in accordance with this Title and any applicable tribal, state, or federal law, rule, or regulation.

(vii) Processing operations shall be conducted in accordance with sanitation measures adequate to ensure the safety of the employees and product.

(viii) Waste shall be disposed of so as to minimize the development of odor and minimize the potential for the waste becoming an attractant, harborage, or breeding place for pests. Litter and waste shall be properly removed and the operating systems for waste disposal shall be maintained in an adequate manner so that they do not constitute a source of contamination in areas where cannabis is exposed.

(ix) Ensure that all equipment, counters, and surfaces used in the production of a cannabis concentrate are thoroughly cleaned after the completion of each production of a cannabis concentrate.

(x) For any extraction method that involves the use of solvents, pressurized gas or chemicals, or flammable materials, the facility must, as applicable to the extraction method:

- a. use a professional grade, closed-loop extraction system capable of recovering the solvent used;
- b. implement a fume hood and exhaust system;
- c. store flammable material in a storage-tank designed to hold flammable material and is outside of the room in which the concentrates are to be produced;
- d. for a pressurized extraction system is utilized, ensure that every vessel in the system is rated to a minimum of nine hundred pounds per square inch;
- e. store all flammable material used in the production in a storage-tank designed to hold flammable material and is outside of the room in which the concentrates are to be produced;
- f. install and maintain a fire-suppression system in the room where extraction is conducted;

- g. install and maintain a hydro-carbon gas and carbon dioxide gas monitoring system;
- h. ensure that the room in which extraction is conducted is a spark-free environment;
- i. install and maintain an emergency shower;
- j. ensure that all fluids used in the extraction process are food-grade and pure.

**Section 8.3. Operating Procedures.**

A. Each processing facility shall establish written operating procedures for the processing of cannabis. The operating procedures must provide for compliance with Section 8.2 and include the minimum following information:

- (i) if the processing facility engages in cultivation and/or distribution operations, then all applicable provisions contained in Sections 7.2-7.3 and 9.2-9.3, respectively, of this Ordinance;
- (ii) standard operating procedure for each method used to produce a cannabis concentrate;
- (iii) written quality control procedures designed to minimize any potential risks to employees or contamination of cannabis products;
- (iv) a standard operating procedure for each type of concentrate to be produced that is designed to maximize employee safety and minimize potential contamination of products with residual solvents or microbials and mold;
- (v) a comprehensive training manual that provides step-by-step instructions for each method used to produce a cannabis concentrate, including, but not be limited to, all standard operating procedures, quality control procedures and safety procedures for each method of production, instructions on the appropriate use and maintenance of all equipment involved in each process, and any cleaning required to comply with all applicable sanitary rules;
- (vi) procedures for adequate training prior to an individual engaging the production of a cannabis concentrate, including, but not be limited to, providing the appropriated employee or volunteer with the training manual and live, in-person instruction detailing safety procedures for each method of production, instructions on the appropriate use and maintenance of all equipment involved in the process, and any cleaning required to maintain compliance with all applicable sanitary rules;

- (vii) procedures for maintaining clear and comprehensive records that document every phase of each step in the production of the cannabis concentrate, which must include the name and license number of every employee or volunteer that worked on the production of that cannabis concentrate;
  - (viii) how the cannabis concentrate will be transported from a processing facility to a distribution facility;
  - (ix) the procedure and documentation process for determining dosage including testing for the major active agents in the cannabis product (e.g., cannabinoids Tetrahydrocannabinol (THC), Cannabidiol (CBD) and Cannabinol (CBN)); and
  - (x) a requirement for standards for the processing of cannabis into food and other edibles by cooking, baking, infusing, or grinding sufficient to ensure that such edibles are free of contaminants and safe for human consumption.
- B. A copy of all operating procedures must be maintained at every processing facility.

## **Chapter 9. Retail Sale**

### **Section 9.1. Permitted Activities.**

- A. A licensed cannabis retailer may acquire for retail sale, in bulk packaging or in packaging for retail sale that complies with Chapter 6 of this Ordinance, Adult Use Cannabis Flower from a cannabis business licensed under this Ordinance, and insofar as permitted by applicable law or compact, acquired from a cannabis businesses licensed by other tribal governments or the State.
- B. A licensed cannabis retailer may acquire for retail sale, in packaging for retail sale that complies with Chapter 6 of this Ordinance, Adult Use Cannabis Products from a cannabis business licensed under this Ordinance, and insofar as permitted by applicable law or compact, acquired from a cannabis businesses licensed by other tribal governments or the State.
- C. A licensed cannabis retailer may package Adult Use Cannabis Flower for retail sale in compliance with Chapter 6 of this Ordinance.
- D. A licensed cannabis retailer may acquire and use Cannabis Paraphernalia and other equipment or products that may be reasonably needed to carry out the activities permitted under its license.
- E. A licensed cannabis retailer may acquire Cannabis Paraphernalia for retail sale.
- F. A licensed cannabis retailer may sell at retail Adult Use Cannabis Products and Paraphernalia to adults, but only if such products are packaged, labeled, and tested in compliance with this Ordinance.
- G. A licensed cannabis retailer may perform other actions approved by the Commission.

- H. A retailer may not:
  - (i) sell any cannabis products to visibly intoxicated persons; or
  - (ii) knowingly sell any cannabis products under circumstances that would permit the consumer to possess cannabis products in excess of the legal possession limits.

**Section 9.2. Facility Standards.**

- A. Facility Standards.
  - (i) A cannabis retail facility must have a designated retail area where customers are permitted. The retail area shall include the portion of the premises where samples of cannabis flower and cannabis products available for sale are displayed. All other cannabis flower and cannabis products in inventory must be stored in a secure storage area.
  - (ii) A cannabis retail facility must have a designated secured storage area or areas where cannabis products, other than display sample, are stored. The secured storage area shall have ventilation, lighting, and climate control adequate to prevent mold or bacterial contamination of cannabis products. The secured storage areas may not be open to the public.
  - (iii) A cannabis retail facility must have a limited access area for receiving deliveries of cannabis products.
  - (iv) A cannabis retail facility must have designated areas for handling cash transactions and equipment sufficient for securely storing cash within the facility.
  - (v) A cannabis retail facility must be maintained in a clean and sanitary condition, free from infestation by insects, rodents, or other pests.
- B. Operational Standards.
  - (i) Transfer or sale of cannabis product to retail customers may only be done in the retail area.
  - (ii) Display samples are permitted in the retail area and may be opened for examination by customers.
  - (iii) Deliveries must be made through the designated limited access area and may not be accepted through the public access areas.

**Section 9.3. Operating Procedures.**

- A. Each retail facility shall establish written operating procedures for the distribution of cannabis. The operating procedures must include the minimum following information:
- (i) if the retail facility engages in cultivation and/or processing operations, then all applicable provisions contained in Sections 7.2-7.3 and 8.2-8.3, respectively, of this Ordinance;
  - (ii) a description of the age-verification process for consumers;
  - (iii) a description of measures implemented to prevent sale to intoxicated persons;
  - (iv) internal controls and procedures for handling cash transactions;
  - (v) a description of any consumer records acquisition and retention procedures;
  - (vi) the process for tracking cannabis quantities and inventory controls; and
  - (vii) the procedure and documentation process for ensuring that all cannabis and cannabis products offered for sale comply with applicable safety, packaging, and labeling requirements.
- B. A copy of all operating procedures must be maintained at every retail facility.

## **Chapter 10. Transportation of Cannabis Products**

### **Section 10.1. Permitted Activities.**

Subject to the conditions in this Chapter:

- A. A cannabis business licensed under this Ordinance may be endorsed for transportation of adult use cannabis products in compliance with this Section.
- B. A licensee may transport adult use cannabis products to and from other licensed cannabis businesses within the Band's Indian country.
- C. A licensee may transport adult use cannabis products to and from other licensed cannabis businesses located within the Indian country of another Minnesota Indian tribe, including transit through portions of the State that are not Indian country, so long as Minn. Stat. 3.9228, subd. 4(e), or equivalent authority, is in effect.
- D. A licensee may transport adult use cannabis products to and from State licensed cannabis businesses as permitted by a compact between the Band and State.
- E. A licensee may operate storage facility for adult use cannabis products that are packaged for transport between licensed cannabis businesses.



F. A licensee may perform other actions approved by the Commission.

**Section 10.2.** Equipment, Facility, and Operational Standards.

A. Vehicles and Equipment.

Vehicles used for transportation of adult use cannabis products must:

- (i) be maintained according to industry standards for fleet vehicles and in good working order;
- (ii) not bear branding or other markings of a cannabis business;
- (iii) have a secure area for cannabis products that is: (a) windowless; (b) lockable such that it cannot be accessed from the outside or by vehicle occupants; (c) climate controlled as necessary to ensure the good condition of cannabis products in transit; and
- (iv) have an alarm system and GPS tracking that can be remotely monitored.

B. Storage Facilities.

Storage facilities must:

- (i) be secured and not open to the public;
- (ii) be within a structure that is kept in good repair and adequately ventilated, with odor-control measures for external venting;
- (iii) have designated areas for loading and unloading adult use cannabis products that are obstructed from public view or access;
- (iv) have ventilation, lighting, and climate control adequate to prevent mold or bacterial contamination of cannabis products;
- (v) be maintained in a clean and sanitary condition, free from infestation by insects, rodents, or other pests; and
- (vi) not bear any exterior signage, or similar indicia, of cannabis business operations.

C. Transport Procedures.

- (i) Delivery and pick-up trips shall be scheduled to avoid any discernible pattern in route, sequence of stops, and time of pick-up or delivery.

- (ii) A copy of the transport license must be kept in the delivery vehicle at all times.
- (iii) Adult Use Cannabis Products may only be transported in retail packaging or in sealed containers. Adult Use Cannabis Products for wholesale delivery must also be transported in sealed containers to sufficiently protect the integrity of the products.
- (iv) Each trip shall be staffed, at minimum, by a driver and one other employee of the cannabis business. Any trip involving the transport of cannabis products with an aggregate retail value of \$100,000 shall also be staffed by a uniformed security guard.
- (v) All cannabis product deliveries must include a bill of lading.

### **Section 10.3. Operating Procedures.**

A. Each licensee endorsed for transportation of cannabis products shall establish written operating procedures for the transport of cannabis products. The operating procedures must include procedures for compliance with Section 10.2 and the minimum following information:

- (i) standards and procedures for screening and evaluating shipping containers prior to transportation and upon delivery at the distribution facility;
- (ii) standards and procedures for securing shipping containers and monitoring that security while in transit;
- (iii) standards and procedures for allowing government officials to ensure and validate compliance with this program; and
- (iv) any other measures the Commission considers necessary to ensure the security and integrity of transporting adult use cannabis or cannabis products.

## **Chapter 11. On-Site Consumption Establishment and Events**

### **Section 11.1. Licensing On-site Consumption of Adult Use Cannabis Products**

The Commission may promulgate rules and regulations, subject to the minimum requirements provided in Section 11.2, for the licensing on-site consumption of Adult Use Cannabis Products at permanent establishments and temporary licensing for events.

### **Section 11.2. Minimum Standards.**

Any regulations promulgated by the Commission regarding on-site consumption of Adult Use Cannabis Products must provide that: (i) that under-age persons cannot access cannabis products;

(ii) cannabis products may not be sold to visibly intoxicated persons; (iii) no outside cannabis products may be used or possessed at the site; and (iv) entry to the site is controlled.

## **Chapter 12. Safety and Security**

### **Section 12.1. Facility Security.**

A cannabis business licensed under this ordinance shall provide and maintain adequate security for its facilities, which shall include at a minimum the following:

- A. All employees shall be required to hold and properly display a current identification badge issued by the Commission at all times. Proper display of the badge shall consist of wearing the badge in a plainly visible manner, at or above the waist, and with the photo of the holder visible. The holder shall not alter, obscure, damage, or deface the badge in any manner.
- B. Security surveillance cameras shall be installed and maintained in good working condition to monitor the main entrance and exterior of all facilities and laboratories to discourage loitering, crime, illegal, or nuisance activities. Security video shall be maintained for a minimum of two full weeks.
- C. Professionally monitored robbery alarm and burglary alarm systems shall be installed and maintained in good working condition.
- D. Professionally monitored fire alarm and fire suppression systems shall be installed and maintained in good working condition.
- E. Professional security personnel shall patrol or be present on the premises as needed to maintain security of the facility.
- F. All points of ingress and egress shall have commercial-grade, nonresidential door locks.
- G. Firearms and other weapons are prohibited on the premises of any business licensed under this Ordinance, except that law enforcement and licensed security personnel may carry such firearms or other weapons as otherwise permitted by applicable law.

### **Section 12.2. Inventory.**

- A. Every cannabis business shall maintain an inventory control system.
- B. The inventory control system must be able to monitor and report information, including, without limitation:

- (i) insofar as is practicable, the chain of custody and current whereabouts, in real time, of cannabis from the point that it is harvested at a cultivation facility until it is sold at a distribution facility and, if applicable, if it is processed at a facility for the production of cannabis products;
- (ii) a real time accounting of the total amount of product sold; and
- (iii) such other information as the Commission may require.

C. Nothing in this section prohibits a cultivation facility, processing facility, or distribution facility from co-owning an inventory control system in cooperation with other facilities, or sharing the information obtained therefrom.

### **Chapter 13. Audits and Compliance**

#### **Section 13.1. Financial Audit.**

Each cannabis business shall cause to be prepared an annual financial statement using generally accepted accounting principles that are audited by an independent certified public accountant in conformity with generally accepted auditing standards.

#### **Section 13.2. Health and Safety Audit.**

Every cannabis business shall undergo an annual health and sanitary audit of any facility by an independent consultant. The scope of the audit may include, but is not limited to, whether each facility and laboratory is in compliance with the requirements set forth in this Title and other applicable health, sanitary or food handling laws, rules and regulations. Failure to perform to the independent audit may result in suspension of operations until the completion of the independent audit and the implementation of any required remedial measures is made.

### **Chapter 14. Repeal**

**Section 14.1.** All Band ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.