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## CHAPTER 1 POLICY

**1.1 Title.** The Lac Vieux Desert Tribal Council enacted this Ordinance pursuant to Article IV, Sections 1-2 of the Lac Vieux Desert Band of Lake Superior Chippewa Indians' (the "Tribe") Constitution. This Ordinance may be cited as the "Lac Vieux Desert Cannabis Ordinance" or "Cannabis Ordinance."

**1.2 Effective Date.** This Ordinance, and any subsequent amendments, become effective and in full force and effect upon approval by the Lac Vieux Desert Tribal Council.

**1.3 Findings.** The Tribe finds that:

- (A) The Tribe is a sovereign nation with the inherent authority and ability to make its own laws and be governed by those laws; and
- (B) The Tribe desires to develop its economy to improve the Tribe's economic self-sufficiency; to enable the Tribe to better serve the social, economic, educational, and health and safety needs of its Tribal Members and visitors; and, to provide its Tribal Members with opportunities to improve their own economic circumstances; and
- (C) The Tribe recognizes that while Cannabis growing, processing, transporting and selling of Marijuana is not lawful under the federal Controlled Substance Act, 21 U.S.C. § 801 *et seq.*, the federal government has taken a position of inaction regarding enforcement of federal law when state and tribal governments act to decriminalize Cannabis, beginning as early as 2013 when the U.S. Department of Justice issued the "Cole Memorandum" shifting the focus of federal enforcement activity and continuing through Congress' 2021 Consolidation Appropriations Act, which cut off funding to the Department of Justice for enforcing federal drug laws in states that have decriminalized Marijuana; and
- (D) The Tribe recognizes that Hemp Growing is regulated by the U.S. Department of Agriculture in accordance with federal law and regulation; and
- (E) The State of Michigan has taken steps to decriminalize medical and recreational Marijuana and has an approved Hemp Production Plan to allow it to regulate Hemp Production within its jurisdiction; and

- (F) The Tribe believes it is within its sovereign rights to decriminalize the use, growing, processing, transportation, and sale of Cannabis and Cannabis Products, including Marijuana, within its jurisdiction; and
- (G) The Tribe’s operation of Cannabis Businesses is a legitimate means of generating revenue to address the Tribe’s needs and pursuit of the Tribe’s goal of self-sufficiency and self-determination; and
- (H) The Tribe has the legal authority to license and regulate Cannabis Businesses within its jurisdiction through licensure, taxation, and other appropriate means; and
- (I) Tribal regulation and control of Cannabis Businesses within the Tribe’s jurisdiction is essential for the protection of the public welfare; and
- (J) It is essential that the Tribe regulate Cannabis Businesses in a manner commensurate with Tribal law, as well as applicable federal and state laws, for the protection of the public welfare; and
- (K) It is essential that the Tribe ensure the public’s confidence in Cannabis Businesses operating from within the Tribe’s jurisdiction; and
- (L) Adoption of this Ordinance by the Tribal Council is necessary to ensure the legal operation of Cannabis Businesses within the Tribe’s jurisdiction; and
- (M) Establishment of a Lac Vieux Desert Cannabis Regulatory Authority (“CRA”) to implement the purpose and intent of this Ordinance and to regulate all Cannabis-related activity within the Tribe’s jurisdiction is in the best interest of the Tribe.

**1.4 Intent.** The Tribal Council, on behalf of the Tribe, declares that the intent of this Ordinance is to:

- (A) Protect the public interest in the offering of Marijuana - in any form - and maintain the public confidence in Cannabis regulation; and
- (B) Diversify and expedite the economic development of the Tribe; and
- (C) Decriminalize the use, growing, processing, transportation, and sale of Cannabis and Cannabis Products, including Marijuana, in accordance with Resolution T2021-025 and the Tribe’s Criminal Code; and
- (D) Ensure regulatory control, enforcement, and oversight over Cannabis Businesses within its jurisdiction, including those it licenses; and

- (E) Ensure that any profits, taxes, and revenue collected and generated from Cannabis Businesses licensed by the CRA are used for the benefit of the Tribe and Tribal Members; and
- (F) Ensure that Cannabis Businesses are licensed appropriately, and all Cannabis-related activities remain free from corrupt, incompetent, unconscionable, and dishonest practices; and
- (G) Ensure that Cannabis, including Marijuana, will not be distributed to Minors; and
- (H) Ensure that (1) revenue from the sale of Marijuana will not go to criminal enterprises, gangs, or cartels; and (2) Cannabis Businesses will not be used as a cover or pretext for the trafficking of illegal drugs or other illegal activity; and
- (I) Ensure that the Tribe provides a forum for the fair and orderly resolution of disputes related to Cannabis Business activities and conduct regulated by this Ordinance.

### **1.5 Policy.**

- (A) Allow the lawful use of Marijuana to ease the effects of serious and chronic medical conditions; and,
- (B) Eliminate the illicit drug market; and,
- (C) Promote individual liberties by allowing adults, 21 years old and older, to responsibly use Marijuana recreationally; and,
- (D) Generate Tribal revenue, including tax revenue, to fund the Tribe's government operations and essential programs and services, to provide for the public health and general welfare of the Tribe and its Tribal Members and visitors to the Tribe's Reservation, and to promote Tribal economic development and self-sufficiency; and,
- (E) Redress the impacts of Marijuana prohibition by creating a safe and equitable Cannabis industry.

### **1.6 Responsible Regulation.** The Tribe shall responsibly regulate Cannabis Businesses authorized by this Ordinance. To effectuate that purpose, this Ordinance:

- (A) Consistent with the decriminalization of Marijuana for the limited purposes permitted under this Ordinance and pursuant to Resolution T2021-025 Criminal Code amendments;
- (B) Authorizes Marijuana and use, growing, processing, transportation, and sales within the Tribe’s jurisdiction consistent with this Ordinance and pursuant to Resolution T2021-025 Criminal Code amendments; and,
- (C) Establishes the CRA, enabling it with broad regulatory oversight functions over Cannabis and Cannabis-related activity including Marijuana.
- (D) *Cannabis Businesses Authorized.* Cannabis Businesses that are subject to licensing under this Ordinance are authorized and permitted only as described in this Ordinance and any regulations of the CRA adopted pursuant to this Ordinance.

**1.7 Limitations.** This Ordinance in no way attempts to displace or supersede any applicable federal law, including but not limited to the Controlled Substances Act, labor and employment laws, and grant programs administered through the Department of the Interior. To the extent that this Ordinance conflicts with any such federal law or grant program, that law or the requirements of that program control.



## CHAPTER 2 DEFINITIONS

Capitalized terms used in this Ordinance shall have the following meanings:

- 2.1 “**Activation Time**” means the amount of time it is likely to take for an individual to begin to feel the effects of ingesting or inhaling a Cannabis item.
- 2.2 “**Applicant**” means a Person (as defined in Section 2.44) who submits an Application to the CRA for a License under the provisions of this Ordinance.
- 2.3 “**Application**” means a written request to and in a form as approved by the CRA for a License.
- 2.4 “**Authorized Visitor**” means those persons with permission from the Cannabis Business, Tribe or CRA to enter a Cannabis Business for business purposes who have completed a Confidentiality and Non-Disclosure Agreement.
- 2.5 “**Batch**” means all Marijuana product of the same variety that has been processed together and exposed to substantially similar conditions throughout processing. A Batch shall constitute no more than one hundred (100) plants or ten (10) pounds of dried Marijuana flower.
- 2.6 “**Cannabidiol**” means a cannabinoid commonly known as CBD that contains less than 1mg of THC.
- 2.7 “**Cannabinoid**” means a chemical compound that is unique to and derived from Cannabis.
- 2.8 “**Cannabis**” means all parts of the plant of the genus *cannabis*, whether growing or not, and including the seeds, extracted resin, and every compound, salt, derivative, mixture, or concentrate. As used in this Ordinance, Cannabis includes “Hemp” “High-THC Content Hemp Products” and “Marijuana but excludes cannibididol (CBD) and other cannabinoids that do not, by themselves, have any psychoactive effect.”
- 2.9 “**Cannabis Activities**” means the planting, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, packaging, storing, transporting, exchanging, distributing, transferring or selling of any Marijuana, including, any Cannabis Product or Marijuana Accessories.
- 2.10 “**Cannabis Business**” means a Grower, Processor, Transporter, Testing Facility, or Dispensary, and its employees, whether licensed or unlicensed, that is located within the Tribe’s jurisdiction.

- 2.11 “***Cannabis Customer***” means an adult 21 years of age or older who purchases Cannabis Products from a Cannabis Business.
- 2.12 “***Cannabis Event***” means a short-term event with on-site Cannabis Product consumption or tasting, which requires a temporary license from the CRA.
- 2.13 “***Cannabis Grower***” means a person licensed by the CRA to grow Marijuana, sell or otherwise transfer Cannabis to Cannabis Business.
- 2.14 “***Cannabis Plant***” means a living plant of the species Cannabis Sativa L. capable of producing its own food through photosynthesis with observable root formation, not to include industrial hemp.
- 2.15 “***Cannabis Processor***” means a person licensed by the CRA to obtain Cannabis from a Cannabis Business; process and package Cannabis; and sell or otherwise transfer Cannabis , to grow Hemp and Marijuana, sell or otherwise transfer Hemp and Marijuana to a Cannabis Business.
- 2.16 “***Cannabis Product***” means concentrated Cannabis product and a product that is comprised of Cannabis and other ingredients; but excludes cannabidiol (CBD) and other cannabinoids that do not, by themselves, have any psychoactive effect, and are intended for use or consumption, such as, but not limited to, edible products, topical products, ointments, tinctures, liquids or concentrates intended for use in vaporizers, and soluble products.
- 2.17 “***Cannabis Retailer***” means a person licensed to purchase, sell, and transfer Cannabis Products from Cannabis Businesses and to sell Cannabis Products to individuals who are 21 years of age or older.
- 2.18 “***Cannabis Secured Transporter***” means a person licensed to obtain Marijuana from a Cannabis Business to transport Marijuana to Cannabis Businesses.
- 2.19 “***Cannabis Testing Facility***” means an entity, licensed in any jurisdiction, that has the capabilities to analyze and certify the safety and potency of Marijuana and Cannabis Products.
- 2.20 “***Cannabis Regulatory Authority***” means the Lac Vieux Desert Cannabis Regulatory Authority (“CRA”), the regulatory authority created by this Ordinance that regulates all activity described within this Ordinance.
- 2.21 “***Consumer***” means an individual who purchases products regulated by this Ordinance for personal use and not for sale to others.

- 2.22 “**Current Good Manufacturing Practice**” systems adopted by rule or regulation of the CRA that assure proper design, monitoring, and control of manufacturing processes and facilities.
- 2.23 “**Cutting**” means a section of a lead stem or root stock that is used for vegetative asexual propagation.
- 2.24 “**Dispensary**” means a Cannabis Business where Cannabis, Cannabis Products, Marijuana, or Cannabis Accessories are offered for commercial, retail sale, or dispensing to Cannabis Customers from within the Tribe’s jurisdiction.
- 2.25 “**Distribution**” means the procurement, sale, and packaging of Cannabis Products between entities pursuant to this Ordinance, but not directly to Consumers.
- 2.26 “**Distributor**” means a Person, and any employees, that engages in Distribution.
- 2.27 “**Dry Weight Basis**” means a basis for expressing the percentage of a chemical in a substance after removing the moisture from the substance and shown by the ratio of the amount of moisture to the amount of dry solid in a sample.
- 2.28 “**Employee**” includes, but is not limited to, hourly employees, contract Employees, trainees, or any other person given any type of Employee credentials or authorized access to the Cannabis Business. Trade or professional services provided by individuals not normally engaged in the operation of a Cannabis Business, except those individuals required to have Employee credentials under this Ordinance, must be reasonably monitored, logged in as a visitor and escorted through any limited access areas.
- 2.29 “**Final Form**” means the form a Cannabis Product is in when it is available for testing or retail sale of Cannabis Products intended for inhalation, the Cannabis Concentrate in the e-cigarette or vaping device.
- 2.30 “**Growing**” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of Cannabis.
- 2.31 “**Grower**” means a Person, and any Employees that engages in Growing.
- 2.32 “**Harvest**” means to cut, gather, take, or remove all or part of the cannabis plants growing in a lot or lots, for the purpose of disposal, cloning, distribution, processing, storage, sale, or any other use.
- 2.33 “**Hemp**” means the plant of the genus Cannabis and any part of such plant, whether growing or not, with a THC concentration that does not exceed three-tenths percent (0.3%) on a dry weight basis.

- 2.34 “**High THC Content Hemp Product**” means a Hemp product from the Cannabis Plant, for commercial or research purposes, that is intended for human ingestion, inhalation, absorption or other internal consumption that is advertised, labeled or offered for sale as having, total THC that exceeds (i) one milligram per serving, or (ii) three-tenths per cent on a dry-weight basis for cannabis flower or cannabis trim.
- 2.35 “**Immature Plant**” means a nonflowering Cannabis Plant that is not taller than 8 inches from the growing or cultivating medium and no wider than 8 inches produced from a cutting, clipping, tissue culture, or seedling that is in a growing or cultivating medium or in a growing or cultivating container.
- 2.36 “**Legal Requirements**” shall mean singularly and collectively any and all applicable tribal and administrative statutes, ordinances, codes, rules and/or regulations.
- 2.37 “**License**” means the official and legal privilege and authority, granted by the Lac Vieux Desert Band of Lake Superior Chippewa Indians, through the CRA, to engage in activities authorized by this Ordinance as defined by the License type. License types may be further defined by promulgated regulation. A License is a revocable privilege and not a vested right.
- 2.38 “**Licensee**” means a Person granted and in possession of a current and valid License.
- 2.39 “**Limited Access Area**” means a building, room, or other contiguous area of a Cannabis Business where Cannabis is grown, cultivated, stored, weighed, packaged, sold, or processed for sale and that is under the control of the Licensee.
- 2.40 “**Lot**” means (1) a contiguous area in a field, greenhouse, or indoor growing structure containing the same variety or strain of Cannabis throughout; (2) in agriculture, the Batch or contiguous, homogeneous whole of a product being sold to a single buyer at a single time; (3) “farm”, “tract”, “field”, and “subfield” as these are used by the U.S. Department of Agriculture, Farm Service Agency.
- 2.41 “**Processing**” means any method used at a fixed location to change, preserve or prepare Cannabis or its byproducts in its Final Form for commercial sale and/ or wholesale. The term does not include Growing.
- 2.42 “**Processor**” means a Person, and its employees that engages in Processing.
- 2.43 “**Marijuana**” or “**Marihuana**” (amended to include “Marihuana” by Tribal Council Motion on December 20, 2024) means any of the following:

- (A) A plant of the genus Cannabis, or part of the plant, whether growing or not, with a reported total THC content concentration level is within a distribution or range that includes 0.31% or more, when tested on a dry weight basis.
  - (B) Any form of Marijuana concentrate, compound, process, salt, derivative, mixture, extract, acid, isomer, salt of an isomer, or preparation derived from a Cannabis plant with a reported total THC content concentration level is within a distribution or range that includes 0.31% or more.
  - (C) Any product, whether intended for human consumption, with a reported total THC content concentration level is within a distribution or range that includes 0.31% or more and intended for retail sale to a consumer.
  - (D) For the purposes of this Ordinance, Marijuana does not include the seeds or clones of a Cannabis Plant or any High-THC Content Hemp Product.
  - (E) For Purposes of this Ordinance, the terms Marijuana and Marihuana shall be synonymous and reference to one includes the other. (Amended by Tribal Council Motion on December 20, 2024)
- 2.41 “**Marijuana Accessory**” means any equipment, products, or materials of any kind which are used, intended for use, or designed for use for storing, vaporizing, ingesting, inhaling, or otherwise introducing Marijuana into the human body.
- 2.42 “**Minor**” means an individual less than 21 years old for purposes of Marijuana purchase or employment at a Cannabis Business.
- 2.43 “**Ordinance**” means this Lac Vieux Desert Cannabis Ordinance.
- 2.44 “**Package Tag**” means a tag supplied through the Tribal Monitoring System or other CRA approved means for the purpose of identifying a package containing Marijuana.
- 2.45 “**Person**” means an individual or an entity created by law and given legal rights and duties, such as a corporation or business entity. The term is to be construed in the broadest sense except that the term does not include federal, state, or tribal governments or their subdivisions.
- 2.46 “**Reservation**” means all land held in trust by the United States Government for the benefit of the Tribe and all land over which the Tribe asserts jurisdiction.
- 2.47 “**Seedling**” means a Cannabis Plant that has germinated and has not flowered and is not harvestable.

- 2.48 “**Supplier**” means a Licensee, or Person licensed by another jurisdiction for the purpose of Distribution and sale or transfer only to a Cannabis Business in accordance with this Ordinance or any rules and regulations established by the CRA.
- 2.49 “**Testing Standards**” means those the requirements for testing Cannabis Products as set for in Chapter 12, Section 12.5 and any CRA rules or regulations.
- 2.50 “**THC**” means tetrahydrocannabinol or tetrahydrocannabinolic acid concentration, regardless of whether it is artificially or naturally derived.
- 2.51 “**Tissue Culture**” means plant tissue of the species Cannabis Sativa L., that is kept under sterile condition on a nutrient culture medium of known composition and that does not have visible root formation. A tissue culture is not a Cannabis Plant for purposes of a Cannabis Grower.
- 2.52 “**Tribal Council**” means the governing body of the Tribe.
- 2.53 “**Tribal Member**” or “**Tribal Membership**” means an individual who is an enrolled member of the Tribe, or the collective membership of the Tribe.
- 2.54 “**Tribal Monitoring System**” means an internet-based database established, implemented, and maintained directly or indirectly by the CRA that is available to Licensees, tribal law enforcement agencies, and other agencies or departments authorized by the CRA on a 24-hour basis for all of the following:
- (A) Tracking Cannabis transfer and transportation by Licensees, including transferee, date, quantity, and price.
  - (B) Verifying in a commercially reasonable time that a transfer will not exceed the limit that the Cannabis Customer is authorized to receive under this Ordinance or any CRA rules or regulations.
- 2.54 “**Tribe**” means the Lac Vieux Desert Band of Lake Superior Chippewa Indians, commonly referred to as LVD or Lac Vieux Desert.

**CHAPTER 3**  
**LAC VIEUX DESERT CANNABIS REGULATORY AUTHORITY**

**3.1 Establishment.** The Lac Vieux Desert Cannabis Regulatory Authority (“Authority” or “CRA”) is created as a governmental subdivision of the Tribe for the purpose of implementing the Ordinance. All administration, regulation, and enforcement of Cannabis activities described in this Ordinance within the Tribe’s jurisdiction shall be the CRA’s responsibility with the exception of those duties and responsibilities properly within the exclusive domain of Tribal law enforcement and the Tribal Prosecutor’s office.

**3.2 Government Subdivision; Duration; Location.**

- (A) In carrying out its purpose under this Ordinance, the CRA shall function as a governmental subdivision of the Tribe and is cloaked in the privileges and immunities of the Tribe, including sovereign immunity from suit in any tribal, federal, state, or local court.
- (B) Location and Place of Business. The CRA shall maintain its headquarters, principal place of business and office within the Reservation of the Tribe.
- (C) The CRA shall have perpetual existence and succession in its own name, unless dissolved by the Tribal Council pursuant to Tribal law.

**3.3 Regulatory Agent; Compensation; Duties.**

- (A) Regulatory Agents. The CRA shall consist of at least two (2) Regulatory Agents of which one (1) Regulatory Agent must be a Tribal Member (“Agent”) appointed by the Tribal Council. The Regulatory Agent(s) may be appointees of the Tribe’s other non-gaming regulatory bodies allowing for cross training and consistency in non-gaming regulatory functions. In the absence of an appointed Agent the Tribe’s General Counsel shall serve as an interim Agent until the Tribal Council appoints a new Regulatory Agent.
- (B) Term of Office; Reappointment. The Tribal Council shall determine a Regulatory Agent’s term of office upon appointment, but terms shall be no less than five (5) years. If there is more than one Agent, to the greatest extent possible, the Tribal Council shall stagger the Agents’ terms. There shall be no limit on the number of terms an Agent may serve. An Agent’s term shall automatically renew unless the Tribal Council appoints a replacement before the expiration of the Agent’s term.
- (C) Compensation. The Tribal Council shall set the Agent’s compensation. Agent compensation may be based on full or part-time service and may include employment benefits. Agents are recognized as employees of the Tribe and as

such are required to follow all personnel policies and procedures of the Tribe.

- (D) Duties. The Regulatory Agent shall have the following responsibilities:
- (1) Conduct the day-to-day operations of the CRA, including supervision of unappointed Authority employees, if applicable; and,
  - (2) Devote all time necessary to the discharge of official duties, attend any required Tribal Council meetings unless excused therefrom by the Tribal Council; and,
  - (3) Keep the Tribal Council advised at all times of the affairs and needs of the CRA, and make reports as requested by the Tribal Council of all the affairs of the CRA; and,
  - (4) See that the Ordinance and all applicable rules, regulations, policies, ordinances, and other legal requirements are implemented, enforced, and carried out, and that provisions of applicable contracts, licenses, permits and privileges granted by the CRA are observed; and,
  - (5) Develop an expertise in tribal laws applicable to Cannabis Businesses and regulation, applicable federal laws, applicable state laws and regulations, tribal sovereignty, and administrative regulations and procedures; and,
  - (6) Report to the Tribal Council as provided in this Ordinance, as otherwise required by the Tribal Council or as otherwise deemed necessary by the CRA; and,
  - (7) Exercise the powers bestowed on the CRA by this Ordinance, perform any other tasks and functions assigned by the Tribal Council, and perform any other tasks and functions not expressly stated or assigned but are necessary to ensure the Tribe's Findings, Intent and Policy of this Ordinance are met; and,
  - (8) To act in good faith and in the best interest and for the benefit of the Tribe and the Tribal Membership.

**3.4 Regulatory Agent Qualifications.** Any proposed Regulatory Agent appointee must:

- (A) Have expertise, experience, education or interest in the Cannabis industry, and a combination of 5 years' in management, business, governmental regulation, law, and/or tribal policy experience; and



- (B) Be at least 25 years old; and
- (C) Disclose any financial interest or income received from any Cannabis activity and must not have any other conflict of interest that would impede the appointee from fulfilling a Regulatory Agent’s duties. This subsection does not contemplate benefits any appointee may receive by virtue of Tribal Membership; and
- (D) No individual may serve as a Regulatory Agent if the individual’s prior activities, criminal record, if any, or reputation, habits, or associations:
  - (1) Pose a threat to the public interest; or
  - (2) Threaten the effective regulation and control of Cannabis Businesses; or
  - (3) Enhance the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the conduct of Cannabis Businesses.

**3.5 Removal of Regulatory Agent; Vacancy.**

- (A) Removal.
  - (1) The Tribal Council may remove a Regulatory Agent for any of the following reasons: serious inefficiency; neglect of duty; malfeasance, misfeasance, or nonfeasance; misconduct in office; any conduct which threatens the honesty and integrity of financial services or the CRA; conduct that violates the letter or intent of this Ordinance, or any conduct unbecoming a Tribal governmental official.
  - (2) Unless specifically revoked by the Tribal Council, the Tribe’s General Counsel shall send Regulatory Agent notice describing the basis for removal and a date for a removal hearing, where the Regulatory Agent may dispute the basis for removal.
  - (3) The decision of the Tribal Council concerning removal of a Regulatory Agent shall be final.
- (B) Vacancy. If a Regulatory Agent dies, resigns, is removed, or for any reason is unable to fulfill the appointed term, the Tribal Council may, if necessary, appoint another Regulatory Agent to fill the position.

**3.6 Powers of Cannabis Regulatory Authority.** The CRA shall have, and is authorized to exercise the following powers and responsibilities, in addition to all powers conferred elsewhere in this Ordinance:

- (A) To promulgate, adopt, and enforce regulations and rules furthering the intent and provisions of this Ordinance.
- (B) To oversee and manage the day-to-day operations of all aspects of the CRA.
- (C) To retain advisors and experts, including attorneys, accountants, law enforcement specialists, investigators, building safety specialists and engineers, security specialists, and financial services professionals subject to the written approval of the Tribal Council.
- (D) To contract with third parties when reasonably necessary.
- (E) To examine or inspect the operations of each Licensee, as well as proposed and registered Cannabis Businesses, and to review all internal controls, required safety and general safety plans, chemical processing plans, hazardous material handling, waste disposal, and other areas necessary as a condition for licensure.
- (F) To investigate any Licensee or Person, within the Tribe's jurisdiction, when necessary to ensure compliance with any Legal Requirements, this Ordinance, or any CRA order.
- (G) To make determinations on whether any act, practice, or transaction constitutes an unsafe or unsound practice or a violation of this Ordinance.
- (H) To establish procedures designed to detect any noncompliance with applicable Legal Requirements, or fraud, misconduct, or the like.
- (I) To grant or deny License Applications.
- (J) To conduct hearings to allow a fair adjudication of any dispute arising under this Ordinance.
- (K) To examine under oath, either orally or in writing, in hearings or otherwise, any Licensee or other Person with respect to any matters related to this Ordinance and to compel by subpoena the attendance of witnesses and the production of any books, records, and papers with respect thereto.
- (L) To examine or investigate any Licensee or Person's place of business, equipment, facilities, tangible personal property and the books, records, papers, vouchers, accounts, documents, and financial statements if the Licensee or Person is engaged or participating in, or suspected to be engaged or participating in, any Cannabis Business or regulated activity.

- (M) To take enforcement action against any Licensee or other Person for any violation of this Ordinance by ordering immediate compliance, issuing fines and sanctions, or suspending or revoking any License.
- (N) To possess or seize Cannabis-related materials as necessary for the CRA to investigate Cannabis-related activities and enforce this Ordinance.
- (O) To destroy and dispose of (1) unauthorized or illegal Cannabis Products or (2) other Cannabis-related materials when there is a danger to the health and safety of the public or environment.
- (P) To cooperate with tribal, federal and state law enforcement and regulatory agencies, and to aid in the prosecution of any suspicion of wrongdoing relating to Cannabis-related activities, provided such cooperation or aid is not contrary to the Tribe's sovereignty, rights, or interests.
- (Q) To serve as a liaison between tribal, federal, state, and local law enforcement personnel and the Tribe.
- (R) To arbitrate, compromise, negotiate or settle any dispute to which it is a party, subject to written approval of the Tribal Council.
- (S) To charge fees for the processing, issuance, and renewal of Licenses, including fees or charges associated with conducting background checks; to charge fees for investigations and examinations of Licensees; to charge fees for hearings, including fees related to services rendered relating to transcripts and the furnishing or certifying of copies of transcripts, files, and records; and to impose the foregoing fees as applicable; and to deposit all fees into the bank accounts established pursuant to Section 3.10(B).
- (T) To make such findings as may be necessary to implement the CRA's duties and powers, with such findings to be given deference as the legally binding findings of a governmental entity.
- (U) To exercise all powers incidental, convenient or necessary to enable it to administer or carry out any of the provisions of this Ordinance.

### **3.7 Cannabis Regulatory Authority Rules and Regulations.**

- (A) The CRA shall promulgate regulations or adopt rules necessary to carry out the CRA's duties and powers, including, but not limited to:

- (1) publish findings, new developments in the Cannabis industry, and other information required or necessary to implement this Ordinance;
  - (2) interpretations of this Ordinance when necessary to enforce this Ordinance or for the CRA to fulfill its duties and exercise its powers;
  - (3) recommending the standards for compliant Cannabis Business practices, including, but not limited to, standards for accounting, contracting, management, and supervision;
  - (4) detailing standards for the conduct necessary to enforce this Ordinance, including, but not limited to, inspections, investigations, hearings, enforcement actions, fines and penalties, property seizures, and impoundment;
  - (5) establishing the standards for reporting CRA activity to the Tribal Council;
  - (6) specifying penalties, fines, and other enforcement actions for violations of this Ordinance;
  - (7) detailing standards for determining whether a violation of this Ordinance has occurred;
  - (8) detailing requirements for Licensees to mitigate any adverse environmental impact caused by the Licensee;
  - (9) establishing forms and procedures for Applications, as necessary; and
  - (10) All other rules or regulations the CRA deems necessary to carry out any provision of the Ordinance.
- (B) The CRA may adopt rules by posting to effectuate this Ordinance. A CRA rule shall not have the force of law.
- (C) The CRA may promulgate a regulation by posting to effectuate the Ordinance. Any promulgated regulation shall have the force and effect of law. A person aggrieved by any promulgated regulation may request a hearing to contest the regulation.

**3.8 Annual Budget.** The CRA shall prepare an annual operating budget for all CRA activities and present it to the Tribal Council no less than forty-five (45) days before the beginning of the Tribal fiscal year.

**3.9 Quarterly Report to Tribal Council.** The CRA shall file a quarterly report with the Tribal Council summarizing all CRA and Licensee activity, including any other information and comments as it deems necessary to keep the Tribal Council fully informed as to the status of the CRA's activities.

**3.10 Assets of the Cannabis Regulatory Authority.**

- (A) The CRA shall have only those assets specifically assigned to it by the Tribal Council, acquired in its name by the Tribe, or acquired by the CRA on its own behalf. No activity of the CRA or any indebtedness incurred by it shall implicate or in any way involve any assets of Tribal Members or the Tribe not assigned in writing to the CRA.
- (B) Deposits of Fees and Assessments. Application fees, renewal fees, late payment penalties, civil penalties, administrative fines and other fees or penalties provided for in this Ordinance shall in all cases be paid directly to the CRA. The CRA shall deposit such proceeds into an account or fund designated by the Tribal Council.

**3.11 CRA Records; Record Retention.**

- (A) The CRA's records, and all documents received and held by the CRA, are property of Tribe and shall only be disclosed in accordance with this Ordinance or as otherwise allowable by Tribal law.
- (B) The CRA shall maintain all Applicant files, including Applications, background investigation reports, and eligibility determination reports for no less than three (3) years from the date of the CRA's decision on the Application or renewal.
- (C) All other CRA records, not identified in Section 3.11 (B) shall be maintained for a period of seven (7) years.

## CHAPTER 4 LICENSES

### 4.1 License Required for Cannabis Business.

- (A) A Person seeking to engage in Cannabis Activities or Cannabis Business activity shall obtain all required Licenses pursuant to this Ordinance before engaging in any activity regulated by this Ordinance.
- (B) A License is a revocable privilege to do business within the Tribe's jurisdiction and is not alienable.
- (C) *Due Diligence.* In issuing Licenses, the CRA has broad discretion to perform due diligence in assessing the suitability of any applicant.

### 4.2 Eligibility for Licenses.

- (A) The Tribe or any tribal arm and instrumentality, entity, agency, or other subdivision that meets the criteria of this Ordinance is eligible for any License provided by this Ordinance.
- (B) Any Person, individually or jointly with another Person, who meets the criteria in this Ordinance is eligible for any License provided by this Ordinance.
- (C) A License shall specify the Licensee's primary activity, including, but not limited to: Cannabis testing; Growing; Dispensary; Distribution; and/or Processing. The CRA, by rule or regulation, may create particularized License types to narrow or limit licensed activity.

**4.3 License Types.** Pursuant to the authority vested in the Lac Vieux Desert Band of Lake Superior Chippewa Indians Tribal Council, the CRA is granted the power to issue Licenses to the following Persons:

- (A) A **Cannabis Retailer** license may be issued to a wholly owned and operated instrumentality of the Tribe. **No other Person or entity shall be issued a retailer license. No more than one (1) Cannabis Retailer license may be issued.**
- (B) A **Cannabis Grower** license may only be issued to a wholly owned and operated instrumentality of the Tribe. **No more than one (1) Cannabis Grower license may be issued.**

- (C) A **Cannabis Processor** license may be issued to a wholly owned and operated instrumentality of the Tribe. No other person or entity shall be issued a processor license. **No more than one (1) processor license may be issued.**
- (D) A **Cannabis Secure Transporter** license may be issued to a wholly owned and operated instrumentality of the Tribe or a One Hundred Percent (100%) Tribal Member owned business, created under the laws of the Tribe. **No more than three (3) secure transporter licenses may be issued.**
- (E) **Cannabis Event License** – See Chapter 16.
- (F) **Cannabis Facility Testing License.** Reserved.
- (G) **Hemp License.** Reserved.
- (H) **Limited Supplier License** – See Chapter 19.

#### 4.4 Application Procedure.

- (A) The CRA shall create an Application to be used for licensure of each License type to ensure compliance with this Ordinance and any requirements of the CRA. The Lac Vieux Desert Cannabis License Application shall ask for, but not be limited to, the information in this subsection.
  - (1) **Application Form; Submission to CRA.** An Applicant seeking a License shall complete the required Lac Vieux Desert Cannabis License Application, include all required information and materials including necessary consents and authorizations, and submit the completed Application to the CRA in the manner required by the CRA.
  - (2) **Application Contents.** Unless otherwise authorized by this Ordinance, and the extent applicable as determined by the CRA, the individual Applicant shall supply the following information:
    - (a) The Applicant’s full legal name and a copy of a federal, state, or tribally issued identification card;
    - (b) The Applicant’s Tribal Membership status;
    - (c) The Applicant’s contact information, including: address(es), including any residences, places of business, and mailing addresses

if not the same; phone number(s); website(s); and email address(es);

- (d) A description of the Applicant’s criminal record, if any, regardless of whether any criminal convictions have been set aside according to any state law. For each conviction, the Applicant shall supply a short explanation of the underlying circumstances;
- (e) A description of any civil matters naming the Applicant as a party. For each matter listed, the Applicant shall supply a short explanation of the underlying circumstances;
- (f) A complete disclosure of any pending or ongoing civil or criminal action the Applicant is involved with in any jurisdiction;
- (g) A list of all Cannabis Business-related Licenses the Applicant has ever sought or has an interest in, whether or not such Licenses were issued, in any jurisdiction;
- (h) Written authorization for the CRA to conduct a criminal and financial background check, and when necessary, to obtain documents related to the Applicant’s background;
- (i) The type of License the Applicant is seeking;
- (j) The name and business structure of the Applicant’s existing or proposed Cannabis Businesses, including the management and ownership structure;
- (k) The proposed location of the Cannabis Business, including a diagram of the building or operation location;
  - 1. The address or GPS coordinates of the Licensee(s) Cannabis Business location; and
  - 2. The total square footage of the Cannabis Business location(s);
  - 3. A floorplan of the Cannabis Business location(s) including processing areas, storage areas, security provisions, ventilation and filtration systems, waste management provisions, and utilities and other infrastructure.
- (l) The Applicant’s security plan for the proposed location and where otherwise applicable;



- (m) The Applicant’s staffing plan for the proposed Cannabis Business including the hours of operation, staffing levels, training materials and internal controls of the Cannabis Business.
  - (n) The Applicant’s employee and building safety plan;
  - (o) The Applicant’s environmental, waste management and waste disposal plan;
  - (p) The Applicant’s banking or cash management plan for the proposed Cannabis Business; and
  - (q) The Applicant’s capitalization plan for the proposed Cannabis Business, including disclosure of all lenders.
- (3) For Applicants Tribally-owned, formed and operating as a wholly owned and operated arm and instrumentality of the Tribe, the Applicant shall supply the Tribal formation documents and any other organizing and governing documents which must include:
- (a) The entity’s full legal name and Employee Identification Number (“EIN”), when applicable;
  - (b) The entity’s primary contact and primary management employees (including individuals contracted to provide management services whether or not an employee), each of which shall supply the information required in Section 4.4(A)(2)(a)-(h);
  - (c) The entity’s contact information including: address(es) for its place(s) of business, and mailing addresses if not the same; phone number(s) and email address(es).
- (4) For Applicants other than those described in Section 4.4(A)(3), the Applicant shall identify:
- (a) The Applicant’s owners and/or shareholders that own more than 10% of the company;
  - (b) The Applicant’s partners, officers, directors, and principal management employees, including any chief executive officer, chief financial officer, chief operating officer, and general manager, as applicable;

- (c) Each individual identified in (a) and (b) shall supply the information required by 4.4(A)(2)(a)-(h).
- (5) Any other information the CRA deems necessary, and set forth by rule or regulation, to determine suitability of an Applicant.
- (6) A written certification in writing to the CRA that the building plans and components are safe and compliant with all applicable building, security, and environmental codes, rules, regulations or laws.
- (7) A sworn statement that the Applicant consents to the jurisdiction of the Tribe and the Tribal Court; the Applicant will abide by all applicable laws, rules and regulations related to Cannabis as well as a certification that the information contained in the Application is true and correct to the best of the Applicant's knowledge.
- (8) Each Application shall be accompanied by an Application fee, the amount of which shall be set annually and published by the CRA.

#### **4.5 Application Review; Issuance.**

- (A) The CRA may require an Applicant to supply additional information or explanation for any response on the Application that may assist the CRA's review. The CRA may reject an incomplete application.
- (B) The CRA shall review the submissions and either approve or require modifications before any processing begins.
- (C) *Issuance.* The CRA shall review a completed Application and may issue a License if the CRA finds the Applicant is eligible to hold a License under this Ordinance. An Application is considered complete when the following criteria, as applicable, are met to the satisfaction of the CRA:
  - (1) The Applicant has fulfilled all Application criteria and paid all fees; and
  - (2) The Applicant does not pose a threat to the public interest, the Tribe's economy, the effective regulation of the Tribe's Cannabis industry, or otherwise creates or enhances dangers of unsuitable, unfair, or illegal practices, methods, or activities; and
  - (3) For any Tribally-Owned Applicant, proof of tribal ownership; and

- (4) The Applicant complied with any additional licensing requirement provisions, if any, as provided by this Ordinance, or CRA rule or regulation.
- (D) The CRA's denial of an Application shall be according to Section 4.10.
- (E) The CRA's review of an Application shall be completed within thirty (30) days from the date a complete Application is received unless good cause prevents such decisioning. The CRA shall inform the Applicant of the status of their Application within forty (40) days from the date the complete Application is received which may include a decision to approve, deny the Application or otherwise provide information regarding any good cause delay in decisioning.
  - (1) For a start-up Cannabis Business, wholly owned and operated by the Tribe, the CRA may issue a temporary license in accordance with Rules and Regulations established by the CRA.
  - (2) A temporary license does not authorize the sale and transfer of Marijuana to any Cannabis Customer and is for the purpose of onboarding vendors and preparing for Cannabis Business operations which may include the purchase of inventory, including Marijuana, from any Person licensed by any jurisdiction for the purpose of Distribution.
- (F) In no event shall processing of an Application take more than one hundred eighty days (180) days, if a decision cannot be made by the CRA in that timeframe regarding the issuance of a permanent license, the application will be denied, and the Applicant will be required to reapply.

#### **4.6 License Substance; Classification; Term.**

- (A) The License shall bear on its face, the name of the Licensee, the Tribal logo, the issuance date, the License number, and the applicable classification of the License. The License may be in paper or electronic format.
- (B) The License shall clearly state that the Licensee is entitled to act within the Tribe's jurisdiction pursuant to the Ordinance and applicable Legal Requirements.
- (C) The License shall state that it is not an absolute or complete defense to violations of law.
- (D) Subject to this Ordinance, the CRA may issue Licenses that authorize a Licensee to engage in one or more activities under this Ordinance. The License shall state all authorized activities.

- (E) *Term.* As authorized by this Ordinance, Licenses issued by the CRA shall be effective for a period of up to four (4) years from the date of issuance as determined by CRA rule or regulation. A Special Event License may be issued for such period as determined by the CRA.

#### **4.7 Renewal.**

- (A) The CRA shall create a License renewal form.
  - (1) A Licensee that applies for renewal at least ninety (90) days before the License expiration shall only be required to provide updated materials, if any.
  - (2) A Licensee that applies for renewal within ninety (90) days of the License expiration shall be treated as a new Applicant under Section 4.4.
- (B) The CRA may renew or deny renewal of a license in accordance with Section 4.5 of this Chapter.

**4.8 Voluntary Surrender of License.** Any Licensee may voluntarily surrender its License at any time by giving written notice of the surrender to the CRA.

**4.9 Assignment or Transfer.** Without prior written consent from the CRA, a License is not alienable, salable, lendable, transferable, or assignable, and shall not be transferred or acquired through any stock purchase or other devise.

#### **4.10 Denial of Application; Suspension or Revocation of License.**

- (A) If the CRA determines that an Applicant poses a threat to the public interest, creates or enhances dangers of unsuitable, unfair, or illegal practices, or would impede the effective regulation of the Tribe's Licensed Cannabis Businesses, or is otherwise not in compliance with the Ordinance, then the CRA may deny the Applicant's request for a License.
- (B) The CRA may suspend or revoke a License pursuant to this Section in the same manner as a denial of an Application.
- (C) When the CRA denies an Application or suspends or revokes a License, the CRA shall notify the Applicant or Licensee in writing of the action and provide the basis for the denial, suspension, or revocation. If the Applicant or Licensee disputes the basis for the action, the Applicant or Licensee shall be entitled to a hearing under Section 14.6.

- (D) *Denial; Suspension, or Revocation.* The CRA may deny an Application or suspend or revoke a License if the CRA finds that an Applicant or Licensee:
- (1) Failed to pay applicable fees required by the Ordinance including initial Application, regulatory or renewal fees;
  - (2) Made a material misrepresentation; provided incomplete information, insufficient pertinent information; or made a material omission on the Application or on any document filed with the CRA that poses a threat to the operation of the Tribe's Licensed Cannabis Businesses;
  - (3) Is not a Person of honesty, truthfulness, or good character;
  - (4) Violated or aided, abetted, or conspired to violate or otherwise participated in violation of this Ordinance;
  - (5) Failed to keep sufficient books or records to verify compliance with this Ordinance;
  - (6) Within the past five (5) years, has been charged in any jurisdiction with any felony or crime involving breach of trust, misrepresentation, fraud, theft or dishonesty;
  - (7) Has been convicted or pled no contest to any felony with in the past 5 years or crime involving breach of trust, misrepresentation, fraud, theft or dishonesty;
  - (8) Has had an order entered against it by an administrative or other regulatory agency, in any jurisdiction, based on fraud, deceit or misrepresentation;
  - (9) Is under 21 years of age;
  - (10) Poses a threat to the public interest or the effective regulation of the Tribe's Cannabis industry, or creates or enhances dangers of unsuitable, unfair, or illegal practices, methods, or activities regulated under this Ordinance.
  - (11) Refused to comply with any lawful order, inquiry or directive of the CRA, Regulatory Agent, the Tribal Council, or any other political, administrative, or judicial body of the Tribe;

(12) Attempted to bribe or offer something of value to any Person, Tribal Council Member, or CRA personnel;

(E) *Acts of Controlling Persons and employees.* The actions of an Applicant or Licensee's controlling Person(s) may be imputed to the Applicant or Licensee and may be considered as a basis to deny an Application or suspend or revoke a License.

## **CHAPTER 5 LICENSEES**

### **5.1 Compliance.**

- (A) Licensees shall always comply with this Ordinance, all other applicable Tribal and federal laws, and other applicable Legal Requirements.
- (B) A separate License is not required for each location that the Licensee operates, but each location must be reported to the CRA in advance of any regulated activities.
- (C) A separate License is required when separate locations are engaged in distinct aspects of a Cannabis Business, as dictated by the appropriate scope of the License issued.
- (D) A Cannabis Business Licensee shall post its License issued pursuant to this Ordinance at each location.
- (E) Each Licensee shall maintain a system, policy, procedure, or other method to ensure compliance with this Ordinance, applicable law, or other applicable Legal Requirements. The CRA may promulgate regulations that specify minimum compliance standards.
- (F) All Licensees shall obtain and keep in full force and effect, all licenses, permits, consents and authorizations as may be necessary or required under applicable law and in accordance with all present and future Legal Requirements, as may change from time to time, including but not limited to all applicable statutes, rules, regulations, and ordinances of the Tribe and such laws as may be applicable.
- (G) Unless preempted by Tribal law, all Licensees shall adhere to applicable laws and regulations regarding public health and safety, food handling, sanitation, solid waste and hazardous waste standards, and employee safety.

### **5.2 Prohibited Acts by Licensees.**

- (A) No Person shall engage in conduct regulated by this Ordinance without first obtaining a License.
- (B) A Licensee shall not:
  - (1) Engage in Cannabis Business other than as allowed under this Ordinance.
  - (2) Take any action that is false, misleading, or deceptive;

- (3) Engage in unfair, deceptive, fraudulent, or criminal practices;
- (4) Offer any product that is unsafe;
- (5) Engage in any other illegal activity related to or contemplated by this Ordinance; or
- (6) Allow onsite use or consumption of Cannabis, unless licensed to allow onsite public consumption.

### **5.3 Books, Accounts, and Records; Examinations and Costs.**

- (A) *Books, Accounts and Records.* As required by this Ordinance, Licensees shall maintain all books, accounts, and records that the CRA reasonably requires and shall:
  - (1) Ensure the books, accounts, and records are sufficiently detailed and accurate to demonstrate compliance with this Ordinance.
  - (2) Maintain books, accounts, and records separately from any other business in which the Licensee is engaged and shall retain the books, accounts and records for at least three (3) years.
- (B) *Financial Audit and Costs.* Unless exempt from this subsection, each year Licensees shall submit an independent financial audit to the CRA to show compliance with this Ordinance and applicable rules and regulations published by the CRA. The Licensee shall pay the cost of the examination. Financial audits shall be due six (6) months after the close of the Licensees for each fiscal year for the previous fiscal year. Nothing in this section precludes the CRA from examining the financial books, accounts and records of a Licensee at any time if the CRA believes there is good cause to do so.

### **5.4 Monthly Reports.**

Unless exempt from this subsection or inapplicable, a Licensee shall file a monthly report with the CRA by the 30<sup>th</sup> of each month for the previous month. Each monthly report shall contain information specified by the CRA as sufficient to verify compliance with this Ordinance including at a minimum, the following:

- (1) The name, address, and telephone number of a Licensee;



- (2) The name, address and title of the employee(s) or other agent of the Licensee primarily responsible for the Licensee's day-to-day operations, where applicable;
- (3) A sworn statement that the Licensee, to the best of their knowledge, information and belief is in compliance or taking steps to comply with all applicable Tribal laws, rules, and regulations applicable to its Cannabis Business;
- (4) The name, address and signature of the agent who will accept service of process on behalf of the Licensee;
- (5) The number of full-time equivalent employees, on an annualized basis, employed by the operation during the past twelve (12) months, together with a projection of the number of full-time equivalent employees who are expected to be employed during the next license period;
- (6) Any changes to the name and business structure of the Licensee's Cannabis Businesses, including the management and ownership structure, or written certification of no change, where applicable;
- (7) Any changes to the proposed location of the Cannabis Business, including a diagram of the building or operation location, or written certification of no change, where applicable;
- (8) Any changes to the Licensee's security plan, or written certification of no change, where applicable;
- (9) Any changes to the Licensee's staffing plan, or written certification of no change, where applicable;
- (10) Any changes to the Licensee's banking or cash management plan, or written certification of no change, where applicable; and
- (11) Any changes to the Licensee's capitalization plan, including disclosure of all lenders, or written certification of no change, where applicable;
- (12) Copies of internal operating procedures related to Licensee operations;
- (13) A list of vendors complete with names, addresses and contact information providing services to the Licensee; and
- (14) Any other information required by rule or regulation of the CRA.

- Enacted Pursuant to Resolution T2023-037
- Amended Pursuant to Resolution T2024-023
- Amended Pursuant to Resolution T2024-125
  - Amended Pursuant to Motion 12-03-2024
  - Amended Pursuant to Motion 12-20-2024

**CHAPTER 6**  
**RETAIL ESTABLISHMENTS**

**6.1 Cannabis Retailer Licensee Authorization.** A Cannabis Retailer License authorizes the purchase or transfer of Marijuana from a Cannabis Business, or Person licensed by another jurisdiction for the purpose of Distribution and sale or transfer only to a Cannabis Business in accordance with this Ordinance or any rules and regulations established by the CRA, or a Cannabis Customer in accordance with this Ordinance.

- (A) All transfers of Marijuana to a Cannabis Retailer from a Cannabis Business must be transported by means of a Cannabis Secure Transporter unless both of the following are met:
  - (1) The Cannabis Grower, Processor, or Cannabis Retailer occupies the same location as the Cannabis Retailer; and
  - (2) Marijuana is being transferred using only private real property without accessing public roadways.
  
- (B) A Cannabis Retailer License authorizes the Cannabis Retailer via a Cannabis Employee to transfer Marijuana to or from a Cannabis testing facility for testing without the use of a Cannabis Secure Transporter if done in the manner as authorized by CRA rule or regulation.
  
- (C) A Cannabis Retailer Licensee who operates a Dispensary is authorized to:
  - (1) Possess Cannabis, Cannabis Products, Marijuana, or Cannabis Accessories for retail sales.
  - (2) Purchase, or receive, Cannabis and Cannabis Products from a Licensee, or from a Person licensed by another jurisdiction to supply Cannabis for retail sale, in that jurisdiction.
  - (3) Sell Cannabis, Cannabis Products, Marijuana or Cannabis Accessories.
  - (4) Allow the use of Cannabis or Cannabis Accessories at a Dispensary in accordance with the limitations of this Ordinance.
  - (5) Package or label Marijuana that is obtained in bulk to meet customer demand, so long as the Licensee is adhering to the packaging, labeling and marketing requirements outlined in Chapter 10 of this Ordinance and any applicable CRA regulations or rules.

**6.2 Cannabis Retailer Licensee Compliance.** In addition to any rules or regulations established by the CRA, a Cannabis Retailer Licensee shall comply with all the following:

- (A) Sell or transfer Marijuana or Cannabis Products to an individual 21 years of age or older only after it has been tested in accordance with this Ordinance and bears the label required for retail sale.
- (B) Enter all transactions, current inventory, and other information into the Tribal Monitoring System as required in this Ordinance and in accordance with rules and regulations promulgated by the CRA.
- (C) Before selling or transferring Marijuana or Cannabis Products to an individual 21 years of age or older, verify the individual to be 21 years of age or older by means of a valid government-issued photographic identification containing a date of birth and that the sale or transfer will not exceed the single transaction limit in this Ordinance as found in Section 11.3.
- (D) On Site Consumption and Tasting – Any Cannabis Retail Licensee is authorized to allow Cannabis Customers and visitors to taste Marijuana or Cannabis Products. The Retail Licensee must ensure:
  - (1) Any product consumed is less than 15% THC.
  - (2) Only one serving or sample size is served per Cannabis Customer.
  - (3) An operations plan is in place that includes a detailed explanation of how Employees will monitor and prevent over-intoxication and criminal activity on the premises.
  - (4) A Marijuana Product destruction and waste management plan is in place for destroying and disposing of Marijuana waste left at the Cannabis Business.

**6.3 Minors Prohibited.**

- (A) A Cannabis Retailer Licensee shall not employ, retain, or contract with an individual who is less than 21 years old.
- (B) A Cannabis Retailer Licensee shall not allow a Minor in the Dispensary.

- (C) A Dispensary shall not sell Cannabis, Cannabis Products, Marijuana or Cannabis Accessories to a Minor.

**6.4 Dispensary Operations.** At a minimum, a Dispensary shall comply with the following:

- (A) A Dispensary may engage only in the retail sale of Cannabis, Cannabis Products, Marijuana and Cannabis Accessories acquired from a Licensee or a Person licensed by another jurisdiction for the purpose of Distribution in accordance with this Ordinance or any rules and regulations established by the CRA.
- (B) A Dispensary shall only obtain Cannabis that meets the Testing Standards contained in this Ordinance or any CRA rule or regulation.

**6.5. Recordkeeping.**

- (A) A Dispensary shall maintain accurate records that include, but are not limited to, the following:
  - (1) Financial records showing, at a minimum, a balance sheet showing operating expenses, revenue, compensation, distributions, assets, liabilities, profit/loss sheet, and liquidity.
  - (2) A commercial general liability insurance policy and all other insurance policies related to the operation of the Dispensary. Dispensaries shall maintain, at its expense, a commercial general liability policy relating to the Cannabis-related Activities and its operations, of at least one million dollars (\$1,000,000), and workers compensation insurance in such amounts as required by applicable law, each with a financially sound and reputable insurer reasonably acceptable to the CRA. A Dispensary shall provide the CRA with copies of such insurance policy endorsements evidencing such additional insured coverage to the Dispensary and provide to the CRA such evidence that it may reasonably request concerning the continued existence of such coverages.
  - (3) Inventory records for Cannabis and Cannabis Products that include, at a minimum, the dates and amounts of Cannabis, Cannabis Products or Marijuana received, the daily amounts and kinds of Cannabis and Cannabis Products stored on the property, and the retail sales volumes.
  - (4) All necessary Licenses and other government certifications, permits, etc.

- (B) The records shall be available at the Dispensary, whether by hard copy or electronic format, for at least three (3) years following origination and shall be readily available to the CRA within 24 hours of the CRA's written request.
- (C) Any loss, damage or destruction of these records shall be reported to the CRA within 24 hours of the loss, damage, or destruction.
- (D) Failure to maintain or provide required records by any Licensee will result in a fine or penalty, including, but not limited to, suspension or revocation of the License.

## **CHAPTER 7 GROWING**

**7.1 Cannabis Grower Licensee Authorization.** A Cannabis Grower License authorizes the Cannabis Grower to grow not more than ten thousand (10,000) Cannabis Plants, unless otherwise authorized by the CRA but in no event shall a Cannabis Grower grow more than twenty thousand (20,000) Cannabis Plants. Marijuana Growing is authorized and regulated under this Chapter. A Grower Licensee may:

- (A) Grow Marijuana in compliance with the requirements of this Ordinance;
- (B) Possess or purchase Cannabis Plants, Cannabis Products, or Cannabis Accessories, Cannabis Cuttings or Cannabis seeds for the purpose of Growing Cannabis;
- (C) Sell or transfer Cannabis to a Licensee, Licensed Cannabis Business or entity licensed in another jurisdiction;
- (D) Package or label Marijuana in accordance with the packaging, labeling and marketing requirements outlined in Chapter 10 of this Ordinance and any applicable CRA regulations or rules.

**7.2 Cannabis Grower Licensee Compliance.** In addition to any rules or regulations established by the CRA, a Cannabis Grower Licensee shall comply with the following:

- (A) Enter all transactions, current inventory, and other information into the Tribal Monitoring System as required in this Ordinance and in accordance with rules and regulations promulgated by the CRA.
- (B) Use a Cannabis Secure Transporter to transfer Marijuana unless:
  - (1) The Cannabis Processor or Cannabis Retailer occupies the same location as the Cannabis Grower; and
  - (2) The Cannabis Plant is transferred using only private real property without accessing public roadways; or
  - (3) The Cannabis Grower Licensee is transporting Marijuana or Cannabis Plants and Cuttings from the site of a Cannabis Grower Licensee's operations to a Cannabis Testing Facility in accordance with this Ordinance and applicable CRA rules or regulations; or the Cannabis Grower Licensee is selling or

transferring seeds, seedlings, tissue cultures, or immature plants to a Cannabis Grower from another Cannabis Grower.

- (C) A Cannabis Grower License does not authorize the sale of Cannabis, seeds, seedlings, tissue cultures, immature plants, or cuttings to a Cannabis Customer.
- (D) A Cannabis Grower may accept the transfer of Cannabis seeds, tissue cultures, and clones at any time from another grower Licensed under the State of Michigan, another Tribal Entity, this Ordinance, or any other legal authority.

**7.3 Growing Locations & Operations.** A Cannabis Grower Licensee may grow indoors, outdoors, or both.

- (A) *Allowable Locations; Specifications; Operations.* Before any Growing activity, the Cannabis Grower Licensee shall supply the CRA with a description of the Growing location that includes, but is not limited to:
  - (1) The address or GPS coordinates of any Growing location(s);
  - (2) The total acreage of any outdoor Growing location(s);
  - (3) The total square footage of any indoor Growing location(s);
  - (4) Any maps or floorplans of any Growing location(s) indicating structures, Growing areas, boundaries, security provisions, storage, waste management provisions, and utility and other infrastructure;
  - (5) The hours of operation, staffing levels, and consumer capacity;
  - (6) Details related to the Growing process(es) the Cannabis Grower Licensee intends to use or is using, specifying, at a minimum: the equipment used for Growing; the amount of and source of water required for Growing; the amount and source of electricity required for Growing; the use of hydroponics or aeroponics; a list of nutrients and fertilizers; the use of artificial or natural light; harvesting methods; drying and curing methods; grading methodology; and trimming practices;
  - (7) Details related to disposal methods for damaged or otherwise unmarketable crops; and
  - (8) An outline of the methods implemented to ensure compliance with applicable health and safety standards required by this Ordinance or any CRA rule or regulation.



- (B) The CRA shall review the submissions and either approve or require modifications before any Growing activity begins.
- (C) Growing activities shall not adversely affect the health or safety of nearby residents by creating dust, glare, heat, smoke, traffic, vibration, or other impacts.
- (D) Growing activities shall not be hazardous or harmful due to use or storage of materials, processes, products, or wastes.
- (E) Growing activities are prohibited in or on the premises of any Tribal housing unit currently subsidized with federal dollars.

**7.4 Exception for Personal Growing.** An individual may grow twelve (12) immature Marijuana Plants within their residence for personal use without a Cannabis Grower License. All personal Growing shall be subject to the Lac Vieux Desert Criminal Code Sections 54 and 55. Growth of Marijuana Plants within a tribal housing unit currently subsidized under federal dollars remains illegal under Tribal law.

#### **7.5 Harvesting.**

- (A) Within sixty (60) days from the completion of each Harvest, Growers must report the following to the CRA:
  - (1) Total weight and yield of a Batch;
  - (2) Any waste associated with the Batch; and
  - (3) Disposal methods of any waste.
- (B) No later than forty-five (45) days from completion of any Harvest a test sample of a Batch shall be collected by the Grower in the presence of the CRA and sent to a Cannabis Testing Facility in accordance this Ordinance and rules or regulations promulgated by the CRA.

**7.6 Additional Duties.** In addition to the requirements described in this Chapter, a Cannabis Grower Licensee is required to:

- (A) Provide fifteen (15) days' notice to the CRA of a Batch sample;
- (B) Attend investigations or sampling supervised by the CRA;

- (C) Promptly send the CRA the final test results report received following any testing; and
- (D) Dispose of any Cannabis that does not meet testing standards set forth in this Ordinance.
- (E) *Record Retention.* A Cannabis Grower Licensee shall maintain records regarding the acquisition, Growing, handling, storage, testing and test results, and disposal reports of all Cannabis grown and harvested pursuant to its License for at least three (3) years.

**7.7 Reports.** In addition to the reports required by Sections 5.4, a Cannabis Grower Licensee shall provide the CRA with the following reports, annually or as scheduled by the CRA:

- (A) *Licensee Report.* The Licensee Report shall include:
  - (1) Full name of Licensee and License number;
  - (2) Updated information from the Licensee's Application or previous Licensee Reports;
  - (3) Total Cannabis acreage or greenhouse square footage planted;
  - (4) Total Cannabis acreage or greenhouse square harvested;
  - (5) Total amount of Cannabis materials disposed;
  - (6) Information on the agent handling the disposal;
  - (7) Date of the completion of disposal;
  - (8) Signature of the Licensee.

## **CHAPTER 8 PROCESSING**

**8.1 Cannabis Processor Licensee Authorization.** A Cannabis Processor Licensee is authorized to purchase or transfer Marijuana for processing to transfer or sell to or from a Cannabis Business in accordance with this Ordinance. A Cannabis Processor Licensee may:

- (A) Possess or purchase Cannabis, Cannabis Products, Marijuana or Cannabis Accessories from another Licensee for the purpose of processing Cannabis;
- (B) Sell processed Cannabis, Cannabis Products or Marijuana to a Distributor, Dispensary or Cannabis Retailer.
- (C) Process Cannabis to extract materials necessary to produce Cannabis Products.
- (D) Package and label Marijuana in accordance with the packaging, labeling and marketing requirements outlined in Chapter 10 of this Ordinance and any applicable CRA regulations or rules.

**8.2 Cannabis Processor Licensee Compliance.** In addition to any rules or regulations established by the CRA, a Cannabis Processor Licensee shall comply with the following:

- (A) Enter all transactions, current inventory, and other information into the Tribal Monitoring System as required in this Ordinance and in accordance with rules and regulations promulgated by the CRA.
- (B) Use a Cannabis Secure Transporter to transfer Marijuana unless:
  - (1) The Cannabis Processor or Cannabis Retailer occupies the same location as the Cannabis Grower; and
  - (2) The Cannabis Plant is transferred using only private real property without accessing public roadways.
- (C) Health and safety standards required by this Ordinance and any posted CRA rules or regulations.
- (D) Processing standards set forth in Section 8.3 below to be used in the processing of Cannabis.
- (E) Submit extraction or processing methods in writing to the CRA and certify that such processes or methods adhere to the processing standards set forth in this

Ordinance or rule or regulation of the CRA. If and when requested, the Licensee must provide documentation to verify certifications and compliance within seven (7) days.

**8.3. Standards for Processing.** All Marijuana processed by a Cannabis Processor Licensee must be:

- (A) Compliant with maximum THC concentrations and serving size limits established by the CRA.
- (B) Produced and sold with a standardized dosage permitted in the jurisdiction where the Marijuana will be sold.
- (C) Delineated or scored into standardized serving sizes if the processed Marijuana contains more than one serving.
- (D) Homogenized to ensure uniform disbursement of Cannabinoids throughout the product. The allowable variation for weight and concentrations of processed Marijuana between the actual results and the intended serving is to be plus or minus ten percent (+ or – 10%).
- (E) Processed under sanitation and safe preparation standards that meet or exceed those established by the jurisdiction where the processed Marijuana will be sold including but not limited to:
  - (1) Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventative Controls for Human Food, 21 CFR part 117. Any potentially hazardous ingredients used to process shelf-stable edible Cannabis Products must be stored at 40 degrees Fahrenheit, 4.4 degrees Celsius, or below.
  - (2) Maintaining formulation records for all processed Marijuana and make them available to the CRA upon request. These records at minimum must include the recipe, any additional processing documentation that demonstrates the product to be shelf stable, and test results for all ingredients used.
  - (3) Providing annual Employee training for all Employees on safe food handling and demonstrate an Employee’s completion of this training by providing proof of food handler certification that includes documentation of Employee food handler training, including, but not limited to, allergens and proper sanitation and safe food handling techniques. Any course taken

pursuant to this Section must be conducted for not less than 2 hours and cover all of the following subjects:

- (a) Causes of foodborne illness, highly susceptible populations, and worker illness.
  - (b) Personal hygiene and food handling practices.
  - (c) Approved sources of food.
  - (d) Potentially hazardous foods and food temperatures.
  - (e) Sanitization and chemical use.
  - (f) Emergency procedures, including, but not limited to, fire, flood, and sewer backup.
  - (g) Have an Employee who is certified as a Food Protection Manager.
- (4) Ensuring compliance with the safe preparation standards under this subrule, comply with one (1) or more of the following:
- (a) The FDA food safety modernization act, 21 USC 2201 to 2252.
  - (b) The International Organization for Standardization (ISO), ISO 22000/ISO/TS 22002-1 adopted by reference pursuant to R 420.402.
- (F) A shelf stable product not requiring time and temperature control for safety. The CRA may publish validation guidance for shelf stable processed Marijuana. The CRA may request to review the validation study for a shelf stable processed Marijuana. The end product must be a shelf stable edible Cannabis Product and state the following information:
- (1) A product expiration date, upon which the edible Cannabis Product is no longer fit for consumption and after which it must be destroyed. Once a label with an expiration date has been affixed to an edible Cannabis Product, a Licensee shall not alter that expiration date or affix a new label with a later expiration date. The expiration date must consider all the following:
    - (a) The quality and characteristics of the edible Cannabis Product.

- (b) The packaging of the edible Cannabis Product.
  - (c) The customary conditions encountered by the edible Cannabis Product from production to sale.
- (2) Any other information requested by the CRA that is not inconsistent with this Ordinance.
  - (G) Stored and secured as prescribed under this Ordinance or as required by the CRA.
  - (H) Packaged and properly labeled before sale or transfer in accordance with the standards set forth in Chapter 10.
    - (1) All processed Marijuana packages and labeling must be submitted by the Cannabis Processor Licensee to the CRA for approval prior to initial sale. Submission may be in electronic form and show a rendered image or photograph of the product. CRA must review and accept or deny packaging within fourteen (14) days of submission.
  - (I) Provided to consumers with sufficient information to enable the informed consumption of such product including the potential effects of the processed Marijuana and directions on consumption, as necessary.
  - (J) Compliant with any other rules or regulations applicable in the jurisdiction where the processed Marijuana will be sold.

**8.4 Processing Prohibitions.** A Cannabis Processor Licensee shall be prohibited from processing Marijuana associated with or in any of the following forms:

- (A) Cartoons, caricatures, toys, designs, or shapes that would appeal to minors or persons aged 20 years or younger.
- (B) A distinct shape of a human, animal, or fruit, or a shape that bears the likeness or contains characteristics of a realistic or fictional human, animal, or fruit, including artistic, caricature, or cartoon renderings. Geometric shapes and simple fruit flavors are permissible.
- (C) A Cannabis Processor Licensee shall not transfer or sell a Cannabis Product to a Cannabis Retail Licensee until after test results entered into the Tribal Monitoring System indicate a passed test.

**8.5 Additional Duties.** In addition to the requirements described in this Chapter, a Cannabis Processor Licensee is required to:

- (A) After a package is created, test a sample of the Cannabis Product in its final form and enter the final test results report in the Tribal Monitoring System; and
- (B) Dispose of any Cannabis that does not meet testing standards set forth by the CRA.
- (C) *Record Retention.* A Cannabis Processor Licensee shall maintain records regarding the acquisition, processing, handling, storage, testing and test results, and disposal reports of all Cannabis Products produced pursuant to its License for at least three (3) years.

## CHAPTER 9 TRANSPORTATION

**9.1 Cannabis Secure Transporter Licensee Authorization.** A Cannabis Secure Transporter Licensee is authorized to store and transport Marijuana, Cannabis and money associated with the purchase or sale of Cannabis between Cannabis Businesses for a fee upon request of a Person with legal custody of that Marijuana, Cannabis or money.

**9.2 Cannabis Secure Transporter Licensee Compliance.**

- (A) A Cannabis Secure Transporter shall enter all transactions, current inventory, and other information into the Tribal Monitoring System in accordance with this Ordinance and any rules and regulations promulgated by the CRA.
- (B) A Cannabis Secure Transporter shall comply with the following:
  - (1) Each driver transporting Cannabis and money must have a chauffeur's license issued by the State of Michigan.
  - (2) Each vehicle must be operated with a 2-person crew with at least one (1) individual always remaining with the vehicle during the transportation of Cannabis and money.
  - (3) A route plan and manifest must be entered into the Tribal Monitoring System, and a copy must be carried in the transporting vehicle and presented to a law enforcement officer upon request.
  - (4) The manifest must be verified and signed-off by both crew members and the owner or manager of the originating Cannabis Business.
  - (5) The Cannabis and money must be transported in one (1) or more sealed container(s) and not be accessible while in transit.
- (C) A secure transporting vehicle must not bear markings or other indication that it is carrying Marijuana.
- (D) A secure transport vehicle may be stored at a location that is not the primary place of business of the Cannabis Secure Transporter Licensee if the vehicle does not contain Marijuana and the address of storage is reported to the CRA in the Licensee's staffing plan.



- (E) A Cannabis Secure Transporter is subject to inspection by the CRA or its agent at any point during the transportation of Cannabis to determine compliance with this Ordinance or any published CRA rules or regulations.

### **9.3 Transportation.**

- (A) Before any transportation activity, the Cannabis Secure Transporter Licensee shall supply the CRA with a description of the transportation activity that includes, but is not limited to:
  - (1) The nature and type of Licensees the Cannabis Secure Transporter intends to serve;
  - (2) The type of vehicles that will be used and the security methods to secure Marijuana and money;
  - (3) The location and a description of any facilities that may be used to store Marijuana and money that cannot be delivered in a single day;
  - (4) The procedures used to evaluate employees and employee training procedures;
  - (5) The hours of operation and staffing levels;
  - (6) The procedures and technology used for recordkeeping.
- (B) The CRA shall review the submissions and either approve or require modifications before any transportation activity begins.

### **9.4 Documents Required; Transport Manifest Required; Records and Inventory Tracking.**

- (A) When transporting Marijuana, a Cannabis Secure Transporter Licensee shall possess a copy of the originating Cannabis Business's License, a manifest, and all other required transport records set forth in this Ordinance or by applicable laws for the transportation route and destination. If a motor vehicle is used, the Licensee shall also possess the driver's valid owner or occupational license, the driver's valid motor vehicle operator's license, and all required vehicle registration information.
- (B) *Use of Transport Manifest.* Licensees who transport Marijuana shall create a transport manifest meeting the requirements provided in (D) below. The transport manifest may either reflect all deliveries for multiple locations within a single trip, or separate transport manifests may be created for each single delivery. To

keep transactions confidential, the originating Licensee may require the Cannabis Secure Transporter Licensee to prepare a separate transport manifest for each receiving Cannabis Business.

- (C) *Copy of Transport Manifest to Receiver.* A Cannabis Secure Transporter Licensee shall supply a copy of the transport manifest to each originating Cannabis Business and each Cannabis Business receiving inventory described in the transport manifest.
- (D) Manifest Requirements.
  - (1) When transporting Marijuana, a Licensee shall have a hard copy of a transport manifest that contains all the information required by this subsection and in the format set forth by this Ordinance or published CRA rules and regulations.
  - (2) A Licensee may transport Marijuana to multiple destinations according to a transport manifest that accurately reflects the specific inventory destined for each destination.
  - (3) The transport manifest shall include the following:
    - (a) A unique transport manifest identification code or number;
    - (b) Departure date and approximate time of departure;
    - (c) Name, location address, and License number of the originating Cannabis Business;
    - (d) Name, location address, and License number of the destination Cannabis Business(es);
    - (e) Amount and kind of Cannabis, designated by weight or unit and destination;
    - (f) Transport route and anticipated stops;
    - (g) Arrival date and estimated time of arrival;
    - (h) Delivery vehicle make and model and license plate number; and

- (i) Name, License number, Employee License number(s), if applicable, and signature of the Licensee or Employee Licensee effectuating the transport.

**9.5 Inventory Tracking.** Inventory being transported shall be tracked as follows:

- (A) *Responsibilities of Originating Licensee.* A Licensee shall keep records of all Marijuana to be transported to another Licensee by creating a transport manifest.
- (B) *Responsibilities of Cannabis Secure Transporter.* Before transporting Marijuana, the Cannabis Secure Transporter Licensee shall ensure that the Marijuana received is accurately in the transport manifest or shall immediately adjust and update the transportation manifest to reflect any discrepancies. Before leaving, the Cannabis Secure Transporter Licensee shall reconcile any discrepancies in the transportation manifest to ensure that the originating Licensee retains an accurate copy of the travel manifest. The originating Licensee shall send a copy of the travel manifest to the destination Licensee.
- (C) *Responsibilities of Destination Licensee.* Upon delivery, the destination Licensee shall confirm that the travel manifest is accurate, and all inventoried Marijuana is received. A destination Licensee shall separately document any differences between the quantity or kind of Marijuana specified in the transport manifest and the quantities or kinds of Marijuana received. The destination Licensee shall make a good faith effort to reconcile any discrepancies. Any discrepancies that cannot be reconciled shall be immediately reported to the CRA.

**CHAPTER 10**  
**PACKAGING, LABELING AND MARKETING**

**10.1 Labeling and Packaging.** All Cannabis Products shall list and record the amounts of Tetrahydrocannabinol (THC) and Cannabidiol (CBD) of Cannabis Products in the Tribal Monitoring System and indicate the THC and CBD amounts to the .01 % or .01 mg, as required by this Ordinance or CRA rule or regulation, on the label along with the tag identification.

(A) All Cannabis Products with all the following:

- (1) The name of the Cannabis Product.
- (2) The ingredients of the Cannabis Product, in descending order of predominance by weight.
- (3) The net weight or net volume of the product in United States standard or metric measurements. (12.3.24 Revision, changing “and” to “or”)

(B) For an edible Cannabis Product, the Cannabis Product shall comply with subsection (A) to (E) of this Section and all of the following:

- (1) All non-Cannabis inactive ingredients must be clearly listed on the product label. Inactive ingredients must be approved by the Food and Drug Administration (FDA) for the intended use, and the concentration must be less than the maximum concentration listed in the FDA Inactive Ingredient database for the intended use.
- (2) Allergen labeling as specified by the FDA, Food Allergen Labeling and Consumer Protection Act of 2004 (FALCPA), 21 USC § 343.
- (3) If any health or nutritional claim is made, appropriate labeling as specified by the federal regulations regarding Food Labeling, 21 CFR part 101.
- (4) Must be in opaque, child-resistant packages or containers that meet the effectiveness specifications outlined in 16 CFR 1700.15.
- (5) Must be in a resealable package or container that meets the effectiveness specifications outlined in 16 CFR 1700.15, if the package contains more than one (1) serving.

- (6) Must list the THC and other Cannabidiol content(s) by (a) milligrams per serving and servings per package or (b) by milligrams for the package total.
  - (7) Expiration Date in accordance with Section 8.3 of this Ordinance.
- (C) All Licensees permitted to package and label Cannabis shall adhere to the packaging, labeling and marketing requirements outlined herein. Labels and packages shall meet the following requirements:
- (1) Cannabis packaging and labels shall not be made to be attractive to children.
  - (2) The use of the word “candy” or “candies” on the packaging or labeling is prohibited.
- (D) Marijuana and Cannabis Product labels shall prominently display the following unless otherwise excluded or required by CRA rule or regulation:
- (1) The name and the License number of the Supplier, including business or trade name, and tag and source number as assigned by the Tribal Monitoring System.
  - (2) Product identifying information, to include:
    - (a) The unique identification number for the package or the harvest, if applicable.
    - (b) Date of harvest, if applicable.
    - (c) Name of strain, if applicable.
    - (d) Net weight in United States customary or metric units. (12.3.24 Revision, changing “and” to “or”)
    - (e) Amount of THC and CBD as reported by the laboratory after potency testing along with a statement that the actual value may vary from the reported value by 10%.
    - (f) Activation Time expressed in words or through a pictogram if it is a Cannabis Product or Cannabis edible.

- (3) Name of the laboratory that performed any test, and any test analysis date.
- (4) A warning that states all the following unless deemed inapplicable by CRA regulation:
  - (a) “It is illegal to drive a motor vehicle while under the influence of Marijuana.”
  - (b) “National Poison Control Center 1-800-222-1222.”
  - (c) “For use by individuals 21 years of age or older.”
  - (d) “Keep out of reach of children.”
  - (e) “WARNING: USE BY PREGNANT OR BREASTFEEDING WOMEN, OR BY WOMEN PLANNING TO BECOME PREGNANT, MAY RESULT IN FETAL INJURY, PRETERM BIRTH, LOW BIRTH WEIGHT, OR DEVELOPMENT PROBLEMS FOR THE CHILD.” (in a box setting it apart from all other warning)
- (5) Any other labeling or packaging requirements subsequently adopted by rule or regulation of the CRA.

**10.2 Marketing and Advertising Compliance.**

- (A) Marijuana and Cannabis Products must not be advertised in a way that is deceptive, false, or misleading. A person shall not make any deceptive, false, or misleading assertions or statements on any sign or document provided regarding Marijuana.
- (B) Marijuana and Cannabis Products marketing, advertising, packaging, and labeling must not contain any claim related to health or health benefits, unless a qualified health claim has received and complies with a Letter of Enforcement Discretion issued by the United States Food and Drug Administration (FDA), or the health claim has been approved under the significant scientific standard by the FDA.
- (C) Marijuana must be marketed or advertised as “Marijuana” for use only by individuals 21 years of age or older.
- (D) High THC Content Hemp Product must be marketed or advertised as “High THC Content Hemp Product” for use only by individuals 21 years of age or older.

- (E) Marijuana and Cannabis Products must not be marketed or advertised to individuals under 18 years of age. Sponsorships specifically targeting individuals engaged in youth programs or high school activities are prohibited.
- (F) Marijuana and Cannabis Products must not be marketed or advertised in a way to appeal to individuals under 21 years of age. This determination shall be made at the discretion of the CRA.
- (G) Marijuana and Cannabis Products must not be marketed or processed in ways that could be easily confused with commercially sold candy or as cartoons, caricatures, toys, designs, or shapes that would appeal to minors aged 20 years or younger.

**10.3 Advertising, Marketing and Contribution Prohibitions.** Licensees are prohibited from advertising, marketing or contributing to any event in which the primary audience are minors aged 20 years or younger with the exception of educational programs regarding refraining from or the effects of substance abuse and illegal drug education. Before any such advertising, marketing or contribution, the Licensee shall seek written permission from the CRA.

## CHAPTER 11 DISTRIBUTION, TRANSFER AND SALE

**11.1 Distribution, Transfer and Sale Authorized.** A Cannabis Grower Licensee, a Cannabis Processor Licensee or Cannabis Retailer Licensee may sell, transfer or purchase Marijuana and Cannabis Products to or from a Licensee or any Person licensed by another jurisdiction for the purpose of Distribution in accordance with this Ordinance or any rules and regulations established by the CRA.

### 11.2 Cannabis Tracking and Retail Sale.

- (A) Tracking. All Marijuana sold or transferred between Cannabis Businesses must have a tracking identification number that can be entered into the Tribal Monitoring System and affixed, tagged, or labeled and recorded, along with any other information required by the CRA and this Ordinance.
  - (1) To ensure access to safe sources of Marijuana, the CRA, if alerted in the Tribal Monitoring System, may place an administrative hold on or recall Marijuana, issue safety warnings, and require a Cannabis Business to provide information material or notifications to a Cannabis Customer at the point of sale.
  - (2) A Cannabis Business shall not sell or transfer Marijuana that has been placed on administrative hold, recalled, or ordered to be destroyed.
  - (3) A Cannabis Business must verify in the Tribal Monitoring System, prior to any sale or transfer, that the Marijuana has not been placed on an administrative hold, recalled, or ordered to be destroyed.
- (B) Plant Tracking Requirements. Before a Marijuana Plant is sold or transferred, a Package Tag must be affixed to the plant or plant container and enclosed with a tamper proof seal that includes all of the following information:
  - (1) Name of the strain.
  - (2) Date of harvest, if applicable.
  - (3) Universal symbol, if applicable.
  - (4) Any other requirement established by CRA rule or regulation.
- (C) Label and Package Requirements. Before Marijuana is sold or transferred to or by a Licensee, the container, bag, or product holding the Cannabis Product must



be sealed and labeled with all of the information contained in Chapter 10 of this Ordinance and any rule or regulation established by the CRA.

(D) Sale or Transfer. A Cannabis Retailer Licensee may sell or transfer Marijuana or High THC Content Hemp Product to a Cannabis Customer if all of the following are met:

- (1) The Marijuana or High THC Content Hemp Product has not been placed on administrative hold, recalled, or ordered to be destroyed.
- (2) The Cannabis Retailer Licensee confirms that the Cannabis Customer presented his or her valid driver's license or government-issued identification card that bears a photographic image and proof that the individual is 21 years of age or older.
- (3) The Cannabis Retailer Licensee determines the completed transfer or sale will not exceed the purchasing limit prescribed in the Ordinance.
- (4) Any Marijuana or High THC Content Hemp Product that is sold or transferred has been tested in accordance with this Ordinance and is labeled and packaged for sale or transfer in accordance with this Ordinance.
- (5) The transaction, current inventory, and other information required by this Ordinance is tracked in compliance with this Ordinance and any rule or regulation established by the CRA.
- (6) Appropriate records of all sales or transfer under this Ordinance are maintained and made available to the CRA upon request which only required to include:
  - (a) Payment method.
  - (b) Amount of payment.
  - (c) Time of sale.
  - (d) Product quantity.
  - (e) Other product descriptors.

### **11.3 Cannabis Customer Purchasing Limitation.**

- (A) A Cannabis Retail Licensee may sell or transfer no more than 2.5 ounces of Marijuana to a Cannabis Customer in a single transaction, and no more than 15 grams of Marijuana may be in the form of Cannabis Concentrate.
- (B) A Cannabis Retailer Licensee may sell no more than three (3) immature Marijuana plants to Cannabis Customer per single transaction.

**11.4 Maximum THC Concentration Levels for Processed Marijuana.**

- (A) No Licensee shall distribute, transfer, or sell processed Marijuana (whether edible or not) that exceeds the maximum THC concentrations established by the CRA by more than 10%.
- (B) The CRA shall publish a list of maximum THC concentrations and serving size limits.

**11.5 Trade Samples.** A Grower or Processor Licensee may transfer Cannabis Products to any Licensee or Person licensed by another jurisdiction in accordance with rules and regulations promulgated by the CRA. **A Licensee may receive a trade sample from a Licensee or Person licensed by another jurisdiction for the purpose of ensuring product quality and making determinations about whether to sell the Cannabis Product in accordance with rules and regulations promulgated by the CRA. (approved by T. Council poll voted motion on 10/28/24)**

**11.6 Internal Samples.** A Grower, Processor, or Cannabis Retailer Licensee may provide internal samples directly to its employees for the purpose of ensuring product quality and making determinations about whether to sell the Cannabis Product in accordance with rules and regulations promulgated by the CRA.

**11.7 Product Development.** A Cannabis Grower Licensee or Cannabis Processor Licensee may engage in product development. No other Cannabis Business may engage in product development.

- (1) A Cannabis Grower Licensee may designate Cannabis Plants for product development. Any Cannabis Plants designated for product development count towards the authorized total amount of Cannabis Plants for a Cannabis Grower and must be tracked in the Tribal Monitoring System.
- (2) A Cannabis Processor Licensee may designate Cannabis Products for product development. Any Cannabis Concentrates designated for product development must be tracked in the Tribal Monitoring System.

- (3) A Licensee engaged in product development may submit their product development inventory to a laboratory for research and development testing in accordance with this Ordinance or any rule or regulation adopted by the CRA.
- (4) Enforcement action shall not be taken against a Licensee for failed research and development test results on their product development inventory.
- (5) A Licensee authorized under this Ordinance to engage in product development may transfer its product development inventory to its Employees for consumption, subject to Section 10.6.
  - (a) A Licensee shall have product development inventory tested before transfer to its Employees.
  - (b) The Licensee shall not transfer or sell product development inventory to their Employees until after test results in the Tribal Monitoring System indicate a passed test.
  - (c) Any product development inventory that is not properly transferred to an Employee must be destroyed pursuant to this Ordinance or be subject to secondary testing pursuant to this Ordinance.
- (6) The inventory designated for product development may not be consumed or used on the premises of the Licensee.
- (7) A Licensee shall not transfer or sell inventory designated for product development to a Dispensary, or to a Cannabis Customer, until complete retail testing is conducted pursuant to this Ordinance and after test results in the Tribal Monitoring System indicate a passed test.
- (8) A Licensee authorized under this Ordinance to engage in product development may also engage in a research study with a college, university, or hospital approved by the United States Food and Drug Administration and sponsored by a non-profit organization or researcher within an academic institution researching Cannabis. A Licensee's participation in a research study must be approved by the CRA.

**CHAPTER 12**  
**TESTING FACILITIES AND TESTING REQUIREMENTS**

**12.1 Testing and Testing Facilities Authorized.** Receipt, possession, storage, disposal, and testing of Marijuana shall not be an offense under Tribal law if committed by a Testing Facility Licensee.

**12.2 Cannabis Testing Facility Licensee Compliance.** RESERVED.

**12.3 Licensing Exemption.** A Person licensed by another jurisdiction for conduct described in this Ordinance is exempt from licensure under this Ordinance so long as the Person's licensing jurisdiction laws are as stringent or more stringent than this Ordinance.

**12.4 Applicability of Other Laws.** A Cannabis Testing Facility Licensee shall comply with all applicable laws and standards in addition to the requirements of this Ordinance. A Cannabis Testing Facility Licensee shall also comply with any laws or standards applicable in the jurisdiction where the tested Marijuana is to be grown, processed or sold to consumers.

**12.5 Testing of Cannabis Requirements.** All Cannabis Products sold, processed or grown by a Licensee must pass a safety test from a Cannabis Testing Facility.

- (A) The Cannabis Testing Facility shall conduct the required safety tests specified in subsections 1-9 below unless otherwise excluded by CRA rule or regulation:
  - (1) Potency analysis performed just as the Cannabis Product is without any corrective factor taken for moisture content that includes concentrations of the following:
    - (a) Tetrahydrocannabinol (THC).
    - (b) Tetrahydrocannabinol acid (THC-A).
    - (c) Cannabidiol (CBD).
    - (d) Cannabidiol Acid (CBD-A).
    - (e) Additional cannabinoids, which may be tested with approval from the CRA.
  - (2) Foreign matter inspection.
    - (a) Organic Matter

- (b) Inorganic Matter
  - (3) Microbial screening.
  - (4) Chemical residue testing that includes, but is not limited to, all of the following:
    - (a) Pesticides.
    - (b) Fungicides.
    - (c) Insecticides.
  - (5) Heavy metals testing as required in this Ordinance.
  - (6) Residual solvents.
  - (7) Water activity.
  - (8) Vitamin E Acetate.
  - (9) Homogeneity
- (B) The above is a non-exhaustive list as additional testing requirements may be prescribed or excluded by the CRA through additional rules or regulations.
- (C) A Cannabis Testing Facility shall test and certify all Marijuana before the Marijuana may be sold or otherwise transferred to any Cannabis Customer in accordance with this Ordinance or as otherwise required by rule or regulation of the CRA.
- (D) Before any testing activity, the Licensee shall supply the CRA with a description of the testing location, the product being tested and intended testing activity.
- (E) For any Cannabis Testing Facility other than a Testing Facility Licensee, the Licensee must supply in writing to the CRA the licensure or other documentation to show that Cannabis Testing Facility meets the requirements of Section 12.5.
- (F) The CRA shall review the submissions and either approve or require modifications before any testing activity begins.

**12.6 Independence.** A Cannabis Testing Facility shall be independent from all Persons with any ownership stake in, control over, or who are employed by a Cannabis Business. Any concerns over whether a Testing Facility is independent shall be addressed by the CRA.

**12.7 Additional Cannabis Facility Licensee Reporting Requirements. RESERVED.**

## CHAPTER 13

### CANNABIS EMPLOYEES

- 13.1 Cannabis Employees.** Employees, generally. For purposes of this Ordinance, the definition of Employee includes, but is not limited to, hourly employees, contract Employees, trainees, or any other person given any type of Employee credentials or authorized access to the Cannabis Business. Cannabis Business Licensees must:
- (A) Prohibit a person under 21 years of age to become employed by a Cannabis Business.
  - (B) Prohibit any individual who has been convicted of an offense involving distribution of a controlled substance to a minor from being employed by a Cannabis Business.
  - (C) Terminate the employment of any individual who is convicted of an offense involving distribution of a controlled substance to a minor or a felony crime of moral turpitude.
- 13.2 Background Checks.** A Licensee shall conduct a criminal history background check on any prospective Employee before hiring that individual.
- (A) Prospective Employees. If the background check for a prospective Employee indicates a pending charge or conviction for a controlled substance-related felony or a crime of moral turpitude within the last 10 years, a Licensee is prohibited from hiring the prospective Employee without written permission from the CRA.
    - (1) A controlled substance related offense indicating distribution to a minor is grounds for automatic denial of a prospective Employee's hire by the CRA.
    - (2) The CRA shall promulgate rules or regulations to advise Licensees on the process for obtaining permission for hiring a prospective Employee in this situation.
  - (B) Current Employees. Licensees must have a policy in place that requires Employees to report any new or pending criminal charges or convictions.
    - (a) If an Employee is charged with or convicted of a controlled substance related felony or any other felony, the Licensee shall immediately suspend the Employee and report the charge or conviction to the CRA to determine eligibility of the Employee for continued employment.

- (b) Remove an Employee's access and permissions to the Cannabis Business immediately upon the Employee's suspension or termination.
- (c) The CRA shall maintain a list of excluded Employees or prospective Employees.
- (d) No Employee shall be suspended or terminated pursuant to this Section if such charge or conviction is the direct result of the employee acting in the scope of his or her duties and responsibilities as an employee of a Cannabis Business.

(C) Employee Reporting.

- (1) Each Cannabis Licensee shall report new employee hiring decisions to the CRA within three (3) business days containing the new hire's name, date of birth, employee identification number and position within the Cannabis Business.
- (2) Each Cannabis Licensee shall provide a monthly employee list to the CRA containing new hires, separations, disciplinary actions and other important information.

(D) Recordkeeping.

- (1) A Licensee shall keep records of the results of the criminal history background checks for the duration of the Employee's employment with the Licensee.
- (2) Employee records are subject to inspection or examination by the CRA, including criminal background check information, to determine compliance with this Ordinance and any rules or regulations published by the CRA.

(E) Training and Operations of a Licensee. Licensees of each Cannabis Business has an obligation to provide training and take appropriate measures to safeguard the operation of the Cannabis Business. Each Licensee shall:

- (1) Train Employees and have an Employee training manual that includes, but is not limited to:
  - (a) Employee safety procedures,



- (b) Employee guidelines,
  - (c) Security protocol,
  - (d) Responsible operations plan including but not limited to monitoring and preventing:
    - (1) Over-intoxication;
    - (2) Underage access to the Cannabis Business;
    - (3) Illegal sale or distribution of Marijuana within the Cannabis Business, and
    - (4) Any other potential criminal activity on the premises, as applicable.
  - (e) Educational training, including but not limited to:
    - (1) Marijuana information,
    - (2) Dosage, and
    - (3) Applicable purchasing limits.
  - (f) Copies of training materials must be maintained and made available to the CRA upon request.
- (2) Establish points of sale or transfer procedures for Employees at Cannabis Retail locations performing any transfers or sales to Cannabis Customers. The point of sale or transfer procedures must include, but are not limited to:
- (a) Training in dosage, Cannabis Product information, health or educational materials, point of sale training, purchasing limits, cannabidiol (CBD) and tetrahydrocannabinol (THC) information, serving size, and consumption information, including any warnings.
  - (b) Copies of these items must be maintained and made available to the CRA upon request.

- (3) Ensure that Employees handle Cannabis Products in compliance with Current Good Manufacturing Practice in processing, packing, or holding human food as specified in this Ordinance or as otherwise required by rule or regulation of the CRA.

### 13.3 Security.

- (A) Minimum Security Measures. All Cannabis Licensees will comply with minimum Security measures contained herein and otherwise published by rule or regulation of the CRA regarding security at Cannabis Businesses. Minimum security measures include:

- (1) Placing Security alarms and cameras in all Cannabis Businesses.
- (2) Maintaining secured entrance and egress points.
- (3) Ensuring limited access to retail space.
- (4) Securing all Cannabis Products outside of business hours.
- (5) Securing cash during and outside of business hours.
- (6) Proper accounting of cash.
- (7) Escorting of visitors in limited-access areas.

- (B) Access.

- (1) Unauthorized Individuals. If an individual is present at a Cannabis Business or in a Cannabis Secure Transporter vehicle who is not identified as a Licensee or an Employee of the Licensee or is in violation of this Ordinance, the CRA may take any action permitted under this Ordinance. This does not apply to authorized escorted visitors at a Cannabis Business.
- (2) Authorized Visitors. Nothing in this Ordinance prohibits a Licensee from allowing visitors into the Cannabis Business, if the visitors are identified and confirmed to be at least twenty-one (21) years of age, reasonably monitored, logged in as a visitor, and escorted through any limited access areas.
- (3) Service Providers. Trade or professional services provided by individuals not normally engaged in the operation of a Cannabis Business, except

those individuals required to have Employee credentials under this Ordinance, may be under twenty-one (21) years of age, but must be reasonably monitored, logged in as a scheduled service provider and escorted through any limited access areas.

- (4) No Access Areas. Service Providers and Authorized Visitors that are not Employees or individuals providing trade or professional services are prohibited where hazardous materials are used, handled, or stored in the Cannabis Business.

**CHAPTER 14**  
**INVESTIGATIONS, ENFORCEMENT, HEARINGS, PENALTIES**

**14.1 Exemption from Prosecution.**

- (A) A Person who holds a License and is acting according to this Ordinance is exempt from prosecution or civil penalty in the Tribal Court.
- (B) No Person may be subject to prosecution or civil penalty in the Tribal Court for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the use of Cannabis in accordance with the provisions of this Ordinance so long as they adhere to the exemptions in the Tribe's Criminal Code, as amended by Resolution T2021-025.
- (C) No Licensee employee shall be subject to prosecution or civil penalty in the Tribal Court for acts performed within the scope of their employment.

**14.2 Investigations; Right of Entrance.**

- (A) *Investigations.* The CRA, upon complaint or its own initiative or whenever it may deem necessary in the performance of its duties or the exercise of its powers authorized by this Ordinance, may investigate and examine the operation and premises of any Licensee or Person engaging or suspected to be engaging in activities regulated by this Ordinance and within the Tribe's jurisdiction.
- (B) *Right of Entrance.* The CRA may reasonably enter upon any premises of any Licensee or Person engaging in or suspected to be engaging in any activity regulated by this Ordinance for the purpose of making inspections and examining the premises, testing any materials suspected to be Cannabis or Cannabis Products, as well as financial records, manifests, bank accounts, books, papers, customer accounts, and other records and documents.
- (C) When practical, the CRA shall notify a Licensee or Person of the date and time of any investigation or inspection.

**14.3 Procedures for Suspension or Revocation of a License.**

- (A) Upon reasonable basis for belief that cause exists under Section 4.10 the CRA shall send notice to the Licensee of the facts or conduct that warrants the intended suspension or revocation.
- (B) The Licensee shall be given a reasonable time to either request time to comply or to request a hearing to dispute the intended action.

- (1) If the Licensee requests time to comply, Section 14.5 and any published CRA rules or regulations shall govern.
- (2) If the Licensee requests a hearing, Section 14.6 and any published CRA rules or regulations shall govern.

#### **14.4 Violations.**

- (A) Whenever the CRA becomes aware of a violation or potential violation of this Ordinance, the CRA shall serve a notice of violation that contains, at a minimum, the following:
  - (1) A description of the facts and circumstances that violate the Ordinance;
  - (2) Specific citations to the Sections of the Ordinance that are violated;
  - (3) The CRA's intended enforcement, including any intended Licenses suspension or revocation, fee, penalty, or equitable action; and
  - (4) Provide a reasonable time to either request time to cure or to request a hearing to dispute the violation.
- (B) If the Licensee requests time to comply, Section 14.5 shall govern.
- (C) If the Licensee requests a hearing, Section 14.6 shall govern.
- (D) Failure to respond to a notice of violation shall be deemed a waiver of rights to cure or dispute the violation.
- (E) *Emergency Circumstances.*
  - (1) If the CRA finds that emergency circumstances exist, the CRA, by order, may suspend a License or enjoin the violative conduct. The CRA may take any additional action necessary to protect the public and abate the emergency circumstances.
  - (2) An order issued under this subsection must be served on the Licensee and the Tribe and allow the Licensee an opportunity to request a hearing to dispute the violation and emergency action, however the CRA's emergency action shall remain in effect until the proceedings are concluded.

- (3) As used in this subsection, “emergency circumstances” shall mean any unusual condition that may arise in the course of the business which requires immediate action to protect the public safety and welfare of its Tribal members, Tribal property or the general public from danger, loss or death.

#### **14.5 Opportunity to Cure.**

- (A) A request to cure made under this Chapter shall be in writing and contain, at a minimum:
  - (1) A copy of the CRA’s notice;
  - (2) An explanation and response to the facts and circumstances in the notice, as well as any additional facts, circumstances, and explanations that may help the CRA understand why an opportunity to cure should be allowed;
  - (3) A detailed explanation of how the matter will be cured and mechanisms to ensure the matter will not arise again;
  - (4) An explanation of any harm caused by the matter;
  - (5) A detailed explanation of how any harm attributable to the matter will be mitigated; and
  - (6) Proposed timeframes to cure and mitigate the harm.
- (B) Upon receipt of a request to cure made under this Chapter:
  - (1) If the request is acceptable, the CRA shall allow reasonable opportunity to cure, not to exceed thirty (30) days from the receipt of the request.
  - (2) If the request is unacceptable, the CRA shall either meet and confer to modify the request or deny the opportunity to cure continue enforcement actions.
- (C) Whenever it appears to the satisfaction of the CRA that all of the interested parties to any notice, dispute, violation, or potential violation have agreed concerning the matter at hand, or that a Licensee or Person has successfully cured and mitigated according to its request to mitigate, the CRA may conclude the matter by order and without a hearing.

#### 14.6 Administrative Hearings; Petitions.

- (A) Any Person that is aggrieved by any action by the CRA or a Licensee may request an administrative hearing before the CRA by filing a petition.
- (B) A request for a hearing shall be made by petition within thirty (30) days of discovery of the event giving rise to the contested action or the right to a hearing under this Ordinance is waived. An aggrieved Person may request an extension of time to file a petition and the CRA may grant an extension if it deems the request itself is meritorious.
- (C) A petition must be in writing and contain, at a minimum, the following information:
  - (1) The petitioner's name, legal residence, mailing address, if different than the address for the legal residence, email address, and telephone number;
  - (2) The name of the Person(s) alleged to have caused the grievance, who will be identified as the opposing party or parties;
  - (3) A description of the matter in controversy;
  - (4) A statement of the amount or amounts in dispute;
  - (5) A clear and concise statement of the facts causing the grievance, except for facts that the opposing party has the burden of proving;
  - (6) The relief sought; and
  - (7) The signature of the petitioner or petitioner's attorney or lay advocate.
- (D) Upon receipt of a petition, the CRA will review the petition to ensure it is complete and serve the petition to the opposing parties. If the petition is against the CRA, the CRA will schedule a hearing.
- (E) Any opposing party shall be given an opportunity to respond to the petition.
- (F) *Notice of Hearing.* The CRA shall provide a written notice of a hearing to all parties to the petition setting forth, with specificity, the issues to be resolved, with citation to the Sections of this Ordinance alleged to have been violated or the conduct giving rise to the grievance, if applicable, and include the date, time, and the location of the hearing. The notice shall be served in any way that notifies all the petitioner, including electronically or sent certified mail via United States Postal Service.

- (G) *Hearing.* Absent exigent circumstances or other good cause, the hearing shall be scheduled within a reasonable time, but no sooner than ten (10) days after any response is served and no more than one hundred and twenty (120) days after the notice of hearing is delivered.
- (H) The CRA shall preside over the hearing. If the hearing is contesting a CRA action, the Tribe's General Counsel may represent the CRA's interests.
- (I) At the hearing, the interested parties shall be provided the opportunity to present oral or written testimony and any other relevant evidence.
- (J) *Decision.* The CRA shall issue a written decision and serve the decision to all interested parties within thirty (30) days after the hearing. The written decision shall, at a minimum:
  - (1) Describe the factual findings supporting the decision;
  - (2) Cite the Sections of this Ordinance at issue, violated, or alleged to have been violated, as applicable;
  - (3) State conclusions of law and fact supporting granting or denying relief;
  - (4) Specify any relief awarded, including any fines or penalties assessed for any violation(s) and parties responsible for such fees or penalties, as applicable; and
- (K) *Decision Final.* The decision of the CRA shall be final and non-appealable, except a decision following a dispute to a CRA regulation, which may be appealed to the Tribal Council.
- (L) The CRA shall promulgate regulations and adopt rules to further govern petitions and administrative hearings.

#### **14.7 Penalties.**

- (A) *Civil Penalties.* For any violation of this Ordinance the CRA may:
  - (1) Suspend, deny, or revoke any License;
  - (2) Assess a fine in accordance with the rules and regulations of the CRA;
  - (3) Exclude that Licensee or other Person from the premises of Cannabis Business; and/or



- (4) Take any equitable action necessary to provide relief or remedy.
- (B) *Criminal Penalties.* The CRA has an obligation to prevent criminal Cannabis-related activity within its jurisdiction. As such, the CRA will report any Cannabis-related violations of law within its jurisdiction to proper law enforcement officials. The CRA will work cooperatively with law enforcement to ensure the Intent and Purpose of this Ordinance is carried out.

**CHAPTER 15  
MISCELLANEOUS**

**15.1 Severability.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision, and that holding shall not affect the validity of the remaining portion thereof.

**15.2 No Waiver of Immunity.**

- (A) Nothing in this Ordinance shall be construed as a waiver of the immunity of the Tribe or of any Tribal entity, agency, or instrumentality, from unconsented suit or administrative proceedings except as expressly provided.
- (B) Nothing in this Ordinance shall be construed as an admission that any federal act is applicable to the Tribe or any Tribal entity, agency, or instrumentality or any federal agency maintains jurisdiction over the Tribe or any Tribal entity, agency, or instrumentality.

**15.3 Information Not Public.**

- (A) Information obtained by the CRA from any Applicant, Licensee, Person, or Cannabis Consumer is a Tribal record and not subject to disclosure unless disclosure is authorized by the Tribe, Tribal Law, by order of the Tribal Court, or by order of a federal court of competent jurisdiction.
- (B) Information held by any Licensee that identifies any Cannabis Consumer, any Cannabis Consumer's medical conditions, any primary caregiver, or any Cannabis or Cannabis Products acquired by a Cannabis Consumer are confidential and shall not be disclosed except in limited circumstances as required by law, such as pursuant to a subpoena or a court order.
- (C) Licenses, testing reports and certifications, violations, notices, manifests, investigation results, CRA reports and budgets, and administrative hearings, including any administrative orders and judgments are not confidential, but may be sealed by the CRA by written order.
- (D) Any information eligible to be disclosed shall be redacted or limited in scope to only what is necessary to achieve the goals of a specific investigation, court order, or subpoena.

**15.4 Amendments.** This Ordinance may be amended only by duly enacted resolution of the Tribal Council.

- Enacted Pursuant to Resolution T2023-037
- Amended Pursuant to Resolution T2024-023
- Amended Pursuant to Resolution T2024-125
  - Amended Pursuant to Motion 12-03-2024
  - Amended Pursuant to Motion 12-20-2024

**CHAPTER 16  
CANNABIS EVENTS**

**16.1 Cannabis Events Authorized.** A Cannabis Event License may be granted to any Cannabis Business that holds a Retail License issued by the CRA.

- (A) The Cannabis Event License shall only be issued for no more than seven (7) consecutive days.
- (B) To receive a Cannabis Event License, a retail Licensee must submit an Application to the CRA not less than thirty (30) calendar days before the first day of the Cannabis Event.
- (C) A Cannabis Event can only occur on the Lac Vieux Desert Band of Lake Superior Chippewa Indians Reservation.
- (D) The Cannabis Event License Application must include the following information, but is not limited to:
  - (1) The name of the License holder.
  - (2) The address of the location where the Cannabis Event will be held.
  - (3) A diagram of the physical layout of the Cannabis Event.
  - (4) The dates and hours of operation for which the Cannabis Event License is being sought.
  - (5) Contact information for the Applicant's designated primary contact person regarding the Cannabis Event License, including the name, title, address, phone number, and email address of the individual.
  - (6) Contact information for a designated contact person or persons who shall be onsite at the Cannabis Event and reachable by telephone at all times during the event.
  - (7) A list of all Employees that will be providing onsite sales of Marijuana at the Cannabis Event. If the list of Employees participating in the Cannabis Event changes after the application is submitted or after the Cannabis Event License is issued, the Applicant shall submit an updated list and an updated diagram to the CRA not less than 72 hours before the event. Licenses not on the list submitted to the CRA shall not participate in the Cannabis Event.

- (E) The Cannabis Event Licensee shall hire or contract for security services at the licensed Cannabis Event. All security personnel hired or contracted for by the Licensee shall be at least 21 years of age, meet any standard for security personnel published by the CRA and be present on the licensed premises at all times Marijuana is available for sale. Cannabis Consumption is allowed on the licensed event premises. The security personnel shall not engage in the Cannabis Consumption before or during the Cannabis Event.
- (F) A Cannabis Event Licensee shall maintain a clearly legible sign, not less than eight by eleven inches (8” by 11”) in size, reading “No Persons Under 21 Allowed” at or near each public entrance to any area where the sale or consumption of Marijuana is allowed. The lettering of the sign shall not be less than one (1) inch in height.
- (G) The Cannabis Event Licensee shall ensure that access to the event is restricted to persons 21 years of age or older and ensure that Cannabis sale or consumption is not visible from any public place or non-age-restricted area.
- (H) Only persons 21 years of age or older may purchase and/or consume Marijuana at a temporary Cannabis Event. Prior to selling Cannabis Products to a customer, the Employee making the sale shall confirm, by means of inspection of government-issued photographic identification identifying the issuing government and the name and date of birth of the Cannabis Customer that he/she is of legal age under this Ordinance to make such purchase.
- (I) Except small amounts of Marijuana used for display, all Marijuana for sale at a temporary Cannabis Event must be stored in a secure, locked container that is not accessible to the public. Cannabis Products being stored by a Licensee at a temporary Cannabis Event must not be left unattended.
- (J) All Marijuana made available for sale at a temporary Cannabis Event by a Licensee must comply with all rules and regulations of the CRA.
- (K) The CRA may require the Cannabis Event Licensee and all participants to cease operations without delay if, in the opinion of the CRA or law enforcement, it is necessary to protect the immediate public health and safety of the community. Upon notification from the CRA that the event is to cease operations, the Cannabis Event Licensee shall immediately stop the event and all participants shall be removed from the premises within the time frame provided by the CRA.

## CHAPTER 17 CANNABIS TAX

**17.1 Imposition of Cannabis Excise Tax.** In addition to all other Tribal taxes, an excise tax is imposed on each Cannabis Business and on each Person who sells Marijuana as authorized under this Ordinance at a rate of 10% of the sales price for Marijuana sold or otherwise transferred to a Person other than a Cannabis Business, a State licensed marihuana establishment, a tribal marihuana business licensed in another jurisdiction or as otherwise defined by Compact.

**17.2 Imposition of Cannabis Sales Tax.** In addition to the Cannabis Excise Tax, a sales tax is imposed on each Cannabis Business and on each Person who sells Marijuana as authorized under this Ordinance at a rate of 6% of the sales price for Marijuana sold or otherwise transferred to a Person other than a Cannabis Business, a State licensed marihuana establishment, or a tribal marihuana business licensed in another jurisdiction. All other items for retail sale shall be subject to the Tribal Sales Tax rate of 8%.

**17.3 Monthly Return.** Unless otherwise agreed by Compact, the Cannabis Business shall file a monthly return with the Tax Commissioner by the 25th day of the succeeding month. The monthly return shall be filed on a form prescribed by the Tax Commissioner. The Taxpayer shall remit payment for the tax owed with the return. The monthly return shall be signed by an authorized signatory of the Taxpayer.

**17.4 Distribution of Tax Proceeds.** The proceeds of the gross receipts of the Cannabis Excise Tax and other Tribal Tax collected pursuant to this Ordinance shall be credited to a Tax Revenue Account for the funding of shared services. Provided; however, 25% percent of the gross receipts shall be credited directly to the CRA for purposes of funding the administration, regulation, and enforcement of Cannabis Activities within the Tribe's jurisdiction. Tax proceeds in excess of amounts of the CRA set aside and budgeted for shared services shall be transferred to the Tribe's General Fund.

**17.5 Tax Commissioner.** For purposes of this Ordinance, unless otherwise appointed by the Council through written resolution, the Tribal Finance Director shall serve as the Tax Commissioner.

**CHAPTER 18**  
**CANNABIS REVENUE ALLOCATION PLAN**

**18.1 Intent of Cannabis Revenue Allocation Plan.** The purpose of the Cannabis Revenue Allocation Plan (“Plan”) is to identify how the net revenues from Cannabis Activities licensed or operated by the Tribe shall be used. Pursuant to this Plan, the Tribe shall use Net Revenues generated by Cannabis Activities to promote and protect the general welfare of the Tribe and its Members, strengthen Tribal government, maintain Tribal culture and tradition, strengthen Tribal self-sufficiency and self-determination, and support Tribal economic development. The Tribe shall ensure that Tribal government operations and programs, and Tribal economic development shall receive necessary financial support from net revenues prior to distributing such revenues for other purposes.

**18.2 Revenue to be Allocated.** For the purposes of the Plan, only net revenues from Cannabis Businesses wholly owned and operated by the Tribe will be considered. Net revenue shall be defined as monetary units after deduction of all operating expenses, applicable taxes and subject to the distributable cash available in accordance with each Cannabis Business operating agreement, respectively.

**18.3 Allocation Categories.** The allocation of net revenues is limited to the allocation categories set forth in this Section 18.3. In setting allocations within the ranges provided below, the Tribe will first ensure adequate funding for government operations and programs and for the promotion of economic development. Final allocations shall not exceed 100% for any given fiscal year.

- (A) To fund tribal government operations or programs. An allocation of 30% of the net revenues shall be allocated for government operations and programs (“Governmental Allocation). Government operations and programs including but not limited to funding the Tribal Court, law enforcement, natural resources and conservation programs, education programs including the costs of higher education, youth service programs, cultural revitalization programs, social service programs, elder programs and services, child care programs, day-to-day governmental operations and other such programs. The establishing factor in classification as a government operation and programs are those that are essential to the existence of the tribal operations and deemed necessary in the sovereign discretion of the Tribal Council.
  
- (B) To fund improvement and expansion of Tribal infrastructure. An allocation of 30% of the net revenues shall be allocated for projects related to the improvement and expansion of tribal infrastructure and economic development. (“Tribal Infrastructure

Allocation”). Improvement and expansion of tribal infrastructure includes but is not limited to the planning, development and implementation of capital improvement projects such as construction and repair of new and existing tribal buildings, infrastructure development of Tribal property, economic development exploration, investment and contribution to local units of government. The establishing factor in classification as an improvement and expansion of Tribal infrastructure are those that are deemed necessary by the Tribal Council to achieve the Tribe’s long-term goals of self-determination and the preservation of Tribal culture and traditions.

- (C) To fund the Tribe’s General Welfare Exclusion Program. An allocation of 40% of the net revenues shall be allocated to the development, implementation, administration and maintenance of the Tribe’s General Welfare Exclusion Ordinance, as amended, enacted pursuant to Resolution T2021-080.

**18.4 Cannabis Revenue Allocation Plan Reporting.** On an annual basis, the Tribe shall make available a report of net revenues allocated under the Plan for the review of Tribal membership.



**CHAPTER 19**  
**LIMITED SUPPLIER LICENSE**

**19.1 Limited Supplier Authorized.** A Limited Supplier License may be granted by the CRA to an Applicant that possesses a valid Caregiver Identification Card issued by the State of Michigan's Regulatory Agency. No other person shall be issued a Limited Supplier License. A Limited Supplier License authorizes a Licensee to possess for the purpose of transfer and/or sale of Marijuana to a Cannabis Business that has been issued a License by the CRA under this Ordinance in accordance with this Ordinance.

**19.2 Limited Supplier Application.**

- (A) To receive a Limited Supplier License, an Applicant must apply to the CRA.
- (B) The Limited Supplier License shall only be issued for one (1) year. A Limited Supplier Licensee that wishes to renew a Supplier License after one year must reapply through the CRA for consideration.
- (C) The Limited Supplier License Application must satisfy the requirement of Section 4.4 (a) (2) (a)-(j) as well as Section 4.4 (a) (5) (7) and (8) and include the following information:
  - (1) Proof that the Applicant possesses a Michigan-issued and valid Caregiver Identification Card;
  - (2) The name of the Applicant and any other trade name the Applicant has conducted business under, whether Cannabis related or not;
  - (3) Any trade name(s) used in connection with any Cannabis Related Business Activity, and names of any wholly-owned subsidiaries or other businesses owned by the Applicant;
  - (4) The name and address of the Cannabis Business to which the Applicant seeks to supply Marijuana;
  - (5) All Cannabis Products available from the Applicant;
  - (6) If the Applicant is operating as a sole proprietorship or as a natural person, and not as an entity, then the Applicant shall not be required to submit with the Application separate information related to any controlling persons, and any background check investigation required under this Ordinance or by CRA rules or regulations, shall be conducted only on the Applicant.

(D) Along with any other disclosures required by the CRA, the Application form shall require the Applicant and every controlling person, as applicable, to sign such disclosures, documents and authorizations as required by the CRA, including without limitation, relating to the assumption of risk, release, indemnification, and authorization for background investigation.

**19.3 Limited Supplier Background Investigation.**

(A) The CRA shall conduct a background investigation of the Applicant and each controlling person, as applicable.

(B) The CRA shall protect any confidential information generated by the investigation or submitted by the Applicant from any unauthorized disclosure and shall keep confidential the identity of each person interviewed in the investigation, unless otherwise required by Tribal Court order.

**19.4 Limited Supplier Ineligibility.** A Person or entity shall not be eligible to receive a Limited Supplier License if the Applicant, or any controlling person, as applicable, is a Tribal Council member, Tribal Judge, or Tribal Police officer, CRA Employee, staff member of the Tribal Legal Department, or is under the age of twenty-one (21);

**19.5 Limited Supplier Determination.** Applications for a Limited Supplier License shall be reviewed and processed in accordance with Section 4.5 of this Ordinance provided that:

(A) Eligibility shall be determined pursuant to Section 4.10 of the Ordinance and the requirements of this Chapter.

(B) An Applicant seeking a Limited Supplier License shall not be eligible to receive any form of temporary licensure while the CRA is reviewing the Application documents and may only engage in Cannabis Activities authorized herein upon issuance of a Limited Supplier License.

**19.6 CRA Discretion.**

(A) The CRA may, at any time and for any reason, suspend or revoke a Limited Supplier License, but shall be required to notify the Licensee in writing of the suspension or revocation.

(B) A Limited Supplier Licensee that has had their License suspended or revoked shall immediately cease all Cannabis Activities authorized under this Ordinance.

(C) The CRA may, at its own discretion, impose a moratorium on the issuing or renewing of Limited Supplier Licenses.

- (D) Suspension, revocation or moratorium of a Limited Supplier license is final and the Licensee shall have no right for administrative remedy under this Ordinance.

### **19.7 Limited Licensed Supplier Compliance.**

#### **(A) General Compliance.**

Unless exempt as defined by CRA rule or regulation, a Limited Supplier Licensee shall adhere to the requirements contained in Chapters 5, 10, 11, and 12 of this Ordinance along with all applicable CRA rules and regulations.

#### **(B) Testing.**

- (1) Prior to engaging in Cannabis Activities with a Cannabis Business licensed by the CRA, a Limited Supplier Licensee must adhere to the testing requirements outlined in this Ordinance.
- (2) The Limited Supplier Licensee shall provide the Cannabis Business and CRA with testing results from the Cannabis Testing Facility for Marijuana or Cannabis Products offered to the Cannabis Business licensed by the CRA prior to the transfer or sale.

#### **(C) Packaging and Labeling.**

- (1) A Limited Supplier Licensee must comply with the packaging and labeling requirements in this Ordinance or any CRA rule or regulation for Marijuana or Cannabis Products.
  - (2) The CRA reserves the right to deny the purchase or sale of any Limited Supplier Licensee obtained Marijuana whose packaging or labeling does not adhere to this Ordinance or applicable CRA regulations or rules.
- (D) A Limited Supplier Licensee shall comply with the THC Concentration Levels as set forth in Chapter 11.4 of this Ordinance and as published by the CRA in the rules or regulations.
- (E) In addition to the above referenced chapters, a Limited Supplier Licensee shall comply with any other applicable chapters under this Ordinance and any applicable CRA regulations or rules.

### **19.8 Copy of License.**

A Licensee that has been issued a Limited Supplier License shall always possess a legible copy of the Limited Supplier License while engaging in any Cannabis Activities shall produce the same upon the request of any CRA agent or any Tribal police officer or other law enforcement officer.