



**COW CREEK BAND OF UMPQUA TRIBE OF INDIANS
GOVERNMENT OFFICES**

**2371 NE STEPHENS STREET, SUITE 100
ROSEBURG, OR 97470-1399**

Phone: 541-672-9405

Fax: 541-673-0432

August 17, 2020

Sent via email to farbill.hemp@usda.gov

United States Department of Agriculture
Agricultural Marketing Service
USDA Domestic Hemp Program
410 L'Enfant Plaza S.W.
Washington, DC 20026

Dear Secretary Purdue:

The Cow Creek Band of Umpqua Tribe of Indians (the "Tribe") is a federally-recognized tribe, organized under the Indian Reorganization Act of June 18, 1934 and the Cow Creek Tribal Constitution. The Tribe wishes to implement hemp plans and regulations under the 2018 Farm Bill. The Tribe wishes be the sole regulatory authority of hemp within its jurisdiction. To that end, the Tribe submits this hemp regulatory plan for your consideration and approval.

The Tribe's initial authorizing legislation provides for all requirements outlined in the 2018 Farm Bill, including a licensing provision which allows the Tribe to collect all required information from applicants for the legal growth and production of hemp under federal law. The Tribe is set to begin processing applications upon approval of this plan.

Included in this packet, you will find the Tribe's proposed Tribal Hemp Code authorizing hemp production and defining its limitations, a resolution approving the code, and a short legend explaining where and how each of the requirements in the 2018 Farm Bill will be met.

I certify that the Cow Creek Band of Umpqua Tribe of Indians has the resources and personnel to carry out the practices and procedures described in clauses (i) through (vi) of Sec. 297B(2)(A) of the Agriculture Marketing Act of 1946 as amended in Sec. 10113 of the 2018 Farm Bill. The Tribe is excited to implement this plan. It will benefit its economy, infrastructure, and each of its members. We eagerly await your response.

Sincerely,

Dan Courtney
Chairperson
Cow Creek Tribal Hemp Commission

COW CREEK BAND OF UMPQUA TRIBE OF INDIANS TRIBAL LEGAL CODE

TITLE 115 HEMP

115-10 AUTHORIZATIONS AND DEFINITIONS

115-10-010 Authorization and Repeal of Inconsistent Legislation

The Cow Creek Band of Umpqua Tribe of Indians (the “Tribe”) is organized under the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) and the Cow Creek Tribal Constitution, duly adopted pursuant to a federally-supervised constitutional ballot, July 8, 1991 (the “Tribal Constitution”).

Pursuant to Article III, Section 1 of the Tribal Constitution, the Cow Creek Tribal Board of Directors (the “Board”) is the governing body of the Tribe. Pursuant to Article VII, Section I (d) of the Tribal Constitution, the Board has the authority to “administer the affairs and assets of the Tribe...” Pursuant to Article VII, Section I (i) of the Tribal Constitution, the Board has the power to “enact ordinances and laws governing the conduct of all persons or tribally-owned land; to maintain order and protect safety, health, and welfare of all persons within the jurisdiction of the Tribe; and to enact any ordinances or laws necessary to govern the administration of justice, and the enforcement of all laws, ordinances or regulations...” Pursuant to Article VII, Section I (t) of the Tribe’s Constitution, the Board has “such other powers and authority necessary to meet its obligations, responsibilities, objectives, and purposes as the governing body of the Tribe.” Pursuant to the foregoing, the Board has the power to establish this Cow Creek Hemp Code.

Any prior Tribal regulations, Resolutions, orders, motions, legislation, codes or other Tribal law which are inconsistent with the purpose and procedures established by this Hemp Code are hereby repealed to the extent of any such inconsistency.

115-10-011 Definitions

For the purposes of this Title 115, unless the language or context clearly indicates that a different meaning is intended, the words, terms, and phrases defined in this section shall have the meanings given to them in this Section.

“Acceptable Hemp THC Level” means the application of the measurement of uncertainty to the reported delta-9 tetrahydrocannabinol content concentration level on a dry weight basis to produce a distribution or range that includes 0.3% or less. For example, if the reported delta-9 tetrahydrocannabinol content concentration level on a dry weight basis is 0.35% and the measurement of uncertainty is +/- 0.06%, the measured delta-9 tetrahydrocannabinol content concentration level on a dry weight basis for this sample

ranges from 0.29% to 0.41 %. Because 0.3% is within the distribution or range, the sample is within the Acceptable Hemp THC level for the purpose of compliance with this Title. For purposes of clarity, if 0.3% or less is within the distribution or range, then the sample will be considered to be Hemp for the purpose of compliance with the requirements of this Title.

“**AMS**” means the Agricultural Marketing Service of the U.S. Department of Agriculture.

“**Applicant**” means a person or entity who submits an application for a license to grow, handle, or sell Hemp or Hemp Products.

“**Cannabis**” means the genus of flowering plants in the family *Cannabaceae* of which *Cannabis sativa* is a species, and *Cannabis indica* and *Cannabis ruderalis* are subspecies thereof. Cannabis refers to any form of the plant in which the delta-9 tetrahydrocannabinol concentration on a dry weight basis has not yet been determined.

“**Cannabis Commission**” or “**CCCC**” means the Cow Creek Cannabis Commission, the regulatory body responsible for Hemp regulatory enforcement and oversight as established under this Title and Title 115 Cow Creek Cannabis Commission.

“**CLEAR**” means Thomson Reuters CLEAR investigative software, approved by the USDA, and used for background checks.

“**CSA**” means The Controlled Substances Act as codified in 21 U.S.C. 801 et seq.

“**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 part, a conviction is expunged when the conviction is removed from the individual’s criminal history record 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. In addition, where 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 part.

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

“**DEA**” means the United States Drug Enforcement Agency.

“**Dry Weight Basis**” means the ratio of the amount of moisture in a sample to the amount of dry solid in a sample. A basis for expressing the percentage of a chemical in a substance after removing the moisture from the substance. Percentage of THC on a dry weight basis

means the percentage of THC, by weight, in a cannabis item (plant, extract, or other derivative), after excluding moisture from the item.

“Entity” means a corporation, joint stock company, association, limited partnership, limited liability partnership, limited liability company, irrevocable trust, estate, charitable organization, or other similar organization, including any such organization participating in the hemp production as a partner in a general partnership, a participant in a joint venture, or a participant in a similar organization.

“FSA” means the Farm Service Agency, an agency of the U.S. Department of Agriculture.

“Gas Chromatography” or “GC” means a type of chromatography in analytical chemistry used to separate, identify, and quantify each component in a mixture. GC relies on heat for separating and analyzing compounds that can be vaporized without decomposition.

“GPS” means the Global Positioning System.

“Grower” means any person or entity licensed under this Title to grow Hemp.

“Handler” means a person, or entity that receives industrial hemp for processing into commodities, products or agricultural hemp seed.

“Handling site” means one contiguous lot, parcel, or tract of land used to handle or intended to handle industrial hemp.

“Hemp” means the plant *Cannabis sativa* L. and any part of that plant including the seeds thereof and all derivatives, extracts cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a total THC concentration of not more than 0.3 percent on a dry weight basis.

“Hemp Activity” the growth, handling, or sale of Hemp or Hemp Products.

“Hemp Products” means products made from industrial hemp, including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper, building materials, plastics, seed, livestock feed, seed meal, seed oil intended for consumption, seed certified for cultivation, extracted chemicals from leaves, stems, roots, flowers and seed for therapeutic, nutritional, pharmaceutical, and nutraceutical products, or any other hemp product derived from Hemp.

“Key Participants” means a sole proprietor, a partner in partnership, or a person with executive managerial control in a corporation. A person with executive managerial control includes persons such as a chief executive officer, chief operating officer and chief financial officer. This definition does not include non-executive managers such as farm, field, or shift managers.

“Lessee” means a person or Entity, licensed by the Tribe, who leases land on the Reservation in order to cultivate or handle Hemp.

“Licensee” means any person or Entity who holds a license from the CCCC to grow, handle, process, or sell Hemp or Hemp Products.

“Measurement of Uncertainty” or “MU” means the parameter, associated with the result of a measurement that characterizes the dispersion of the values that could reasonably be attributed to the particular quantity subject to measurement.

“Registered Land Area” means the area at a grow site where industrial hemp is grown or is intended to be grown and may include fields, greenhouses, or other buildings, or the area at in which Hemp is processed into Hemp Products. The Registered Land Area is the area included in the Applicant’s application for a License under this Code.

“Report” means any data, statistics, or information required to be gathered, maintained, or provided by the Cannabis Commission.

“Reservation” means all lands within the jurisdiction of the Tribe, including but not limited to, all lands held in trust for the Tribe by the United States.

“Reverse Distributor” means a person who is registered with the DEA in accordance with 21 CFR 1317.15 to dispose of marijuana under the Controlled Substances Act.

“Secretary” means the Secretary of Agriculture of the United States Department of Agriculture.

“THC” means the primary psychoactive component of cannabis. For the purposes of this code, delta-9 THC and THC are interchangeable.

“THCA” means tetrahydrocannabinolic acid.

“Total THC” means the molar sum of THC and THCA.

“Tribal Law” means the laws, regulations, and codes of the Cow Creek Band of Umpqua Tribe of Indians.

“Tribe” means the Cow Creek Band of Umpqua Tribe of Indians.

115-20 CANNABIS COMMISSION COMPOSITION AND AUTHORITY

115-20-010 Cannabis Commission

The Board shall establish a Cannabis Commission by appointment of officers, including but not limited to Commissioner, Deputy Commissioner, and Secretary. The Board shall establish such

terms and conditions of each office as it sees fit given that such terms and conditions are in accordance with Tribal Law.

115-20-020 Cannabis Commission Duties and Authority

The Cannabis Commission shall have full authority necessary to fulfil its responsibilities under this Title, including but not limited to licensing, inspection, sampling, testing, regulation, and enforcement. The CCCC shall also have full authority to designate new positions and establish subordinate departments as necessary and with approval of the Board.

115-30 HEMP LICENSING

115-30-010 Licensees

Any person or Entity wishing to grow, handle, or sell Hemp or Hemp Products on Reservation must first obtain an appropriate license from the Cannabis Commission including Lessees on the Reservation.

115-30-020 License Applications

Applications to the Cannabis Commission must be approved at least thirty (30) days prior to the commencement of the proposed Hemp Activity. Every application for Hemp Activity must include a legal description of any land on which Hemp will be grown or processed; GPS coordinates of the relative center of each lot, field, or building where Hemp Activity is to take place; the total acreage of lots or square footage of facilities where Hemp is to be grown or processed; for each new individual Applicant, the application shall include full name of the individual, business address, telephone number, and email address (if available); for each new Applicant that is an Entity, the application shall include full name of the Entity, the principal business location address, and the full name, title, and email address (if available) of each Key Participant; the EIN number of the business; and any other information as required by the CCCC. Applications must also agree to a background check through CLEAR of each Applicant if an individual or each Key Participant if the Applicant is an Entity.

The Cannabis Commission shall be the sole authority to approve or deny any license under this Title. Once an application is submitted, the CCCC shall review all relevant information and issue a decision within a reasonable time but no longer than ninety (90) days. The CCCC shall issue written notice to the Applicant explaining their decision. If the application is denied, the CCCC shall give notice of its reason(s) for denial and shall express whether re-application, amendment, or appeal is available. Any individual or Entity found to have falsified information on their License application will be permanently ineligible for a License under this Title.

115-30-030 Controlled Substance Felonies

A Conviction for a felony relating to a controlled substance under State or Federal law, of any Applicant or Key Participant, shall cause the Applicant or Entity to be ineligible for a License under this Code for ten (10) years following the date of the Conviction unless the applicant is

licensed under the controlled substance felony conviction exception for participants in state hemp pilot program authorized under the 2014 Agricultural Act after December 2018.

115-30-040 Licenses

Licenses to grow, handle, or sell Hemp or Hemp Products will be deemed consent to inspection by the Cannabis Commission or a designated representative, including random and annual inspections and testing described further in Section 115-40. Licenses will be granted for no longer than three (3) years, after which a Licensee must submit a new application with all required information. Any Licensee that wishes to change the Registered Land Area(s) after issuance of the License, must submit to the CCCC for approval an updated legal description, GPS location, and map specifying the proposed changes to the Registered Land Area(s), pay fees, and obtain the CCCC's approval documented as an amendment to the License. Licensees must also submit to the CCCC any change in relevant business information during the term of their License, including change of address, business name, or a change in Key Participants. The CCCC shall maintain all license applications and licensee information for the duration of each license. Such information will be provided to the USDA, AMS, and/or FSA by the Cannabis Commission as required under Federal Law. Licenses issued under this Title may not be sold, assigned, transferred, or otherwise disposed of, alienated, or encumbered.

License numbers will follow the format outlined in the USDA rules, using the Tribe's BIA Tribal Code plus the individual license number. For example: P01153_0001, P01153_0002, P01153_0003, ect.

115-30-041 Grower's License

Any person or Entity wishing to grow Hemp must obtain a License prior to planting or growing any Hemp on the Reservation. A licensed Grower may sell or exchange Hemp grown under a valid License to any licensed Hemp Handler or other person. Any information obtained by the Board or CCCC regarding a Grower's operation may be provided to Tribal, state, or federal law enforcement agencies and fire and rescue agencies by the Board or CCCC without further notice to the Licensee. The CCCC must have unrestricted access to all Hemp plants, plant parts, grain and seeds within a Registered Land Area whether Hemp is presently growing or not, and all land and facilities used by a grower for the growing and storage of Hemp, pesticide storage or housing, and all documents and records pertaining to the Licensee's Hemp operations. The Licensee must pay all applicable fees adopted under this chapter for any applications, inspections, and testing.

Unless approved by the Cannabis Commission for a subsequent License, any plant material that is not harvested during the license period in which it was planted must be destroyed or forfeited to the Cannabis Commission upon expiration of a License. A copy of each License issued by the Cannabis Commission under this section shall be forwarded to Tribal law enforcement and to the USDA. Information regarding the size and location of each Licensed grow site will be reported to the FSA. Signs must be posted by each Grower at each grow site, plainly visible to the public, stating that the Grower is licensed to produce Hemp. The Grower must post such signs on at least each side of every field listed on the application, including the principal entry point(s) of each field.

115-30-042 Hemp Handling Licenses

Any person or entity wishing to handle and sell Hemp or Hemp Products shall obtain a Hemp Handling License prior to obtaining Hemp for processing or marketing purposes. The Cannabis Commission may inspect and sample and must have unrestricted access to all hemp plants, parts, grain, seeds and products within a registered land area, and all documents and records pertaining to the Licensee's Hemp activity. A person's domicile, home or residence may not be used as a processing area. A Handler must obtain Hemp from a grower Licensed under a USDA approved plan, a grower Licensed by the USDA, or from legally imported sources of Hemp. Each Licensee must obtain a copy of the Grower's License and certificate indicating proper testing and classification of product as Hemp or a Hemp Product as defined in this Title. It is the duty of any Handler to destroy any plant or product received which is in excess of 0.3% Total THC on a dry weight basis and to report any such instances to the Cannabis Commission as soon as reasonably practical.

115-30-043 Combination License

Any person or Entity wishing to grow and/or handle Hemp or Hemp Products within or from the Reservation may apply for separate Licenses for each desired hemp activity or for a Combination License. Any person or entity who is granted a Combination License is subject to all applicable requirements under each License. Special fees may apply to Combination Licenses.

115-30-050 Restrictions on Cannabis

No Registered Land Area or storage area may contain cannabis plants or parts thereof that the Licensee knows or has reason to know are of a variety that will produce a plant that when tested will produce more than 0.3% THC concentration on a dry weight basis.

115-30-060 Hemp Seeds

Growers may obtain Hemp seeds from sellers Licensed by the USDA or under a valid State or Tribal plan. Growers may also obtain legally imported Hemp seeds from Canada if accompanied by either: (1) a phytosanitary certification from Canada's national plant protection organization to verify the origin of the seed and confirm that no plant pests are detected; or (2) a Federal Seed Analysis Certificate for Hemp seeds grown in Canada. Hemp Seeds imported from countries other than Canada may be accompanied by a phytosanitary certificate from the exporting country's national plant protection organization to verify the origin of the seed and confirm that no plant pests are detected. The USDA Animal and Plant Health Inspection Service (APHIS) regulations further address hemp seed imports or exports.

115-30-070 Transfer, Sale, and Purchase of Hemp

Any transfer, sale, purchase, or receipt of Hemp or Hemp Products must be properly documented. A Licensee selling or transferring Hemp or Hemp Products must include with the sale a copy of the test results verifying the acceptable hemp THC levels and a copy of the seller's license. The

Licensee selling or transferring Hemp or Hemp Products must also record all other sale information, including date, time, prices, weight, sale or transfer location, and the buyer or receiver's License number if Licensed under a USDA approved plan or by the USDA.

A Licensee purchasing or receiving Hemp or Hemp Products must receive with the Hemp or Hemp Products a copy of the seller's license under a USDA-approved plan or USDA license and a copy of the Hemp or Hemp Products test results verifying the acceptable hemp THC levels. The Licensee must also record all other purchase information available, such as date, time, prices, weight, and purchase location.

115-30-080 License Renewal

All Licenses issued under this Title are valid for a term of three (3) years. Upon expiration of the License, the Licensee may apply for a License renewal. The Licensee will be required to resubmit to a criminal history report using CLEAR, submit Registered Land Area information, and pay any applicable renewal fees.

115-30-090 Tribal Corporations

The Cannabis Commission is authorized to assess special, discounted, or reduced fees or to waive fees under this Title if the Applicant is a tribal corporation organized under Tribal law and such a waiver or reduction is for the health and benefit of the Tribe.

115-30-100 Other Licenses and Business Requirements

Licensees must maintain all other Tribal or federal required business licenses and permits and pay all applicable taxes. Licensees must also comply with all Tribal zoning laws and any other such requirements for engaging in commerce on tribal land.

115-40 TESTING AND INSPECTION

115-40-010 Pre-Harvest Sampling and Testing

Within fifteen (15) days prior to the anticipated harvest of cannabis plants, the Licensee shall request the Cannabis Commission conduct or cause to be conducted a sampling of the flower materials of the Cannabis plants to be harvested as Hemp. The method used for sampling must be sufficient at a confidence level of 95 percent that no more than one percent (1%) of the plants in the lot would exceed the acceptable hemp THC level. The method used for sampling must ensure that a representative sample is collected that represents a homogeneous composition of the Cannabis to be harvested. The Licensed Grower or a representative must be present during the sampling. A Grower may not harvest prior to sampling. Samples taken by CCCC or representative from one harvest lot may not be comingled with any other samples. The Cannabis Commission may use sampling techniques developed by the USDA¹ or may create its own sampling procedures if said procedures are in compliance with this section and USDA approved. Only a sampling agent approved and trained under USDA guidelines may sample cannabis plants.

¹ Available at <https://www.ams.usda.gov/sites/default/files/media/SamplingGuidelinesforHemp.pdf>

115-40-020 Testing Standards

Testing facilities used to test cannabis for THC content must ensure the validity and reliability of the test results through quality assurance in compliance with federal rules.² At a minimum, analytical testing of samples for Total THC must use reliable methods approved by the Secretary. The testing methodology must consider the potential conversion of delta-9 tetrahydrocannabinolic acid (THCA) in hemp into delta-9 tetrahydrocannabinol (THC) and the test result reflect the total available THC derived from the sum of the THC and THC-A content. Testing methodologies meeting these requirements include, but are not limited to, gas or liquid chromatography with detection or post decarboxylation. Testing facilities must also be registered with the DEA.

The total THC concentration level shall be determined and reported on a dry weight basis. Additionally, the measurement of uncertainty (MU) must be estimated and reported with test results. Laboratories shall use appropriate, validated methods and procedures for all testing activities and evaluate measurement of uncertainty. A Grower may request that the sample be retested by the same or different laboratory using a form proscribed by the CCCC.

115-40-030 Post-testing Procedures

The Grower must harvest the Cannabis no more than fifteen (15) days following the sampling of the Cannabis harvest. Samples from one harvest lot may not be comingled with samples from any other plants. If the lot is not harvested within fifteen (15) days from the sampling, another pre-harvest sampling must be taken and tested. If the cannabis plants are harvested prior to the return of the test results, the cannabis plants must be kept segregated from all other harvest lots and may not be comingled for any purpose. Once the harvest lot is certified by the testing facility as Hemp, it may be sold or transferred as authorized by the Grower's License.

If the harvest lot fails its THC testing it may not be sold, transferred, or processed unless the Grower requests re-sampling or retesting and the lot passes any such subsequent tests. If the lot fails again after re-sampling and retesting, or if no retesting is requested, the cannabis plants from the failed harvest lot must be disposed of in accordance with the CSA and DEA regulation and may not be handled, processed or sold. Growers must notify the CCCC of their intent to dispose of non-compliant plants. The CCCC must also inform the AMS by electronic means, of any and all failed test results. Proper disposal must be documented by the Grower by submission of documentation to the CCCC and the CCCC must provide such documentation to the AMS. All test, re-test, disposal, or reporting costs are the requirement of the Licensee.

115-40-040 Tribal Testing Facility

The Tribe may in the future develop its own testing facility for Hemp and Hemp Products. The Cannabis Commission retains the right to designate any future Tribal Testing Facility as the primary or sole testing authority for Hemp or Hemp Products produced on Reservation as long as such a facility meets all requirements described in 115-40-20.

² Standards are available at <https://www.ams.usda.gov/sites/default/files/media/TestingGuidelinesforHemp.pdf>

115-40-050 Access and Inspections

The CCCC has the discretion to conduct random inspections of facilities and testing of Hemp and Hemp Products. Besides random tests performed by the CCCC and pre-harvest testing, the CCCC shall perform an annual inspection at each licensed location for the growth and handling of Hemp or Hemp Products. The CCCC must have unrestricted access to the Licensee's land, facilities, and records during normal business hours. Reports from all inspections will be made available to the USDA as required. Licensees or a representative are to be present during all inspections and testing.

Each inspection may include an audit of a Licensee's records and data, including the system used by the Licensee to preserve required classes of records and data in a timely manner, using a format that facilitates meeting the terms and conditions of the license. All Licensees must maintain records regarding the sale or transfer of any Hemp or Hemp Products grown under the license. Any violations of this Title discovered during inspection will be subject to the penalties in Section 115-50.

115-40-060 Reports and Records

The Cannabis Commission may request reports on Hemp activity from any Licensee. All Licensees shall submit all reports required by the Cannabis Commission in the format and by the due dates specified in the terms and conditions of each request. The data to be retained and transmitted to the CCCC by each licensee will be used by the CCCC to ensure compliance by the Licensee with requirements of this Title and other regulations as applicable.

115-50 VIOLATIONS

115-50-010 Disposal of Violative Products

All Licensees agree to the voluntary destruction and/or disposal of plants and products produced in violation of this Title or exceeding the statutory limit for THC concentration. Licensees will either destroy or surrender all violative plants or products to the CCCC upon their discovery. Likewise, the CCCC shall immediately seize any violative plants or products found in the Licensee's possession or on the Licensee's property if the Licensee chooses or cannot retest the plants or products. Cannabis plants awaiting retesting or re-sampling may remain in the Grower's possession until the results of the retest confirm compliance. Licensee must keep records of all hemp that has been destroyed, the date, process and make those records available to the CCCC upon request. If the retest results do not confirm compliance with this Title, the plants must be surrendered to the CCCC, law enforcement, or a DEA reverse distributor immediately.

The disposal of the violative plants must be done in accordance with CSA and DEA regulation 21 C.F.R. §1317 or alternate method approved by the USDA. The violative plants must first be collected by Federal, State, or local law enforcement or a DEA-registered reverse distributor. Each law enforcement agent or DEA-registered reverse distributor must, upon retrieval of violative plants for destruction, document such retrieval for the CCCC. The law enforcement agents and/or DEA-registered reverse distributor must also send confirmation upon the destruction of the

violative plants. The Cannabis Commission must report the Grower's identification number, the lot information, destruction information, and failed test results to the USDA and must retain all records of retrievals and destruction for six (6) years.

115-50-020 Negligent Violations

Any Licensee found to be in violation of this Title by negligently failing to provide a valid legal description of their land, failing to obtain a license under this Title, or producing or selling products with a THC concentration of more than 0.3 percent on a dry weight basis if they made reasonable attempts to grow Hemp and the Cannabis does not have a THC concentration of over 0.5 percent on a dry weight basis shall be subject to a corrective action plan including: (i) a reasonable date by which the Licensee shall correct the violation; (ii) a plan for periodic reporting on compliance with this Title for a period not less than two (2) years; and (iii) any other such civil penalties decided by the CCCC. If a new negligent violation occurs while the original corrective action plan is in place, a new corrective action plan must be implemented. No negligent violation described above will be subject to criminal prosecution under Tribal Law.

115-50-030 Repeat Negligent Violations

A Licensee that negligently violates the provisions described in Section 115-50-020 three (3) times in any five (5) year period shall have their current license revoked and be ineligible for a License under Section 115-30 for a period of five (5) years beginning on the date of the third violation.

115-50-040 Other Violations

If a Licensee is found to be in violation of this Title in any degree greater than negligence, the Cannabis Commission will report the violator to the Attorney General and Tribal, Federal, or State law enforcement officials. Any such violators will be subject to criminal and civil penalties to the full extent of the law.

115-50-050 Revocations, Suspensions, and Penalties

The Cannabis Commission may, at its discretion, revoke or suspend any License issued under this Title or subject a Licensee to other civil penalties for violation of Tribal or Federal Law, this Title, or other rules or regulations promulgated by the CCCC. The CCCC shall issue a written notice to the Licensee of any revocation or suspension under this Title. The notice must contain the reason(s) for the decision and a date by which to appeal. Any revocation or suspension of a License shall be appealable to the CCCC only. The CCCC shall establish rules for appeal hearings to give Licensees an opportunity to be heard and to present exculpatory evidence if possible. The decision of the Cannabis Commission is final.

115-60 MISCELLANEOUS

115-60-010 Sovereign Immunity

Nothing in this Title will be construed as a waiver of the Tribe's Sovereign Immunity or the Sovereign Immunity of any Tribal Corporation, Tribal Enterprise, or Subsidiary.

115-60-020 Taxes and Fees

The Board with the Hemp Commission shall determine appropriate taxes and fees for the activities described in this Title. The Hemp Commission shall maintain a tax and fee schedule which will be made available to Applicants and Licensees.

115-60-030 Recordkeeping

Unless specified elsewhere, all records required to be kept by Licensees or the CCCC shall be kept for a minimum of three (3) years. These records include but are not limited to: purchase and sale of Hemp and Hemp Products; growth and transfer of Hemp plants; test results of all Hemp and Hemp Products; corrective action plan compliance; and other records as required by the CCCC. The USDA and the CCCC must have access to all records at any time.

115-60-040 Reports to the USDA

The Cannabis Commission is responsible for making reports to the USDA through the AMS or FSA. The CCCC shall be authorized to designate authority to a representative to create and send all required reports to the appropriate agency.

Upon the first of every month, the CCCC shall submit a report to the USDA as required under 7 C.F.R § 99.70. If the first of the month falls on a weekend or holiday, the report is due by the first business day following the due date. The report shall be submitted using a USDA compatible digital format. The report shall include: for each new individual Licensee, the full name of the individual, license identifier, business address, telephone number, and email address (if available); for each new licensed entity, the report shall include full name of the entity, the principal business location address, EIN, license identifier, and the full name, title, and email address (if available) of each Key Participant; for each Licensee that was included in a previous report and whose reported information has changed, the report shall include the previously reported information and the new information; the status of each License; the period covered by the report; and an indication that no information has changed in the reporting cycle if applicable.

The CCCC is also responsible for reporting total Hemp crop acreage and square footage to the FSA along with the GPS location of all harvest lots or handling sites. The CCCC shall do so in any format and frequency required by the FSA.

The CCCC must also report as soon as practical, any occurrence of violative plants or plant material and providing a disposal record of those plants and materials. This report would include information regarding name and contact information for each Licensee subject to a disposal during the reporting period, and date disposal was completed. Any information required by the USDA or FSA shall be reported within 30 days of its receipt.

115-60-050 Effective Date

This code shall become effective immediately on the approval by the Secretary. The Tribe shall not engage in any activity contemplated herein until such a date.