

EIGHTH LEGISLATURE
OF THE
CHEYENNE AND ARAPAHO TRIBES
4TH Special Session
April 15, 2020
Large Conference Room, Concho, OK

BILL: A Bill to Adopt an Industrial Hemp Agricultural Act.

BILL NO: 8L-SS-2020-0415-004

DATE INTRODUCED: April 9, 2020

SPONSOR: Kendricks Sleeper A2 District

CO-SPONSOR: Billie Sutton, A1 District

LEGISLATIVE HISTORY:

[NOTE: Except as otherwise noted, the provisions of this Resolution, were enacted into Law by the Eighth Legislature of the Cheyenne and Arapaho Tribes, in the 4TH Special Session, by a roll call vote on April 15, 2020 by Res. No. 8L-SS-2020-0415-004].

SUBJECT: A Bill to Adopt an Industrial Hemp Agricultural Act.

WHEREAS: The Cheyenne and Arapaho Tribes are a federally recognized Indian tribe organized pursuant to a Constitution approved by tribal membership on April 4, 2006 and approved by the Secretary of the Interior; and

WHEREAS: Article VI, Section 5(a) of the Constitution provides that Legislative power shall reside with the Legislature; and

WHEREAS: Article VI, Section 5(a) of the Constitution grants the Legislature the “power to make all laws and resolutions in accordance with the Constitution which are necessary and proper for the good of the Tribes;” and

WHEREAS: The Tribes has never established an organized Industrial Hemp Agricultural Act for the regulation of the sale and production of hemp within the jurisdiction of the Tribes; and

WHEREAS: The Cheyenne and Arapaho Tribes’ Legislature finds a need for the Tribes to adopt an Industrial Hemp Agricultural Act in an effort to establish a system of regulation for the sale and production of hemp grown within the jurisdiction of the Tribes.

WHEREAS: The Cheyenne and Arapaho Tribes’ Legislature certifies that it has the resources and personnel to carry out:

- The practice to maintain relevant information regarding land on which hemp is produced in the territory of the Cheyenne and Arapaho Tribes, including a legal description of the land, for a period of not less than three (3) years;
- A procedure for testing, using post-decarboxylation or other similarly reliable methods, delta-9tetrahydrocannabinol concentration levels of hemp produced in the territory of the Cheyenne and Arapaho Tribes;

- A procedure for the effective disposal of plants, whether growing or not, that are produced in violation of the Farm Bill and products derived from those plants;
- A procedure to comply with enforcement as set forth in the Farm Bill;
- A procedure for conducting annual inspections of, at a minimum, a random sample of hemp producers to verify that hemp is not produced in violation of the Farm Bill;
- A procedure for submitting the information required by the Farm Bill, as applicable, to the USDA not more than 30 days after the date on which the information is received; and

NOW THEREFORE BE RESOLVED the Cheyenne and Arapaho Eighth Legislature, pursuant to its Constitutional authority, adopts the Industrial Hemp Agricultural Act, as attached herewith.

**INDUSTRIAL HEMP AGRICULTURAL ACT FOR THE CHEYENNE AND ARAPAHO TRIBES
CHEYENNE AND ARAPAHO TRIBAL ACT (CAC)
TITLE 7 – NATURAL RESOURCES
SECTION 7.700 – INDUSTRIAL HEMP AGRICULTURAL ACT**

ENACTED BY LEGISLATURE: APRIL 15, 2020

CITE AS: 7 CAC §7.700

SUBJECT

This Bill repeals, rescinds, and supersedes all prior Industrial Hemp Agricultural Acts of the Cheyenne and Arapaho Tribes.

FINDINGS

The Cheyenne and Arapaho Tribes are a federally recognized Indian tribe, organized under a Constitution approved by Tribal membership on April 4, 2006 and approved by the Secretary of the Interior; and

- (a) Article VI, Section 5(a) and (c) in the Constitution provides that “Legislative power shall be vested in the Legislature” and “[t]he Legislature shall have the power to make laws and resolutions in accordance with the Constitution which are necessary and proper for the good of the Tribes...Laws and resolutions which have been enacted shall remain valid until amended or repealed[;]” and
- (b) The Office of Records Management is created pursuant to Constitution Article VII, and the Office of Records Management “shall compile all laws and Resolutions into a comprehensive Act in an orderly manner that shall be published annually.” Constitution Article VI, Section 7(a)(v). The Legislature has deemed it necessary and proper to create a Codification Ordinance to ensure the Office of Records Management has a clear and concise direction to maintain a comprehensive Act in an orderly manner.

A LAW OF THE CHEYENNE AND ARAPAHO TRIBES ENACTING AN INDUSTRIAL AGRICULTURAL HEMP LAW AND CODIFYING SAID LAW IN TITLE 7 OF THE CHEYENNE AND ARAPAHO TRIBAL ACT.

SUBSTANTIAL PROVISIONS

The Legislature of the Cheyenne and Arapaho Tribes hereby creates and adopts the following CHEYENNE AND ARAPAHO TRIBES INDUSTRIAL HEMP AGRICULTURAL ACT.

CONTENTS

SUBJECT 3

FINDINGS 3

SUBSTANTIAL PROVISIONS 3

CHAPTER 1: SHORT TITLE 5
 §7.701 SHORT TITLE 5

CHAPTER 2: AUTHORITY AND DEFINITIONS..... 5
 §7.702 AUTHORITY 5
 §7.703 DEFINITIONS..... 5

CHAPTER 3: PURPOSE 7
 §7.704 PURPOSE..... 7

CHAPTER 4: LICENSEE APPLICATION 8
 §7.705 LICENSE APPLICATION 8
 §7.706 BACKGROUND CHECKS 10
 §7.707 FALSE STATEMENT..... 11

CHAPTER 5: LICENSEE..... 11
 §7.708 LICENSEE AUTHORIZATION AND CRIMINAL LIABILITY EXEMPTION 11
 §7.709 LICENSEE DENIAL, REVOCATION, AND SUSPENSION 11
 §7.710 LICENSE..... 12
 §7.711 CONTINUING OBLIGATION TO PROVIDE INFORMATION 12

CHAPTER 6: CERTIFIED SEED PROGRAM 13
 §7.712 CERTIFIED SEED PROGRAM..... 13

CHAPTER 7: INSPECTION, REPORTING AND TESTING 14
 §7.713 INSPECTION AND SAMPLING..... 14
 §7.714 PRE-HARVEST SAMPLING REQUIRED..... 14
 §7.715 HARVEST REPORTING AND NOTIFICATION 15

CHAPTER 8: FEES 16
 §7.716 FEES..... 16

CHAPTER 9: RECORDS 16
 §7.717 RECORDS 16

CHAPTER 14: VIOLATIONS..... 17
 §7.718 VIOLATIONS 17
 §7.719 NEGLIGENT VIOLATIONS 18
 §7.720 OTHER VIOLATIONS 19

CHAPTER 11: DESTRUCTION 19
 §7.721 DESTRUCTION 19

CHAPTER 12: CANNABIS COMMISSION 20
 §7.722 CREATION OF THE CANNABIS COMMISSION 20
 §7.723 DUTIES AND RESPONSIBILITIES OF THE CANNABIS COMMISSION 20
 §7.724 FEASIBILITY 21
 §7.725 APPEALS 22
 §7.726 HEARINGS AND CONTESTS 23

CHAPTER 13: CHEYENNE AND ARAPAHO INDUSTRIAL HEMP AGRICULTURAL FUND 23
 §7.727 CHEYENNE AND ARAPAHO INDUSTRIAL HEMP AGRICULTURAL FUND..... 23

CHAPTER 1: SHORT TITLE

§7.701 Short Title

This Act shall be known and may be cited as the "Cheyenne and Arapaho Industrial Hemp Agricultural Act".

CHAPTER 2: AUTHORITY AND DEFINITIONS

§7.702 Authority

- (a) The Cheyenne and Arapaho Tribes are duly recognized by the United States Secretary of the Interior as a self-governing, Sovereign Nation, that is a federally recognize Indian Tribe with all rights, privileges, and powers attended thereto as a sovereign government, and organized in accordance with Title 25 of the United States Act, Section 450, the "Indian Self-Determination and Education Assistance Act," and Article XVII of the Tribe's Constitution and By-Laws and Section 3 of the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967), under an amended Constitution ratified on April, 2006 and approved by the Secretary of Interior on May 17, 2006; and
- (b) Article VI, Section 5, subsection (a) of the Constitution grants that the Legislative power shall be vested in the Legislature; and
- (c) Article VI, Section 5, subsection (a) of the Constitution further grants that the Legislature shall have the power to make laws and resolutions in accordance with the Constitution which are necessary and proper for the good of the Tribes; and
- (d) Article VI, Section 5, subsection (a) of the Constitution further grants that all actions by the Legislature shall be embodied in a written law or resolution; and
- (e) Article VI, Section 5, subsection (a) of the Constitution further grants that laws and resolutions which have been enacted shall remain valid until amended or repealed.

§7.703 Definitions

The following words or terms shall have the following meaning when used in the subchapter unless the context clearly indicates otherwise:

- (a) "Certified seed" means industrial hemp seed that has been certified by the Cheyenne and Arapaho Tribes' Cannabis Commission as having no more than three-tenths of one percent (0.3%) delta-9 tetrahydrocannabinol concentration on a dry-weight basis;
- (b) "Cannabis Commission" or "Commission" means the Cheyenne and Arapaho Tribes' Cannabis Commission;
- (c) "Conviction" means any plea of guilty or nolo contendere, or any finding of guilt, except when the finding of guilt is subsequently overturned on appeal, pardoned, or expunged. For purposes of this Plan a Conviction is expunged when the Conviction is removed from the individual's criminal history report and there are no legal disabilities or restrictions associated with the expunged

Conviction, other than the fact that the Conviction may be used for sentencing purposes for subsequent Convictions. When an individual is allowed to withdraw an original plea of guilty or nolo contendere and enter a plea of not guilty and the case is subsequently dismissed, the individual is no longer considered to have a Conviction for purposes of this Plan.

- (d) "Criminal History Report" means the individual's Federal Bureau of Investigation's Identity History Summary.
- (e) "Industrial hemp" means the plant *Cannabis sativa* L. and any part of the plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) on a dry-weight basis.
- (f) "Key Participants" means a person or persons who have a direct or indirect financial interest in the Hemp being cultivated or in the entity producing the Hemp, such as an owner or partner in a partnership. A Key Participant also includes persons in a corporate entity with executive managerial control. Key Participant does not include subcontractors or non-executive managers such as farm, field, and shift managers.
- (g) "Licensee" means any individual, agency, association, branch, corporation, estate, group, partnership, or other entity or organization having legal rights and responsibilities located within the jurisdiction of the Cheyenne and Arapaho Tribes which holds a valid Industrial Hemp License to grow industrial hemp under the Cheyenne and Arapaho Industrial Hemp Agricultural Act. Nothing in the Cheyenne and Arapaho Industrial Hemp Agricultural Act shall prevent the licensee from adopting policies and procedures to subcontract with persons or other legal entities to carry out the purposes of the Act; provided, that the Cheyenne and Arapaho Cannabis Commission shall ensure subcontractors comply with the Act requirements.
- (h) "Industrial Hemp License" or "License" means authorization by the Cannabis Commission for any individual, agency, association, branch, corporation, estate, group, partnership, or other entity or organization having legal rights and responsibilities located within the jurisdiction of the Cheyenne and Arapaho Tribes to grow and cultivate industrial hemp on a registered land area for legal purposes as part of the Cheyenne and Arapaho Industrial Hemp Agricultural Act.
- (i) "Building" means any single standing structure with walls and a roof but shall not include separate structures connected by corridors or breezeways.
- (j) "Contiguous field" means any contiguous tract of land used for the cultivation of industrial hemp and may include contiguous tracts of land occasionally intersected by roads, streams, or other natural features but shall not include a tract or tracts of land intersected by property owned by a third party or gaps in the cultivation of industrial hemp exceeding one quarter of a mile.
- (k) "Cultivation" means the act of planting, growing, or harvesting industrial hemp and any related agricultural activities.

- (l) "Cultivation site" means the contiguous field, building, storage area, or processing area in which one or more varieties of industrial hemp may be lawfully cultivated, stored, or processed.
- (m) "Cannabis Commission" or "Commission" means the Cheyenne and Arapaho Tribes' Cannabis Commission.
- (n) "Growing Area" means the portion of a contiguous field or building in which a single variety of industrial hemp is planted, grown, and harvested.
- (o) "Industrial Hemp" means any part of the plant, *Cannabis sativa* L., with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis, whether growing or not, and the seeds thereof.
- (p) "License" means a valid license issued by the Cannabis Commission allowing a licensee to cultivate industrial hemp from low THC seed within the jurisdictional boundaries of the Cheyenne and Arapaho Tribes.
- (q) "Listed low THC seed" means low THC seed that has been approved by the Cannabis Commission and listed on the Cannabis Commission's Low THC Seed List.
- (r) "Low THC seed" means industrial hemp seed having no more than three-tenths of one percent (0.3%) delta-9 tetrahydrocannabinol concentration on a dry-weight basis.
- (s) "Processing Area" means any physical location in which entire harvested plants are altered by any manner of mechanical, chemical, or other processing techniques. The processing area need not be located on or near the contiguous field or building in which industrial hemp is cultivated but shall be considered as part of the cultivation site.
- (t) "Storage Area" means any physical location in which harvested plants or plant parts are stored. The storage area need not be located on or near the contiguous field or building in which industrial hemp is cultivated but shall be considered as part of the cultivation site.
- (u) "Subcontractor" means a person or business entity that has contracted with a licensee and provides supplies, labor, land, or expertise related to the licensee's participation in the Cheyenne and Arapaho Industrial Hemp Agricultural Program. Subcontractors are NOT "Key Participants" as referenced in subpart (f) above.

CHAPTER 3: PURPOSE

§7.704 Purpose

The rules of this section establish the licensing requirements and regulation of the production and manufacturing of industrial hemp within the jurisdiction of the Cheyenne and Arapaho Tribes. The licensing requirements and regulation of the Cheyenne and Arapaho Industrial Hemp Agricultural Regulation Act shall be administered by the Cannabis Commission and shall conform to the Cheyenne and

Arapaho Industrial Hemp Agricultural Act; and to the procedural rules promulgated by the Cheyenne and Arapaho Cannabis Commission.

CHAPTER 4: LICENSEE APPLICATION

§7.705 License Application

- (a) Any individual, agency, association, branch, corporation, estate, group, partnership, or other entity or organization having legal rights and responsibilities located within the jurisdiction of the Cheyenne and Arapaho Tribes wishing to engage in industrial hemp growth and cultivation authorized under the Cheyenne and Arapaho Industrial Hemp Agricultural Act shall apply to the Cheyenne and Arapaho Cannabis Commission for a license:
 - (1) Not less than thirty (30) days prior to planting industrial hemp;
 - (2) No later than December 1 if a subsequent license is required for industrial hemp crops planted before December 31 but scheduled for harvest after December 31.
 - (3) A separate application, including separate application and inspection fees, and a separate license for each cultivation site.
- (b) The application shall include:
 - (1) the name and address of the applicant for a license,
 - (2) The contact information, including but not limited to, names, phone numbers, and email addresses for any officials or employees of the applicant responsible for oversight of the Cheyenne and Arapaho Industrial Hemp Agricultural Act;
 - (3) If the applicant intends to utilize subcontractors, the correct legal name of the subcontractors along with all aliases or trade names of the subcontractors;
 - (4) If the applicant intends to utilize subcontractors, the addresses for the subcontractors' primary business locations and any satellite business offices located in Oklahoma;
 - (5) If the applicant intends to utilize subcontractors, the contact information, including but not limited to, names, phone numbers, and email addresses, for any officials or employees of the subcontractor responsible for oversight of the Cheyenne and Arapaho Industrial Hemp Agricultural Act and communications with the Cannabis Commission relating to the cultivation of industrial hemp;
 - (6) A statement of intended end use;
 - (7) Proof of ownership for the cultivation site and the following information if the cultivation site is not wholly owned by the applicant:
 - (A) The name, address, and contact information for all persons or entities having any ownership interest in the cultivation site;
 - (B) An original signed, dated, and notarized letter of acknowledgement from each person having any ownership interest in the cultivation site indicating approval for the cultivation of industrial hemp at the cultivation site; and
 - (C) A copy of the property lease for the entire duration of the license, if applicable;
 - (8) If the application identifies a contiguous field as the cultivation site:
 - (A) A legal description (Section, Township, Range) of the contiguous field;

- (B) The global positioning location coordinates at the approximate center of the contiguous field; and
 - (C) An annotated map or aerial photograph with sufficient detail and clarity to define the boundaries and dimensions of the contiguous field in acres, and, if applicable, the locations, boundaries, and dimensions of different growing areas within the contiguous field along with a description of the variety of industrial hemp corresponding to each growing area;
- (9) If the application identifies a building as the cultivation site:
- (A) The physical address of the building;
 - (B) The global position location coordinates of the building; and
 - (C) An annotated map or blueprint with sufficient detail and clarity to show the boundaries and dimensions of the building and growing area in square feet, and, if applicable, the locations, boundaries, and dimensions of different growing areas within the building along with a description of the variety of industrial hemp corresponding to each growing area;
- (10) A description of any areas used to store or process plants or plant parts, including but not limited to:
- (A) The physical address or location of any storage areas or processing areas;
 - (B) The global positioning location coordinates of any storage areas or processing areas; and
 - (C) An annotated map or blueprint with sufficient detail and clarity to show the location, boundaries and dimensions of any storage areas or processing areas in square feet;
- (11) A schedule identifying the intended dates of planting and intended dates of harvesting any industrial hemp crop or crops;
- (12) A statement of intended use and disposition for the industrial hemp harvested from the cultivation site or any plant parts thereof;
- (13) A notarized and sworn statement from an official or employee of the applicant, official or employee of any associated subcontractor that only listed low THC seed will be planted at the cultivation site; and
- (c) By submitting an application, the licensee acknowledges and agrees that:
- (1) Any information provided by the applicant or subcontractors is subject to public disclosure;
 - (2) Any information provided to the Cannabis Commission may be provided to law enforcement agencies without notice to the Licensee,
 - (3) the licensee and any entities contracting with the licensee shall allow and fully cooperate with any inspection and sampling that the Cannabis Commission deems necessary;
 - (4) the licensee will submit all required reports by the applicable due dates specified by the Cannabis Commission; and
 - (5) the licensee has the legal right to cultivate industrial hemp from certified seeds on the registered land area and shall grant the Cannabis Commission access for inspection and sampling.
- (d) The Cannabis Commission shall collect a nonrefundable fee from the licensee at the time of application. The Cannabis Commission shall set a fee schedule based on the size and use of the land area on which the licensee will conduct industrial hemp growing or cultivation operations and shall set the fee at a level sufficient to generate the amount of monies necessary to cover the Cannabis

Commission's direct costs in implementing the Cheyenne and Arapaho Industrial Hemp Agricultural Act. The Cannabis Commission may waive the fee for resubmitted applications.

- (e) A license issued pursuant to this section is valid for one (1) year. In order to continue engaging in industrial hemp growth and cultivation operations on land located within the jurisdiction of the Cheyenne and Arapaho Tribes', the licensee must annually apply for a license in accordance with subsection (a) of this section. The Cannabis Commission may set a separate fee schedule for renewal of existing licenses in good standing.
- (f) All industrial hemp plant material shall be planted, grown and harvested under a valid license. Any plant material that is not harvested in the license period in which it was planted or volunteer plants that are not destroyed must be declared for inclusion in a subsequent license.
- (g) If the licensee wishes to alter the land area on which the licensee will conduct industrial hemp growth and cultivation operations within thirty (30) days of any new license, before altering the area, the licensee shall submit to the Cannabis Commission an updated legal description, global positioning system location, and map specifying the proposed alterations.
- (h) Each licensee shall report any changes to information provided in the license application within fourteen (14) days of such change to the Cannabis Commission.
- (i) A subcontractor may submit applications, pay associated fees, pay fines, file reports, and keep records required by the Cannabis Commission on the licensee's behalf if authorized by the licensee to do so. The licensee's approval for the subcontractor to submit applications, pay fees, pay fines, file reports, and keep records shall be evidenced by an original, dated, signed, and notarized authorization letter from an official or employee of the licensee identified in §7.705(b)(1) submitted with the application for a license. A unique original, dated, signed, and notarized authorization letter shall be required for each new application, each subsequent application, or renewal of an existing license.
- (j) Incomplete applications shall not be processed by the Cannabis Commission and any associated application fees shall be retained by the Cannabis Commission.
- (k) Applications that are denied by the Cannabis Commission may be resubmitted within sixty (60) days of the original filing. The Cannabis Commission may waive application fees for resubmitted applications.

§7.706 Background Checks

- (a) All applicants for a license and all of the Key Participants in their proposed activities must undergo a Criminal History Report as part of an application for licensing. The Cannabis Commission may require such other background checks as it deems necessary or appropriate. When a person or entity applies for a license, Key Participants must each submit to those relevant background checks.
- (b) Criminal History Report must not be completed more than sixty (60) days before the submission of an application.
- (c) For a corporation, if a Key Participant has a disqualifying felony conviction, the corporation may remove that person from a key participant position. Failure to remove that person will result in a license revocation.
- (d) **Felony Conviction:**
 - (1) A person with a State or Federal felony conviction relating to a controlled substance is subject to a 10-year ineligibility restriction on participating in the plan and producing hemp from the date of the conviction. An exception applies to a person who was lawfully growing hemp under the 2014 Farm Bill before December 20, 2018, and whose conviction also occurred before that date.

- (2) Any producer growing hemp lawfully with a license, registration, or authorization under a pilot program authorized by section 7606 of the Agricultural Act of 2014 (7 U.S.C. 5940) before October 31, 2019 shall be exempted from paragraph (e)(1) of this section.
- (3) For producers that are entities, the State or Tribal plan shall determine which employee(s) of a producer shall be considered to be participating in the plan and subject to the felony conviction restriction for purposes of paragraph (e)(1) of this section.

§7.707 False Statement

Any person who materially falsifies any information contained in an application to participate in such in the Cheyenne and Arapaho Hemp Program shall be ineligible to participate.

CHAPTER 5: LICENSEE

§7.708 Licensee Authorization and Criminal Liability Exemption

- (a) A licensee is authorized to:
 - (1) Engage in the growth and cultivation of industrial hemp from certified seeds for agricultural plant research and development purposes; and
 - (2) Engage in the growth and cultivation of industrial hemp from certified seeds for marketing development purposes.
- (b) The activities performed under the Cheyenne and Arapaho Industrial Hemp Agricultural Act shall not subject the persons participating in the Act to criminal liability under the Cheyenne and Arapaho Criminal Offenses and Criminal Procedure Act. The exemption from criminal liability provided for in this subsection is a limited exemption that shall be strictly construed and shall not apply to an activity that is not expressly permitted under the Cheyenne and Arapaho Industrial Hemp Agricultural Act.

§7.709 Licensee Denial, Revocation, and Suspension

- (a) The Cannabis Commission may consider a number of factors when deciding to grant or deny a license including, but not limited to, the location of the cultivation site; the criminal history of the licensee, subcontractor, or employees thereof; and prior administrative actions taken by the Commission against the licensee, subcontractors, or employees thereof.
- (b) The Cannabis Commission may deny, revoke or suspend a license if the licensee:
 - (1) Violates any provision of the Cheyenne and Arapaho Industrial Hemp Agricultural Act or rules adopted pursuant to the Act;
 - (2) Engages in fraud or deception in the procurement of or attempt to procure a license under this Cheyenne and Arapaho Industrial Hemp Agricultural Act or provides false information on a license application;
 - (3) Refuses or fails to cooperate and assist the Cannabis Commission with the inspection process;
 - (4) Refuses or fails to provide any information required or requested by the Cannabis Commission for compliance with the Cheyenne and Arapaho Industrial Hemp Agricultural Act;

- (5) Knowingly provides false, misleading or incorrect information pertaining to the licensee's cultivation of industrial hemp to the Cannabis Commission by any means, including information provided in any application form, report, record or inspection required or maintained for purposes of the Cheyenne and Arapaho Industrial Hemp Agricultural Act;
 - (6) Fails to submit any report required by the Cheyenne and Arapaho Industrial Hemp Agricultural Act; or
 - (7) Fails to pay fees required by the Cheyenne and Arapaho Industrial Hemp Agricultural Act.
- (c) If a sample of a licensee's industrial hemp tests higher than three-hundredths of one percent (0.03%) delta-9 tetrahydrocannabinol concentration, the licensee shall not be subject to any penalty under the Cheyenne and Arapaho Industrial Hemp Agricultural Act if the crop is destroyed.
- (d) The Commission's denial of a license may be contested in any manner consistent with §7.724 through §7.725.

§7.710 License

- (a) A separate license shall be required for each cultivation site operated by the licensee.
- (b) All licenses expire on December 31 of the year in which the license was issued. Any industrial hemp that is not harvested on or before December 31 must be declared for inclusion in a subsequent license or destroyed by the licensee.
- (c) Every license issued by the Cannabis Commission shall remain the property of the Commission. Possession of a license does not confer any property right or exemption from criminal liability under the Uniform Controlled Dangerous Substances Act to the licensee, subcontractor, or officials or employees thereof that is not expressly described in this subchapter.
- (d) The Cannabis Commission may restrict, limit, or impose conditions on any license that are not similarly imposed on other licensees or cultivation sites.
- (e) Licenses shall not be assigned or transferred.
- (f) Unless the context expressly indicates otherwise, a subcontractor's compliance with the Cheyenne and Arapaho Industrial Hemp Agricultural Act and the rules promulgated by the Cannabis Commission shall be sufficient to satisfy the obligations of the licensee to comply with the Cheyenne and Arapaho Industrial Hemp Agricultural Act and the rules promulgated by the Cannabis Commission.

§7.711 Continuing Obligation to Provide Information

- (a) Every licensee shall have a continuing obligation to provide current information to the Cannabis Commission. The licensee shall provide updated information if there is any material change to the information provided in the application within ten (10) days of the material change unless otherwise specified herein, including but not limited to, changes in personnel or contact information.
- (b) The licensee shall file an amendment to the licensee's application not less than thirty (30) days prior to making any alteration to boundaries, dimensions, or growing areas of a cultivation site or a change in the variety of industrial hemp cultivated.

(c) The licensee shall immediately notify the Cannabis Commission of any change to the planting and harvesting schedule exceeding five (5) days from the planting and harvesting schedule listed in the application.

(d) The employment of a new subcontractor or replacement of an existing subcontractor associated with a license for a particular cultivation site shall require the submission of a new application and the payment of new application and inspection fees by the licensee.

CHAPTER 6: CERTIFIED SEED PROGRAM

§7.712 Certified Seed Program

- (a) A licensee shall only plant, replant, sell, or purchase listed low THC seed.
- (b) The Cannabis Commission shall establish a Certified Seed Program to identify seeds that have been confirmed to produce industrial hemp. In accordance with all federal state laws and regulations, the Cannabis Commission may import seeds.
- (c) The Cannabis Commission may approve varieties of low THC seed produced in Oklahoma and include those varieties on the Commission's Low THC Seed List if it is tested and confirmed to produce mature plants with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent (0.3%) on a dry-weight basis.
- (d) The Cannabis Commission shall provide and maintain a list of certified seeds to be used by licensees.
- (e) The Cannabis Commission's Low THC Seed List shall identify vendors and associated varieties of listed low THC seed along with a notation indicating whether the listed low THC seed is commercially available for purchase or is retained for private use and replanting by the vendor, as follows:
 - (1) The Cannabis Commission shall accept informational submissions and payment of annual registration fees by vendors or licensees seeking to include varieties of low THC seed on the Commission's Low THC Seed List;
 - (2) Each variety of listed low THC seed registered by a vendor or licensee shall be registered and listed separately and shall require the payment of a separate registration fee; and
 - (3) Each vendor selling low THC seed or retaining low THC seed for private use shall register each variety of low THC seed that the vendor intends to sell or replant regardless of whether another vendor has registered the same variety of low THC seed.
- (f) Low THC seed shall not be considered listed low THC seed unless included on the Cannabis Commission's Low THC Seed List.
- (g) The Cannabis Commission may rely on the legally constituted certification officials of a state, foreign country, or the United States to determine whether low THC seed imported into Oklahoma may be included on the Cannabis Commission's Low THC Seed List.
- (h) Designation of listed low THC seed shall comply with the general requirements of federal law for certification of seed.
- (i) Listings on the Cannabis Commission's Low THC Seed List shall expire on December 31 of each year. Vendors or licensees may request that listings of low THC seed be renewed by submitting a request for relisting on or before December 1 along with the payment of any necessary annual registration fees. Requests for relisting shall not require supplementary informational submissions unless requested by the Cannabis Commission.

- (j) Licensees may retain low THC seed cultivated from prior harvests for replanting without offering the retained seed for sale to third parties, however, low THC seed retained in this manner shall be approved by the Cannabis Commission and included on the Commission's Low THC Seed List as specified herein prior to replanting.

CHAPTER 7: INSPECTION, REPORTING AND TESTING

§7.713 Inspection and Sampling

- (a) The Cannabis Commission shall develop an evidence gathering methodology for the inspection of cultivation sites and the collection of industrial hemp test samples.
- (b) The Cannabis Commission may develop laboratory testing methodologies to verify the concentration of delta-9 tetrahydrocannabinol in industrial hemp test samples or the Cannabis Commission may contract with another laboratory to conduct such testing using laboratory protocols approved by the Commission.
- (c) Any plants of the licensee are subject to routine inspection and sampling to verify that the delta-9 tetrahydrocannabinol concentration of the plants planted does not exceed three-tenths of one percent (0.3%) on a dry-weight basis. The Cannabis Commission shall notify each licensee of the scope of the inspection and the process by which the inspection will be conducted.
- (d) In addition to any routine inspection and sampling under §7.713(c), the Cannabis Commission may inspect and take samples from any licensee's plants during normal business hours unannounced and without advanced notice.
- (e) Licensees or an authorized representative shall be present at the time of inspection and sampling. The licensee or authorized representative shall provide the Cannabis Commission's inspector with complete and unrestricted access to all plants, parts and seeds, whether growing or harvested, and all land, buildings and other structures used for the growth, cultivation, harvesting or storage of industrial hemp, and all documents and records pertaining to the licensee's industrial hemp-growing and cultivation operation.
- (f) Industrial hemp test samples collected by the Cannabis Commission during routine or unannounced inspections shall be tested to verify that the delta-9 tetrahydrocannabinol concentration of industrial hemp does not exceed three tenths of one percent (0.3%) on dry weight basis.
- (g) The licensee shall pay for any hourly inspection fees and laboratory analysis costs for any routine and unannounced inspections within thirty (30) days of the date of the receipt of an invoice for the costs. The Cannabis Commission shall waive all inspection or sampling costs if no inconsistencies or violations are identified during an inspection that is not part of the regular inspection process.
- (h) A licensee may contest the procedures, protocols and results or findings of the inspection by in any manner consistent with §7.724 through §7.725.

§7.714 Pre-Harvest Sampling Required

- (a) A Producer shall not harvest any Cannabis crop, including Hemp, prior to pre-harvest samples being taken in the manner described herein.
- (b) At least 30 days prior to the anticipated harvest of Tribally Licensed Hemp, a Tribally Licensed Producer shall contact the Cannabis Commission to arrange for a Federal or Tribal Law Enforcement Agency or other Federal or Tribal person designated by the Tribe and properly trained, to collect samples from the flower material from such Cannabis plants for Delta-9 Tetrahydrocannabinol concentration level testing as described in this Plan. This sampling cuts shall then be collected within 15 days of anticipated cultivation of the crop.

- (c) The method used for sampling from the flower material of the Cannabis plant must be sufficient to determine, at a confidence level of 95 percent, that no more than one percent (1%) of the plants in the Licensed Lot would exceed the Acceptable Hemp THC Level under this Plan. The method used for sampling must ensure that a representative sample is collected and that it represents a homogeneous composition of the Lot.
- (d) During a scheduled sample collection, the Producer or an authorized representative must be present at the collection site.
- (e) All Licensed Growers and Producers must provide the representative(s) of the sampling agency with complete and unrestricted access during business hours to all Hemp and other Cannabis plants, whether growing or harvested, and to all land, buildings, and other structures used for the cultivation, handling, and storage of all Hemp and other Cannabis plants and seeds, as well as to all locations listed in the Producer's License and Permit(s).
- (f) A Tribally Licensed Producer shall not harvest their Cannabis crop prior to these samples being taken and receipt of approval to harvest from the Cannabis Commission. Violation of this requirement shall be grounds for License revocation.

§7.715 Harvest Reporting and Notification

- (a) Not less than thirty (30) day prior to harvest, the licensee shall file a harvest report on a form provided by the Cannabis Commission and shall, at a minimum, contain the following information:
 - (1) The name of the licensee and any associated subcontractors;
 - (2) The location of the cultivation site or parts thereof wherever situated;
 - (3) A description of each variety of industrial hemp growing at the cultivation site;
 - (4) The expected date or dates of harvest for each variety of industrial hemp growing at the cultivation site;
 - (5) The expected yield for each variety of industrial hemp planted at the cultivation site along with a description of the growing area in which each variety was planted sufficient to calculate the growing area in acres for outdoor cultivation or square feet for indoor cultivation;
 - (6) A description of the intended use and disposition of the industrial hemp product, including but not limited to:
 - (7) Whether the whole plant will be sold or otherwise transferred to a third party with sufficient additional information for the Cannabis Commission to identify the price for a specific quantity of industrial hemp;
 - (8) Whether individual plant parts rather than the whole plant will be sold or otherwise transferred to a third party with sufficient additional information for the Cannabis Commission identify the price for a specific quantity of plant parts along with a description of the plant parts sold or transferred;
 - (9) A general description of any mechanical, chemical, or other processing techniques applied to the whole plant before sale or transfer to a third party;
 - (10) The name and contact information of the person or business entity to which the whole plant or plant parts will be sold or transferred; and
 - (11) Whether the whole plant or any part thereof will be destroyed after harvest;

- (12) A description of fertilizers, pesticides, or other chemicals applied to each variety of industrial hemp planted at the cultivation site;
 - (13) A description of irrigation or water management practices applied to each variety of industrial hemp planted at the cultivation site;
 - (14) A description of tillage or ground preparation practices applied to each variety of industrial hemp planted at the cultivation site; and
 - (15) A description of the environmental impacts and viability of each variety of industrial hemp planted along with any supporting documentation.
- (b) Not less than thirty (30) days following the harvest, the licensee shall supplement the harvest report and declare the actual yield for each variety of industrial hemp planted at the cultivation site and any material change to the information supplied in the harvest report.

CHAPTER 8: FEES

§7.716 Fees

- (a) Each new, subsequent, or renewed application for a license to cultivate industrial hemp at a particular cultivation site shall require the payment of a nonrefundable application fee at the rate of Five Hundred Dollars (\$500.00).
- (b) Each new, subsequent, or renewed application for a license to cultivate industrial hemp at a particular cultivation site shall require the payment of a site inspection fee calculated at the rate of Five Dollars (\$5.00) per acre on a contiguous field or Thirty-Three Cents (\$0.33) per square foot in a building.
- (c) An hourly inspection rate consisting of Thirty-Five Dollars (\$35.00) per hour per inspector for actual time devoted to the inspection of a cultivation site shall be charged following routine or unannounced inspections. The calculation of the hourly inspection rate shall include the inspectors' travel time from the inspectors' duty station to the cultivation site, the time devoted to inspection of the cultivation site, and the inspectors' travel time returning from the cultivation to the inspectors' duty station.
- (d) Application amendments or notifications of material change to the information provided in an application shall not require the payment of additional application fees but may, at the discretion of the Commission, require additional inspections and the payment of additional site inspection fees and fees assessed at the hourly inspection rate at the same rate charged for a new application.
- (e) An annual nonrefundable registration fee of One Hundred Dollars (\$100.00) shall be paid for listing low THC seed on the Commission's Low THC Seed List. A separate annual registration fee shall be required from each vendor for each variety of low THC seed included on the Commission's Low THC Seed List.

CHAPTER 9: RECORDS

§7.717 Records

- (a) The licensee shall retain the following records for no less than five (5) years from the end of the calendar year:
- (1) All records relating to information supplied in the application for a license;

(2) All records relating to the use and disposition of industrial hemp harvested or any plant parts thereof;

(3) All records relating to the storage or processing of industrial hemp or any plant parts thereof;

(4) All records relating to the destruction of industrial hemp harvested or any plant parts thereof, including but not limited to, any affidavits, notifications, and electronic records required by this subchapter;

(5) All documentation relating to any license, renewal license or other required authorization from the Cannabis Commission and, if applicable, the Secretary of the USDA. §7.717(a)(5) shall specifically include any updates or changes to the status of any license, renewal license or other required authorization.

(b) The licensee shall produce or allow inspection of records at the request of the Commission.

(c) The licensee's obligation to retain and produce records shall be satisfied if the subcontractor retains or produces records.

CHAPTER 14: VIOLATIONS

§7.718 Violations

(a) The Cannabis Commission may deny, suspend, or revoke a license or fine a licensee upon a finding by the Commission that that the licensee has violated the Cheyenne and Arapaho Industrial Hemp Agricultural Act or the rules promulgated by the Cannabis Commission.

(b) Violations committed by subcontractors or officials and employees thereof shall be considered violations of the licensee.

(c) The fine for violating the Cheyenne and Arapaho Industrial Hemp Agricultural Act and the rules of this subchapter shall not exceed Ten Thousand Dollars (\$10,000) per violation per day or occurrence.

(d) Nothing in this subchapter shall restrict the licensee from contractually obligating subcontractors to indemnify and hold the licensee harmless from fines issued by the Commission for violations occurring at a cultivation site operated by the subcontractor. The licensee may require a bond or surety to guarantee the contractual obligations of the subcontractor for the payment of fines. However, the licensee shall be financially responsible for any fines issued by the Commission.

(e) The following conduct shall be considered a violation of the Cheyenne and Arapaho Industrial Hemp Agricultural Act and the rules of this subchapter:

(1) Providing false, misleading, or incorrect information or otherwise engaging in fraud or deception to secure or retain a license;

(2) Failure to timely, accurately, and truthfully complete and submit any application, report, or request for information from the Commission;

(3) Failure to retain records required by this subchapter or produce such records at the request of the Commission;

(4) Interference with the inspection process, including but not limited to, refusal to grant unrestricted access to a cultivation site; impeding the sampling of plants; or refusal or failure to fully cooperate with the Commission's inspections;

- (5) Failure to timely pay any fee or invoice issued by the Commission;
- (6) Planting, growing, harvesting, storing, or processing industrial hemp or *Cannabis sativa* L. plants in locations other than the cultivation site described in the application for license or amendments thereto;
- (7) Refusal or failure to comply with orders of the Commission or the rules of this subchapter requiring the destruction of industrial hemp or *Cannabis sativa* L. plants or plant parts;
- (8) Planting, growing, or harvesting *Cannabis sativa* L. plants with a delta-9 tetrahydrocannabinol concentration of exceeding three-tenths of one percent (0.3%) on a dry weight basis, as follows:
 - (A) The Commission shall calculate an average from the results from all test samples collected from a growing area during an inspection in accordance with the Commission's evidence gathering methodology to determine whether a violation occurred. A calculated average of delta-9 tetrahydrocannabinol concentrations exceeding three-tenths of one percent (0.3%) on a dry weight basis derived from test samples collected in the growing area shall be prima facie evidence that a violation occurred. The licensee shall have the burden of proof to contradict such evidence.
 - (B) If the calculated average of delta-9 tetrahydrocannabinol concentrations in test samples collected from a growing area exceeds three-tenths of one percent (0.3%) but is equal to or less than one percent (1%) on a dry weight basis, the licensee shall destroy all *Cannabis sativa* L. plants and plant parts from the growing area in question. Upon the destruction of the crop, the licensee shall be subject to no additional fines or penalties.
 - (C) If the calculated average of delta-9 tetrahydrocannabinol concentrations in test samples collected from a growing area exceeds one percent (1%) on a dry weight basis, the licensee shall destroy all plants and plant parts planted, grown, or harvested from the growing area in question. The Commission may impose additional fines or penalties including the denial, suspension or revocation of a license by the Commission.

§7.719 Negligent Violations

- (a) A hemp producer in the Cheyenne and Arapaho Tribes jurisdiction which the Cannabis Commission determines that the hemp producer has negligently violated this Act, including by negligently:
 - (1) Failing to provide a legal description of land on which the producer produces hemp;
 - (2) Failing to obtain a license or other required authorization from the Tribes department of agriculture as applicable; or
 - (3) Producing *Cannabis sativa* L. with a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent on a dry weight basis.
- (b) A hemp producer described in subparagraph (a) shall comply with a plan established by the Cheyenne and Arapaho Tribal government, as applicable, to correct the negligent violation including:
 - (1) A reasonable date by which the hemp producer shall correct the negligent violation; and
 - (2) A requirement that the hemp producer shall report to the Cannabis Commission on a monthly basis, as applicable, on the compliance of the hemp producer for a period of not less than the next two (2) calendar years.

- (c) A hemp producer that negligently violates this Act shall not as a result of that violation be subject to any criminal enforcement action by the Federal Government or the Cheyenne and Arapaho Tribes.
- (d) A hemp producer that negligently violates this Act three (3) times in a five (5) year period shall be ineligible to produce hemp for a period of five (5) years beginning on the date of the third violation.

§7.720 Other Violations

- (a) If the Cannabis Commission determines that a hemp producer in the jurisdiction of the Cheyenne and Arapaho Tribes has violated this Act with a culpable mental state greater than negligence—
 - (1) The Cannabis Commission shall immediately report the hemp producer to:
 - (A) The Attorney General of the Cheyenne and Arapaho Tribes;
 - (B) The United States Attorney General;
 - (C) The United States Department of Agriculture;
 - (D) The Bureau of Indian Affairs Office located within Concho, Oklahoma; and
 - (E) Any other appropriate regulatory agency and/or law enforcement.
 - (b) Except as provided in paragraph C, any person convicted of a felony relating to a controlled substance under Tribal, Federal, or State law before, on or after the date of enactment of this Act shall be ineligible, during the ten (10) year period following the date of conviction:
 - (1) To participate in the program established under this Act; and
 - (2) To produce hemp under any regulations or guidelines issued under this Act.
 - (c) Paragraph B shall not apply to any person growing hemp lawfully with a license, registration or authorization under a pilot program authorized by section 7606 of the Agricultural Act of 2014 (7 U.S.C. 5940) before the date of enactment of this Act.
 - (d) Any person who materially falsifies any information contained in an application to participate in the program established under this Act shall be ineligible to participate in that program.

CHAPTER 11: DESTRUCTION

§7.721 Destruction

- (a) The licensee shall destroy all *Cannabis sativa* L. plants or plant parts if sampling and testing by the Cannabis Commission, required by the rules of this program, has determined that the delta-9 tetrahydrocannabinol content concentration level of the plant or plant parts is above three-tenths of a percentage (.03%)
- (b) Any and all *Cannabis sativa* L. plants or plant parts required by the rules of this program to be destroyed must be collected for destruction by a person authorized under the Controlled Substances Act to handle marijuana, such as a Drug Enforcement Agency-registered reverse distributor, or a duly authorized Federal, State, or local law enforcement officer or official.
- (c) Licensed producers notified they have produced product exceeding the acceptable hemp THC level must arrange for disposal of the lot represented by the sample in accordance with the Controlled Substances Act and Drug Enforcement Agency regulations as specified above. Specific DEA

procedures for arranging for the disposal of non-compliant product will be listed on the USDA Domestic Hemp Production Program website.

- (d) The licensee shall document the destruction of *Cannabis sativa* L. plants or plant parts, as follows:
 - (1) The licensee shall submit a notification of intended destruction to the Commission not less than ten (10) days prior to the date that the licensee undertakes the destruction of the *Cannabis sativa* L. plants or plant parts, communicate the time and date
 - (2) The licensee shall make and retain a date-stamped electronic video recording the collection and transfer of the *Cannabis sativa* L. plants or plant parts to the DEA-registered reverse distributor, or duly authorized Federal, State, or local law enforcement officer, or official. The video recording shall be retained as a record relating to the destruction of industrial hemp for not less than five (5) years from the end of the calendar year. The date stamp need not be displayed on the video recording but shall, at a minimum, appear in the electronic file name. The electronic video recording shall consist of sufficient duration and detail to verify that the destruction occurred and was complete;
 - (3) An officer or employee of the licensee or subcontractor responsible for enforcement and implementation of the Cheyenne and Arapaho Industrial Hemp Agricultural Act and shall submit an affidavit to the Commission affirming the destruction not more than ten (10) days following such destruction.
- (e) Destruction shall be conducted safely and shall not be conducted in a manner consistent with the requirements for prescribed burning. The licensee shall delay the destruction required by this subchapter or by order of the Commission until the risk of starting a wildfire is minimal.

CHAPTER 12: CANNABIS COMMISSION

§7.722 Creation of the Cannabis Commission

- (a) In order to provide for the orderly development, administration, and regulation of industrial hemp, the Cannabis Commission is hereby empowered and established to exercise its authority as the duly authorized body of the Tribe over the regulation of any industrial hemp activity within the Cheyenne and Arapaho Tribes in compliance with the provisions of this Act.
- (b) The Cannabis Commission shall consist of three (3) commissioners, appointed by the Governor and confirmed by the Legislature, to staggered three (3) year terms.
- (c) Any member, employee or agent of the Cannabis Commission or any member of his or her family living with him or her may not have a financial interest in any industrial hemp business, contractor or enterprise doing business within the Cheyenne and Arapaho Tribes' jurisdiction. Furthermore, no member, employee or agent of the Cannabis Commission or any member of his or her family living with him or her may not accept any gift or thing of value from a contractor so employed by the business or enterprise.
- (d) Nothing in this section shall prohibit any Cannabis Commission member, employee or agent from having a financial interest in any industrial hemp business or enterprise operating pursuant to the provisions of this Act as would any member of the Tribe if entitled to such interest as a Tribal member generally, including any per capita payments derived from the profits made by any industrial hemp business or enterprise operating pursuant to the provisions of this Act.

§7.723 Duties and Responsibilities of the Cannabis Commission

- (a) The Cannabis Commission shall be charged with the responsibility of administering and enforcing the provisions of this Act.

- (b) It shall be the responsibility of the Cannabis Commission to promulgate rules, if necessary, to administer the provisions of this Act.
- (c) The duties involved in the administration of this Act shall include but not be limited to the following:
- (1) Making available application forms for initial and renewal licenses, as well as any other necessary licenses and to make available the licenses themselves;
 - (2) Supervise the collection of all fees and all applicable taxes;
 - (3) Processing all license applications;
 - (4) Issuing licenses and notifying the Secretary of the U.S. Commission of Agriculture (“USDA”) of such issuances as required by the Agricultural Improvement Act of 2018;
 - (5) Determining applicable license fees;
 - (6) Providing for outside independent audits of all industrial hemp production pursuant to the provisions of this Act and providing those audits to the Secretary of the USDA or other appropriate regulatory agency;
 - (7) Reviewing all industrial hemp agricultural operation contracts, records, documents, and anything else necessary and pertinent to the financial accountabilities of licensees or the enforcement of any provision of this Act, rules promulgated by the Cannabis Commission or other applicable law.
 - (8) Procurement of an Analytical Chemistry Lab for testing;
 - (9) The Cannabis Commission shall have the power and authority to deny any application, to limit, condition, suspend, or restrict any license, making a finding of suitability or approval of the license or a finding of suitability or approval of or the imposition of a fine upon any person licensed for any violation of this Act or rules promulgated by the Cannabis Commission;
 - (10) The performance of any other duties required in this Act, rules promulgated by the Cannabis Commission, any amendments thereto or other duties necessary for implementation of said regulation;
 - (11) Defending this Act in any court of law or before any federal agency;
 - (12) Conduct or have conducted background investigation on all primary management officials and key employees of the involved Licensee, and maintain ongoing oversight of such management and key employees;
 - (13) The Cannabis Commission shall propose an annual budget for operations pursuant to the provisions of this Act, including salaries, expenses and all related costs of the Cannabis Commission members and any employees or agents thereof, reasonably necessary to the activities of the Commission in carrying out the duties of the Commission under this Act, or any rules and/or regulations promulgated in support hereof. Any rules or budgets proposed by the Cannabis Commission shall be limited by the Legislative Process as articulated in Article VI; Section 7 of the 2006 Cheyenne and Arapaho Constitution, the Mileage and Per Diem Act of 2019, and any subsequent amendments thereto or applicable statutes.

§7.724 Feasibility

The Cannabis Commission shall study the feasibility of attracting federal and private funding to implement the Cheyenne and Arapaho Industrial Hemp Agricultural Act.

§7.725 Appeals

- (a) The Cannabis Commission shall afford an applicant for a license or a licensee an opportunity for a hearing prior to a final action denying such application and shall afford a licensee or any other person(s), subject to this Act, the opportunity for a hearing prior to taking final action resulting in terminating, revoking, suspending, or limiting a license or any other adverse action the Cannabis Commission deems appropriate, provided, that the Cannabis Commission may summarily suspend temporarily or extend suspensions of a license for thirty (30) days in those cases where such action is deemed appropriate by the Cannabis Commission. In cases where a license is suspended prior to a prompt hearing, an opportunity for a hearing shall be provided.
- (b) Whenever upon specific factual finding the Cannabis Commission determines that any person has failed to comply with the provisions of this Act or any regulation promulgated hereunder, the Cannabis Commission shall make a certification of findings with a copy thereof to the subject or subjects of that determination. After five (5) days' notice and within sixty (60) days thereof the Cannabis Commission shall hold a hearing, at which time the subject shall have an opportunity to be heard and to present evidence.
- (c) At such hearing it shall be the obligation of the subject to show cause, by a preponderance of the evidence, why the determination is incorrect; why the application in question should not be denied; why the license, or licenses, in question should not be denied; why the license, or licenses, in question should not be revoked or suspended; why the period of suspension should not be extended; to show cause why special conditions or limitations upon a license should not be imposed; or to show cause why any other action regarding any other person or persons subject to any action should not be taken. At such hearing, the subject shall be allowed to have access to evidence upon which any determination is made and to confront witnesses.
- (d) Following such hearing the Cannabis Commission shall, within seven (7) days, reach a determination by majority vote concerning the accuracy of the preliminary certification of facts and whether the licenses in question should be granted, continued, suspended, revoked, conditioned, or limited and whether any other action recommended to or by the Cannabis Commission (including, but not limited to, forfeitures or fines) should be taken.
- (e) Within five (5) days following this determination the Cannabis Commission shall inform the subject in writing of that determination.
- (f) Any person who engages in activities on property subject to the provisions of this Act without a license in violation of the terms imposed thereon, in violation of terms of suspension, or in violation of any other provisions of this Act, regulations promulgated hereunder, or amendments thereto shall be in violation of this Act, including any person who unlawfully trespasses upon any premises licensed by this Act without the consent of the licensee and/or the Cannabis Commission. Separate violations shall be prosecuted as separate offenses before the Cannabis Commission or other Tribal judicial body, or other judicial body as the case may be. Each day of violation shall constitute a separate count or violation of this Act. A violator shall also be required to pay court costs, storage fees, and auction or sales fees. All property used in each and every separate violation of this Act may become the property of the Tribe by forfeiture. Persons may be prohibited from trespassing on premises licensed under this Act; and licenses may be suspended, revoked, or limited and/or establishments may be forcibly closed. All such action shall be taken at the discretion of the Cannabis Commission. Any profits found to have been received in violation of this Act are forfeited and become the property of the Tribes.
- (g) Nothing within this Act shall limit the number of licensed operators the Cannabis Commission can license pursuant to the provisions of this Act to conduct industrial hemp agriculture on those lands within the jurisdiction and control of the Tribes.

- (h) The Tribes shall cause to be conducted annually an independent audit of industrial hemp agricultural operations and shall submit the resulting audit reports to the Secretary of the USDA or other appropriate regulatory agency.
- (i) All industrial hemp agricultural related contracts entered into by the Cheyenne and Arapaho Tribes or enterprise of the Tribes that result in the purchase of supplies, services, or concessions in excess of \$25,000.00 annually, except contracts for professional legal and accounting services, shall be specifically included within the scope of the audit that is described in subsection Section 7.721 (c)(6) above.

§7.726 Hearings and Contests

- (a) The Commission shall grant subcontractors legal standing to participate in individual proceedings if the subcontractor is authorized to do so by the licensee that is the subject of the individual proceeding.
- (b) The Commission shall initiate an individual proceeding by serving a notice of violation on the licensee and any associated subcontractor listed in the Commission's records for the cultivation site in question. An individual proceeding initiated by the Commission shall be required for the Commission to suspend or revoke a license or impose a fine. The Commission shall not be required to initiate an individual proceeding for the denial of an application for a license or to enforce the rules of this subchapter, including but not limited to, ordering the destruction of Cannabis sativa L. plants as specified herein.
- (c) A licensee or authorized subcontractor may initiate an individual proceeding contesting the denial of an application, conditions or limitations placed on a license, or order of destruction by filing a petition with the Commission. The petition shall state with particularity the factual grounds, arguments, and citation of legal authorities for the contest.
- (d) All individual proceedings shall be heard by the Cannabis Commission. All evidence and legal arguments shall be offered to the Cannabis Commission consistent with the regular practices and civil procedure of the Cheyenne and Arapaho Tribes. The findings and recommendation of the Cannabis Commission may be appealed by submitting a Petition or Complaint to the District Court of the Cheyenne and Arapaho Tribes. Any final determinations made by the District Court may be appealed to the Supreme Court of the Cheyenne and Arapaho Tribes in any manner consistent with the practices and civil procedure of the Tribes.

CHAPTER 13: CHEYENNE AND ARAPAHO INDUSTRIAL HEMP AGRICULTURAL FUND

§7.727 Cheyenne and Arapaho Industrial Hemp Agricultural Fund

There is hereby created in the Legislature of the Cheyenne and Arapaho Tribes a revolving fund for the Cannabis Commission to be designated the "Cheyenne and Arapaho Industrial Hemp Agricultural Fund". The fund shall be a continuing fund, not subject to fiscal year limitations and shall consist of all monies received by the Cannabis Commission from fees received and collected pursuant to the Cheyenne and Arapaho Industrial Hemp Agricultural Act, donations, grants, contributions and gifts from any public or private source. The Cannabis Commission may expend funds for the purposes set forth in the Cheyenne and Arapaho Industrial Hemp Agricultural Act and as appropriated by the Legislative Process.

END OF SUBSTANTIVE PROVISIONS

Kendricks Sleeper
 Speaker of the Eighth Legislature
 Eighth Legislature of the Cheyenne and Arapaho Tribes

ATTEST:

I, Corrine Morton, Corrine Morton, Legislative Staff, hereby certify that the foregoing is a True and Accurate Original Bill No. 8L-SS-2020-0415-004 which was acted upon by the Legislature of the Cheyenne and Arapaho Tribes in the Eighth Legislature 4TH Special Session, by a roll call vote on the 15TH day of April 2020, by a vote.

VOTE RECORD:

DISTRICT	LEGISLATOR	YES	NO	ABSTAIN	ABSENT
A1	Billie Sutton	X			
A2	Kendricks Sleeper	X			
A3	Travis Ruiz	X			
A4	Rector Candy	X			
C1	Bruce Whiteman Jr.	X			
C2	George Woods				X
C3	Darrell Flyingman	X			
C4	Byron Byrd	X			
TOTAL		7			1
Passes (X) Fails () Tabled () Allowed to Die () No Action ()					

*Pursuant to Article VI, Section 5, subsection (a) of the Tribes Constitution reads in part: "Tie votes in the Legislature shall be decided by the Governor."

		YES	NO
*GOVERNOR	Reggie Wassana		

Corrine Morton, Legislative Staff
Eighth Legislature, Cheyenne and Arapaho Tribes



**TRANSMITTAL OF DOCUMENTS:
From the Legislative Branch to the Executive Branch**

True and Accurate Original Bill No. 8L-SS-2020-0415-004 was submitted and received by the Governor's Office of the Cheyenne and Arapaho Tribes on the 15th day of April, 2020 at 12:25 o'clock AM/PM.


ATTEST:

Pursuant to Article VI, Section 7, subsection (a)(iv) of the Tribes Constitution reads in part: "All Bills passed by the Legislature shall be presented to the Governor for signature or veto."

Pursuant to Article VII, Section 4, subsection (g) of the Tribes Constitution reads: "The Governor shall have the power to sign any enactment passed by the Legislature into law or to veto any enactment passed by the Legislature within ten (10) days of passage with a written explanation of any objections; and if the Governor takes no action within ten (10) days, then the enactment shall become law in accordance with this Constitution."

- APPROVED
- VETOED: Attachment ____; Governor's written explanation of any objections.
- No action required, because the Bill/Resolution failed to pass the Legislature.

On the 15th day of April, 2020.



Reggie Wassana, Governor
Cheyenne and Arapaho Tribes