

CHAPTER 1310

RED LAKE HEMP CODE

CHAPTER 1310 – Hemp Code

1310.00 Title

This Hemp Code is adopted by the Red Lake Tribal Council and shall be referred to as the “Red Lake Nation Hemp Code.”

1310.02 Findings

The Red Lake Tribal Council hereby finds and declares that:

- a) This Red Lake Nation Hemp Code will protect the health, safety, and welfare of the Tribe by becoming the primary regulatory authority over the production of hemp within the Nation’s Territory on Red Lake lands; and
- b) Having an ordinance governing the growing and processing of hemp is in the Red Lake Nation’s best interest; and
- c) The Agriculture Improvement Act of 2018 (commonly known as the 2018 Farm Bill) allows for the growth and processing of hemp, subject to regulations, so long as the hemp has a THC concentration of less than 0.3%.

1310.03 Authority and Purpose

Subdivision 1. Authority. This Hemp Code is enacted pursuant to the authority included in the Revised Constitution and Bylaws of the Red Lake Band of Chippewa Indians (“Red Lake Constitution”), which authorizes the Red Lake Tribal Council to exercise the following powers relevant to the enactment of this Hemp Code:

- a) Red Lake Constitution, Article VI, Section 1, “To represent the Band and to negotiate with the federal and state government and to make decisions not contrary to this Constitution and Bylaws or with existing federal laws.”
- b) Red Lake Constitution, Article VI, Section 3, “To regulate and license where permitted by law all business and professional activities conducted upon the Reservation.”
- c) Red Lake Constitution, Article VI, Section 5, “To enact ordinances governing the conduct of the members of the Band and Indians from other tribes on the Reservation, providing for the maintenance of law and order.

Subdivision 2. Purpose. This Hemp Code is enacted for the purpose of governing, controlling and regulating hemp growing, possession, distribution, sales, manufacturing and other activities within the Nation’s Territory, and for the following additional purposes:

a) Authorize the creation of a Hemp Regulatory Commission to oversee the development of a thriving hemp economy within the Nation ’s territory and have the assistance of Red Lake Economic Development & Planning Department and Red Lake Inc. to manage the regulations and business respectively; and

b) Regulate hemp as an agricultural commodity in compliance with tribal and applicable federal law; and

c) Promote economic development for the Red Lake Nation through the production and processing of hemp and the development of new commercial markets for farmers and tribal members and businesses through the sale of hemp products; and

d) Enable the Red Lake Nation, its licensees, and any potentially affiliated Institutions of Higher Education, to conduct research regarding the production of hemp within the Nation’s lands; and

e) Promote the Red Lake Nation’s hemp industry; and

f) Encourage and empower research into hemp production and the creation of hemp products at Institutions of Higher Education and in the private sector.

1310.04 Sovereign Immunity Preserved

Nothing in this Hemp Code shall be interpreted as a waiver of the Red Lake Nation's sovereign immunity from unconsented lawsuit, or as authorization for a claim for monetary damages against the Red Lake Nation.

1310.05 Severability

If any provision of this Hemp Code or its application to any person or circumstance is held invalid, the remainder of the Hemp Code or application of its provisions to other persons or circumstances shall not be affected, and to this end, the provisions of this Hemp Code are severable.

1310.06 Effective Date

This Hemp Code shall take effect upon its adoption by the Red Lake Tribal Council and approval by the USDA.

1310.07 Repeal of Conflicting Provisions

All prior Hemp Codes or provisions of other codes previously enacted by the Red Lake Tribal Council and inconsistent with the provisions of this Hemp Code are hereby repealed. If the provisions of this Hemp Code conflict with the provisions of any other previously enacted code, the provisions of this Hemp Code shall control. This Hemp Code is, however, intended to be read in conjunction with certain existing codes, including, but not limited to the Nation's Cultural Resources Protection Code and the Nation's Environmental Protection Code.

1310.08 Licensee Agreement

All Hemp Growers, Brokers, Processors, Handlers, and applicants thereof are bound to all the Nation's ordinances, codes, laws, and policies and procedures. By applying for a license, Hemp Growers, Brokers, Processors, Handlers, and applicants thereof submit to the civil jurisdiction of the Red Lake Nation Tribal Court.

1310.09 Definitions

Subdivision 1. "Acceptable Hemp THC Level" refers to the interpretation of laboratory test results for delta-9 tetrahydrocannabinol content concentration level applying measurements for uncertainty as provided for in the IFR. When a laboratory tests a sample pursuant to this Hemp Code, it must report the delta-9 tetrahydrocannabinol content concentration level on a dry weight basis and the measurement of uncertainty to the reported delta-9 tetrahydrocannabinol content concentration level on a dry weight basis if it produces 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% or 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 plan compliance with this Hemp Code and applicable federal law.

Subdivision 2. "Applicant" means a person, or a person who is authorized to sign for a business entity, who submits an application to participate in the Nation's hemp programs.

Subdivision 3. "Broker" means a person engaging or participating in the marketing of hemp by acting as an intermediary or negotiator between prospective buyers and sellers.

Subdivision 4. "Commercial Sales" means the sale of a product in the stream of commerce at retail or at wholesale, including sales on the Internet.

Subdivision 5. "Commission" means the Red Lake Hemp Regulatory Commission.

Subdivision 6. "Consumable Product" means a hemp product intended for a human or animal to ingest, inhale, topically apply to the skin or hair, or otherwise absorb into the body

Subdivision 7. "Cultivate" means to plant, water, grow, or harvest a plant or crop.

Subdivision 8. “Department” means the Red Lake Economic Development & Planning Department.

Subdivision 9. “GPS” means Global Positioning System.

Subdivision 10. “Grow Site” has the same meaning as “Registered Land Area” as that term is defined in this section.

Subdivision 11. “Handler” means a person possessing or storing hemp for any period of time on premises owned, operated or controlled by a person licensed to cultivate, handle, process or broker hemp. “Handler” also includes possessing or storing hemp in a vehicle or storage container for any period of time other than during its actual transport from the premises of one license holder to the premises of another license holder or legally authorized processor.

Subdivision 12. “Harvest Lot” means a quantity of hemp, of the same variety, harvested in a distinct timeframe that is: (1) Cultivated in one contiguous production area within a grow site or (2) Cultivated in a portion or portions of one contiguous production area within a grow site. Harvest Lot does not include a quantity of hemp comprised of hemp grown in noncontiguous production areas.

Subdivision 13. “Harvest Lot Identifier” means a unique identifier used by the Red Lake Nation to identify the harvest lot.

Subdivision 14. “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 THC concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis, or as otherwise defined in federal law, whichever is greater.

Subdivision 15. “Hemp Crop” means one (1) or more unprocessed hemp plants or plant parts.

Subdivision 16. “Hemp Grower” means a person licensed by the Red Lake Nation to cultivate hemp on Red Lake territory.

Subdivision 17. “Hemp Ingredient” means all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers of any part of the hemp plant included in the definition of “Hemp.”

Subdivision 18. “Hemp Product” means a finished product with the Acceptable Hemp THC Level for hemp that is derived from, or made by, processing a hemp crop, and that is prepared in a form available for commercial sale. The term includes, but is not limited to cosmetics, personal care products, consumable products, cloth, cordage, fiber, fuel, paint, paper, particleboard, plastics, and any product containing one or more hemp ingredients such as cannabidiol.

Subdivision 19. “**IFR**” means the Interim Final Rule for the establishment of a domestic hemp production program issued by the U.S. Department of Agriculture (“USDA”) on October 29, 2019.

Subdivision 20. “**Industrial Hemp**” has the same meaning as “Hemp” as that term is defined in this Section, above.

Subdivision 21. “**Institution of Higher Education**” has the meaning assigned to it by 20 U.S.C. § 1001, and 25 U.S.C. § 1801(a)(5) et seq.

Subdivision 22. “**Key Participant**” means a sole proprietor, a partner in a partnership, or a person with executive managerial control in a corporation, limited liability company or any other corporate entity. A person with executive managerial control includes persons such as a chief executive officer, chief operating officer and chief financial officer. Key Participant does not include non-executive managers such as farm managers, field managers or shift managers.

Subdivision 23. “**Lands of the Nation**” includes all lands on the Red Lake Diminished Reservation, all trust, fee and restored ceded lands of the Nation and all other lands owned or controlled by the Nation.

Subdivision 24. “**Licensee**” means Hemp Grower, Broker, Handler, or Processor as those terms are defined in this section.

Subdivision 25. “**Negligence**”, “**Negligent**”, or “**Negligently**” is defined as a failure to exercise the level of care that a reasonably prudent person would exercise in complying with this ordinance and all related ordinances, policies and procedures including the Federal Regulations on Industrial Hemp.

Subdivision 26. “**Person**” means a natural person, corporation, foundation, organization, business trust, estate, limited liability company, licensed corporation, trust, partnership, limited liability partnership, association, or other form of legal business entity, as well as a state or local government entity.

Subdivision 27. “**Processor**” means a person converting any portion of a hemp crop into a hemp ingredient, hemp product, or other marketable form.

Subdivision 28. “**Red Lake Nation**” means the Red Lake Band of Chippewa Indians also referred to as “Band” or “Nation.”

Subdivision 29. “**Red Lake Tribal Council**” means the tribal council of the Red Lake Band of Chippewa Indians.

Subdivision 30. “**Registered Land Area**” means a contiguous lot, parcel, or tract of land registered with the Red Lake Nation on which a licensee may cultivate hemp. A Registered Land Area may include land and buildings that are not used to cultivate hemp.

Subdivision 31. “RLI” means Red Lake, Incorporated also known as Red Lake, Inc.

Subdivision 32. “THC” means tetrahydrocannabinol and has the same meaning as delta-9 THC, measured post-decarboxylation.

Subdivision 33. “USDA” means the United States Department of Agriculture.

Subdivision 34. “Variety” means a group of plants or an individual plant that exhibits distinctive observable physical characteristic(s) or has a distinct genetic composition.

1310.10 The Red Lake Hemp Regulatory Commission; Policies, and Procedures

Subdivision 1. Creation. The Red Lake Nation hereby creates the Red Lake Hemp Regulatory Commission and vests it with the authority to license and manage the possession, cultivation, transportation, production and use of hemp and hemp productions within the jurisdiction of the Nation so long as it does so in compliance with this Hemp Code and applicable tribal and federal law. This Hemp Code authorizes the creation of the Red Lake Hemp Regulatory Commission to oversee the establishment of policies and procedures for all hemp production and to work with the Department to staff the work of the Commission.

Subdivision 2. Appointment of Members of the Red Lake Hemp Regulatory Commission. The Red Lake Tribal Council shall appoint a minimum of five (5) but no more than seven (7) Red lake Nation members to serve as members of the Red Lake Hemp Regulatory Commission.

a) At least two (2) members shall have experience in agriculture or a science-related or testing field.

b) The Red Lake Tribal Council shall appoint three (3) additional paid or unpaid advisory members who shall serve in a non-voting capacity. One (1) advisory member must be a hereditary chief. The other two (2) advisory members may be non-members of the Red Lake Nation; provided however, such advisory members must meet the other requirements set forth in subdivision 3, below.

Subdivision 3. Qualifications. All members of the Red Lake Hemp Regulatory Commission must:

a) Be at least twenty-five (25) years of age on the date of their appointment and an enrolled member of the Tribe, with exception to the advisory members.

b) Not have been found guilty of or entered a plea of nolo contendere or guilty to any felony related to a controlled substance under federal law within the last ten (10) years.

c) Not have been found guilty of or entered a plea of nolo contendere or guilty to any criminal offense under federal law involving felony fraud, exploitation, bribery, or the possession or use of a weapon in a crime, within the last ten (10) years, provided that the Red Lake Tribal Council determines that the person is now a trustworthy character.

d) Not have been convicted of a crime, the essential elements of which constitutes a felony, within the last ten (10) years.

e) Be free from any financial ties, conflicts of interest, or other circumstances which might adversely affect their performance as a member of the Red Lake Hemp Regulatory Commission.

f) All Commission appointees, including those serving as a non-voting member, shall undergo a thorough background check to ensure that they have no financial interests in any company in the hemp industry. These background checks shall be conducted or arranged by the Commission with assistance from Red Lake Nation's Human Resources.

g) These background checks shall be updated once every twelve (12) months from the date of appointment. A Commissioner's failure to report any circumstance which violate these minimum standards shall be grounds for immediate removal from the Commission.

Subdivision 4. Removal of a Commissioner.

a) A Commission member may be removed for cause, upon a finding by a majority vote of the Red Lake Tribal Council, that there is substantive proof of wrong-doing, or that the Commissioner no longer meets the minimum criteria established by this Hemp Code, including the requirement that Commissioners must be free from any actual conflict of interest, substantive proof shall be defined as documentation or evidence which would be admissible in a court of law.

b) Any member whose removal is sought shall be entitled to be notified in writing at least ten (10) business days before any vote is taken regarding that member's removal. Any person removed or threatened with the removal from the Commission may request a hearing and present evidence before the Red Lake Tribal Council.

c) A majority vote of the sitting Commission may recommend to the Red Lake Tribal Council, the removal of a Commissioner for cause.

d) A majority vote of the Commissioners may also immediately suspend a Commissioner from engaging in Commission activities, if the Commission determines that allowing the continued participation of that Commissioner during the Red Lake Tribal Council removal process would undermine the integrity of the Commission. This suspension shall remain in place until lifted by a majority vote of the Red Lake Tribal Council or until a final vote on removal petition is held by the Red Lake Tribal Council.

e) A Commissioner shall be automatically removed from the Commission without hearing or appeal upon proof that he or she has been convicted of a drug related crime while in office.

Subdivision 6. Commission Meetings.

a) The Commission shall establish its own schedule of meetings and Commission actions, but shall meet at least once every calendar month. A majority of Commission members shall constitute a quorum and notices of all meetings shall be given to all Commissioners at least 48 hours in advance of a formal Commission meeting, unless waived by a notice waiver vote by all Commissioners.

b) Meetings of the Commission involving licensing shall be closed to non-members of the Commission, including Commission staff and experts, unless the Commission determines otherwise by majority vote.

Subdivision 7. Duties of the Commission. The duties of the Commission shall at a minimum include:

a) Seeking out and obtaining the latest training on the federal and tribal laws and scientific and commercial developments involving hemp cultivation and use, as well as the latest information on the accepted scientific methods utilized to test hemp and hemp related items.

b) Oversee the development of a written system of standards for certifying hemp seeds and hemp plants and a set of additional regulations and procedures for licensing persons who wish to participate in hemp cultivating, brokering, handling, processing.

c) Develop additional procedures for the destruction of hemp crop and additional standards for the marketing of hemp within the jurisdiction of the Red Lake Nation. These additional standards must, at a minimum, be in full compliance with applicable Red Lake tribal and federal law.

d) Oversee the development and implementation of a system for approving hemp cultivation sites within the jurisdiction of the Nation in compliance with any duly adopted tribal land use plans. This system shall be in full compliance with applicable Red Lake tribal and federal law.

e) Maintaining a formal record, including the legal description of each of the sites within the jurisdiction of the Nation in compliance with any duly adopted tribal land use plans. This system shall be in full compliance with applicable Red Lake tribal and federal law.

f) Oversee the development and implementing procedures and minimum requirements for ensuring the proper inspection, testing and sampling of hemp plants, hemp propagate, and all hemp cultivated, stored, transported, processed, possessed or used within the jurisdiction of the Nation. Said procedures shall make use of testing methods designed to determine if the item in question meets the definition of the product authorized by this Hemp Code, applicable law, and where applicable a licensing agreement approved by the Commission.

g) Oversee the establishment of procedures providing for an appeal and retesting process to protect licensees against inaccurate test results.

h) Work with existing federal background check processes and procedures through Red Lake Nation's Human Resources Department and any other affiliated departments with federal background check processes and procedures.

i) Oversee the development and implementation of additional standards and procedures for refusing a hemp related license and revoking or suspending any hemp related license granted by the Commission.

j) Oversee the development and establishment of a working relationship with tribal and federal law enforcement and the tribal business license and Red Lake Nation Tribal Employee Rights Office programs, which ensures the enforcement of all applicable tribal business licensing and business operation laws and all tribal and federal narcotics laws.

k) Oversee the development and establishment of a working relationship with the U.S. Department of Agriculture, the U.S. Food and Drug Administration, the U.S. Department of Justice, the U.S. Department of the Interior and all other federal regulators and enforcement arms involved with the enforcement of federal and tribal narcotics laws.

l) The Red Lake Tribal Council will task the Economic Development & Planning Director and the RLI Chief Executive Officer to be the staff of the Red Lake Hemp Regulatory Commission until a new workforce is developed by the Department to staff the Commission's work. Both executives may utilize their departments and staff to ensure the Commission has the resources and personnel to enforce the regulations.

m) Ensure that all federally required hemp reports and information is provided to the USDA and other federal officials in an accurate and timely manner.

Subdivision 8. Powers of the Commission. The Red Lake Hemp Regulatory Commission may exercise such powers and authorities as are necessary to perform its duties and discharge its responsibilities under this Hemp Code. Those powers include, but are not limited to:

a) Oversee the establishment of additional rules, standards and regulations relating to the licensing and regulation of all hemp activities authorized by this Hemp Code including, but not limited to: the development and distribution, with or without cost, of hemp seed and propagate; hemp cultivation, hemp growing, hemp storage and production sites, hemp testing, and the handling and transportation of hemp. If any additional rules, regulations or standards make substantive revisions to the hemp plan, such revisions must be reviewed by the USDA in conformity with 7 CFR Part 990.4 (b).

b) Engaging in all forms of hemp related education and assisting growers in doing the same.

c) Oversee the receiving and processing all license applications, and issuing or denying the licenses authorized by this Hemp Code and Commission Regulations.

- d) Oversee reviewing and approving all licensing agreements required by this Hemp Code and assisting tribal members in putting those licensing agreements together.
- e) Oversee and make the decision on issuing licenses after background checks have been conducted as well as conduct background checks on members of the Commission, Commission employees, and contractors. No Commissioner shall be involved with licensing themselves.
- f) Denying, suspending, restricting or revoking any license granted by the Commission under this Hemp Code.
- g) Establishing and collecting application, license, testing, and sampling fees and such other fees and costs required by the Commission regulations.
- h) Engaging the services of legal counsel. Inspecting and examining all premises where hemp is present within the jurisdiction of the Nation and delegating this authority to appropriately trained Commission employees and contractors.
- i) Entering into agreements with third parties to assist the Commission in fulfilling its duties.
- j) Holding hearings and requiring licensees and license applicants to appear and testify under oath regarding matters related to the enforcement of this Hemp Code, Commission regulations, and licensing agreements.
- k) Oversee the establishment and impose civil fines and penalties or such other sanctions as it deems appropriate and approving or disapproving the corrective action plans provided for in section 1310.19 herein.
- l) Retaining staff and contracting with experts to fulfill its obligations under this Hemp Code.
- m) Referring matters to law enforcement and USDA.
- n) Delegating one or more of its authorities to its Commission staff provided that the Commission may not delegate its license revocation authority or its authority to hear appeals of civil fines and penalties.
- o) Establish a registry or listing of approved seeds by Commission.
- p) Establish policies and procedures for the Nation to takeover and seize any hemp business or land if it fails or violates the rules set forth in this Hemp Code.
- q) Establish a royalty policy on every Hemp Grower that is issued a license and land use permit for hemp production and provide said royalty to the Nation.

Subdivision 9. Decision Making by the Commission.

In all cases where a decision is required of the Commission, the Commission shall make that decision only after reasonable deliberation on the merits of the issue and only by majority vote of at least a quorum of the Commission. All votes of the Commission shall be recorded and a written record of the decision shall be maintained in the Commission's business records for not less than seven (7) years.

Subdivision 10. Commission's Executive Director.

In the first year the Commission is established, the Commission shall have one interim executive director and one support executive director from the Department and RLI. Both executive directors will have different authority over the hemp industry. The executive director from the Red Lake Economic Development & Planning Department shall serve as interim executive director and oversee the acceptance of license applications, licensing agreements, the scheduling of tests and inspections, development of a workforce training program to train Red Lake tribal members on regulation compliance and build a staff for the Commission, and incubation of a future hemp business. The executive director from Red Lake Inc. shall assist the Economic Development & Planning Director with the development of future hemp business, oversee hemp brokering, utilize existing Red Lake Inc. businesses to incorporate hemp products, and takeover future hemp business once incubation period is complete.

Subdivision 11. Policies & Procedures.

a) The Red Lake Tribal Council hereby delegates to the Commission the authority to modify, adapt or amend their policies and procedures as necessary, to keep them in line with best practices and procedures so long as they are consistent with the USDA approved plan.

b) The Commission shall produce and maintain the following forms:

- i) "Grower License Application Packet"
- ii) "Field Planting Report"
- iii). "Greenhouse/Indoor Planting Report"
- iv) "Harvest/Destruction Report"
- v) "Grower Production Report Form"
- vi) "Process/Handler Production Report and Annual License Renewal"
- vii) "Site Modification Request Form"
- viii) "Domestic Seed/Propagule Request Requirements"
- ix) "International Seed Request Requirements"

x) “Processor/Handler License Application”

c) The Commission shall establish administrative procedures and may impose damages, fines, and fees for violations of this Hemp Code.

1310.11 Commission Recordkeeping and Reporting

Subdivision 1. The Commission shall retain, for a period of at least three (3) calendar years, all information required to be collected by this Hemp Code for every Registered Land Area approved by the Commission. These records will be furnished at the request of the Nation, the USDA, or any law enforcement agency.

Subdivision 2. Within thirty (30) calendar days after the date on which the information is received, the Red Lake Nation shall submit to the U.S. Secretary of Agriculture the following information for each Hemp Grower within the Red Lake Nation’s lands:

a) Contact information for each Hemp Grower, including the legal entity name, full name of all authorized representatives, the street address of each Registered Land Area, or other identifier such as the Global Positioning System (GPS) coordinates, the business telephone number, and email address of each licensee; and

b) A legal description of the Registered Land Area; and

c) The status of a license or other required authorization from the Commission.

1310.12 License Recordkeeping and Reporting

Subdivision 1. The Commission must collect, maintain, and report to the USDA relevant, real-time information for each Hemp Grower licensed or authorized to produce hemp on the reservation. This information shall include:

a) For each new Hemp Grower who is an individual and is licensed or authorized under this Hemp Code, the full name of the individual, license or authorization identifier, business address, telephone number, and email address (if available);

b) For each new Hemp Grower that is an entity and is licensed or authorized under this Hemp Code, the full name of the entity, the principal business location address, license or authorization identifier, and the full name, title, and email address (if available) of each key participant;

c) A legal description of the land on which the Hemp Grower will produce hemp on the reservation, including, to the extent practicable, its geospatial location; and

d) The status and number of the Hemp Grower’s license(s) and authorization(s). Assigned license numbers will be in the format prescribed by the USDA in conformity with 7 CFR Part 990.3 (a) (9) (ii).

e) Information for each producer whose information has changed to include the previously reported information, as well as the new information.

Subdivision 2. A Hemp Grower shall maintain records of all hemp plants acquired, produced, handled, or disposed of as will substantiate any required reports. All records and reports shall be maintained, including all documentation of sampling and testing for at least three (3) calendar years in a manner such that it can be readily provided to the Commission upon request.

Subdivision 3. All records shall be made available for inspection by the Nation's inspectors, auditors, or their representatives during reasonable business hours. The following records must be made available:

- a) Records regarding acquisition of hemp plants;
- b) Records regarding production and handling of hemp plants;
- c) Records regarding storage of hemp plants; and
- d) Records regarding disposal of all cannabis plants that do not meet the definition of hemp.

Subdivision 4. The Commission may limit the size, location, capacity, and hours of operation of hemp production areas depending on adverse impacts on the Nation, environment, and surrounding area. Authorized representatives of the Nation and law enforcement may enter hemp production areas at any time for any reason to inspect said areas.

Subdivision 5. Hemp Growers Reporting. Hemp Growers must report any changes of contact information to the Commission in writing within fourteen (14) calendar days of the change.

a) Planting Report: Within fourteen (14) calendar days after planting any Industrial Hemp, each Hemp Grower shall submit a Planting Report that includes the GPS coordinates and a map showing the location and actual acreage or square feet of hemp planted.

b) Pre-Harvest Notification: At least fifteen (15) calendar days prior to harvest, each Hemp Grower shall submit a Pre-Harvest Notification, on a form provided by the Commission that includes the projected harvest date(s) and location(s) of each variety of hemp cultivated within a Registered Land Area.

c) Post-Harvest Report: Within fifteen (15) calendar days post-harvest, each Hemp Grower shall submit a Post-Harvest Report, on a form provided by the Commission that includes the actual harvest date(s) and location(s) of each variety of hemp harvested within a Registered Land Area. A Hemp Grower is not required to document the removal of male hemp plants on a Post-Harvest Report if the male hemp plants are destroyed or utilized on the Registered Land Area and are not transferred or sold.

Subdivision 6. License Suspension.

a) The Commission may issue a notice of suspension to a Hemp Grower if the Nation or its representative receives credible evidence establishing that a Hemp Grower has engaged in conduct violating a provision of this Hemp Code or failed to comply with a written order from the Commission related to negligence as defined herein.

b) Any Hemp Grower whose license has been suspended shall not handle or remove hemp or cannabis from the location where hemp or cannabis was located at the time when the Commission issued its notice of suspension, without prior written authorization.

c) Any person whose license has been suspended shall not produce hemp during the period of suspension. A Hemp Grower whose license has been suspended may be required to complete a corrective action plan to fully restore the license.

Subdivision 7. License Revocation.

The Commission shall immediately revoke the license of a Hemp Grower Broker, Processor, or Handler if such Hemp Grower pleads guilty to, or is convicted of, any felony related to a controlled substance, made any materially false statement with regard to this Hemp Code to the Nation or its representatives with a culpable mental state greater than negligence, is found to be growing cannabis exceeding the acceptable hemp THC level with a culpable mental state greater than negligence, or negligently violated this Hemp Code three times in five years. The Commission can seek criminal charges against Hemp Growers, Broker, Processor, or Handler for violations committed with a culpable mental state greater than negligence.

Subdivision 8. Commission Reporting Requirements.

The Commission shall submit an annual report to the USDA by December 15 of each year containing the information required at 7 CFR Part 990.70 I. Additionally, the Commission shall submit to the USDA a Hemp Disposal Report as required at 7 CFR Part 990.70 (b).

1310.13 Procedure for Inspecting, Sampling and Testing

Subdivision 1. Inspections. The Commission shall conduct regular inspections of Hemp Growers to ensure compliance with this Hemp Code and the required THC concentration as follows:

a) Inspections will take place at least annually, must be randomly selected, and performed without notice;

b) All Hemp Growers shall grant the Commission unrestricted access to the Registered Land Area(s) and accompanying facilities; and

c) All samples collected by the Commission shall become the property of the Commission and no compensation shall be owed by the Commission for such samples.

Subdivision 2. Selecting Samples for Testing.

a) The delta-9-THC content for hemp produced pursuant to this Hemp Code shall not exceed the acceptable hemp THC level. The Commission will test all hemp produced by any licensee for THC compliance. The Commission will inspect and sample 100% of all hemp harvest lots to be harvested.

b) The method used for sampling from the flower material of the cannabis plant must be sufficient at a confidence level of 95% that no more than 1% of the plants in the harvest lot would exceed the acceptable hemp THC level. The method used for sampling must ensure that a representative sample is collected that represents a homogenous composition of the harvest lot. Samples of hemp plant material from one harvest lot shall not be commingled with hemp plant material from other harvest lots.

Subdivision 3. Collection of Samples.

a) The hemp selected for sampling shall be determined by the inspector of the Commission. The Commission shall collect, handle, and retain samples from each harvest lot in accordance with this Hemp Code. All samples become the property of the Commission and are non-returnable. The material selected for sampling will be determined by the Commission, not the Hemp Grower.

b) The Hemp Grower shall report in writing to the Commission at least 15 days before a harvest lot is about to be harvested. The Commission's receipt of a harvest notification triggers a site inspection and sample collection by a tribal inspector.

c) An inspector shall contact the Hemp Grower to confirm the field's location and schedule a time for inspection and sample collection prior to harvest. Samples will be collected by a tribal inspector who meets the USDA requirements for a sampling agent, and may be a Red Lake Law Enforcement officer or employee. During a scheduled sample collection, the Hemp Grower or an authorized representative of the Hemp Grower shall be present at the growing site.

d) Tribal inspectors shall be provided with complete and unrestricted access to all hemp, and other cannabis plants, if any, whether growing or harvested, and all land, buildings, and other structures used for the cultivation, handling, producing, processing, or storage of hemp and other cannabis plants, if any, and all locations listed in the Hemp Growers license.

e) A separate sample must be taken from each harvest lot. A separate sample must be taken for each variety. Samples shall be secured in a paper bag (to allow for air-drying during transport).

f) Cuttings will be collected to make one representative sample. The tribal inspector shall clip the top 20 cm of the hemp plant's primary stem, including female floral material. The tribal inspector shall take cuttings from at least five hemp plants within the harvest lot and place the complete sample in a paper bag. The bag shall be sealed by folding over the top once and stapling the bag shut. The sample will be transported to the Commission for drying and storage.

g) The tribal inspector shall label the sample container with the sample ID. The sample ID must include the last four numerical digits of the license number, date (MMDDYY), and a two-digit sequential sample number assigned by the inspector.

h) The sample shall be transported to the Commission for storage in a secure area. The entire sample will be sent to the testing lab for analysis.

i) A Hemp Grower shall not harvest any harvest lot prior to samples being taken. The Hemp Grower shall then harvest the harvest lot not more than 15 days following the date of the sample collection by the Commission. If the Hemp Grower fails to complete the harvest within 15 days of sample collection, a secondary sample of the harvest lot shall be required to be submitted for testing. The cost of all testing shall be paid by the Hemp Grower.

j) Harvested lots of hemp plants shall not be commingled with other harvested lots or other material without prior written permission from the Commission. Floral materials harvested for phytocannabinoid extraction shall not be moved beyond the processor, or commingled, or extracted, until the Commission releases the material.

k) The licensee shall be notified within thirty (30) days of sampling of the status of the testing and eligibility of the harvested materials to leave the reservation and/or move into market. Any Hemp Grower may request additional testing at its cost if it is believed that the original delta-9 THC concentration level test results were in error.

Subdivision 4. Testing Procedures.

a) Testing shall be completed by an ISO/IEC 17025 accredited testing lab not affiliated with any Hemp Grower on the reservation. Test results will be reported to the Commission and then to the licensee by the Commission. The Producer must ensure the lab also reports the test results to the USDA, and that the report includes all the information required in 7 CFR Part 990.70 (d).

b) The testing must be able to accurately identify whether the sample contains a delta-9 THC content concentration level that exceeds the acceptable hemp THC level. The procedure must include a validated testing methodology that uses post-decarboxylation or other similarly reliable methods. The testing methodology must consider the potential conversion of THC-A in hemp into THC and the test result measures total available THC derived from the sum of the THC and THC-A content. Testing methodologies meeting the requirements of this section include gas or liquid chromatography with detection. The total THC concentration level shall be determined and reported by a dry weight basis.

c) Any test of a representative sample resulting in higher than the acceptable hemp THC level shall be conclusive evidence that the harvest lot represented by the sample is not in compliance with this section. Harvest lots testing above the acceptable hemp THC level may not be further handled, processed, or enter the stream of commerce. The Hemp Grower shall ensure the harvest lot is disposed of in accordance with section 1310.14 herein, the Controlled Substances Act, and DEA regulations. Hemp Growers must notify USDA of their intent to

dispose of non-conforming plants, or the Tribe's disposal of non-conforming plants, and verify disposal by submitting required documentation.

d) Analytical testing for purposes of detecting the concentration levels of THC shall meet the following standards:

i) Laboratory quality assurance must ensure the validity and reliability of testing results;

ii) Analytical method selection, validation, and verification must ensure that the testing method used is appropriate (fit for purpose), and that the laboratory can successfully perform the testing;

iii) The demonstration of testing validity must ensure consistent, accurate analytical performance;

iv) Method performance specifications must ensure analytical tests are sufficiently sensitive for the purposes of the detectability requirements of this Hemp Code; and

v) An effective disposal procedure for hemp plants that are produced that do not meet the requirements of these Regulations. The procedure must be in accordance with DEA reverse distributor regulations found at 21 CFR § 1317.15, as amended.

e) Measurement of uncertainty 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.

f) The Commission shall promptly notify the USDA by certified mail or electronically of any occurrence of cannabis plants or plant material that do not meet the definition of hemp in these regulations and attach the records demonstrating the appropriate disposal of all of those plants and materials in the harvest lot from which the representative samples were taken.

g) A Hemp Grower shall not remove a Harvest Lot from a Registered Land Area that has not been sampled and tested for compliance in accordance with this section.

h) Compliance and safety testing for hemp and hemp products required by these rules shall be conducted by independent laboratories accredited by ISO/IEC 17025, the standard published by the International Organization for Standardization (the "ISO") titled "General requirements for the competence of testing and calibration laboratories," or an accreditation standard approved by the Commission.

i) Samples collected by the Commission for compliance, inspection, and auditing purposes shall be collected in accordance with the CFR sampling requirements. While it is acceptable to use different sampling techniques for quality assurance and research and

development purposes, it is not acceptable to use these different sampling techniques for compliance under the plan.

j) For each sample tested pursuant to this section, the Hemp Grower shall obtain from a laboratory a certificate of analysis that includes, at a minimum, the following information:

i) General information identifying that the hemp that is the subject of the certificate of analysis is the product of a sample tested by the independent testing laboratory;

ii) The date the hemp was sampled, the date testing was performed, and methodology used to analyze the sample;

iii) The THC concentration contained in the test sample; and

iv) A statement indicating whether the sample contained a THC concentration of not more than the acceptable hemp THC level set forth under this Hemp Code.

k) The required number and size of samples shall be determined in accordance with the Commission's established procedures for statistical representation.

l) Nothing in this section shall prevent a Hemp Grower from voluntarily collecting samples and testing hemp for quality assurance and research and development purposes.

m) A Hemp Grower may apply to the Commission for retesting and/or resampling of any non-compliant Harvest Lot, which may be approved or denied at the Commission's discretion.

1310.14 Procedures for Disposal

Subdivision 1. Hemp that tests higher than the acceptable hemp THC level shall be disposed of by the Hemp Grower in compliance with the Commission rules and all applicable tribal and federal laws, regulations, rules and other requirements.

Subdivision 2. If a Harvest Lot tests higher than the acceptable hemp THC level, the Harvest Lot shall be promptly disposed of by the Hemp Grower according to the following disposition:

a) Hemp stalks (denuded) may be harvested, processed and used for fiber and/or any other lawful purpose; and

b) Hemp seed may be harvested, processed, and rendered non-viable for finished or consumer products.

Subdivision 3. The floral material may be collected for disposal by an officer from the Red Nation Law Enforcement according to DEA regulations.

Subdivision 4. All Hemp plant material not disposed of pursuant to the above Sections must be destroyed or utilized on site in a manner approved of and verified by the Commission.

Subdivision 5. Hemp Growers shall have fifteen (15) calendar days from the date of notification of test results higher than the Acceptable Hemp THC level to contact the Commission in writing and apply for retesting or propose a method for destruction or on-site utilization of leaf material, stalks and seed not disposed of pursuant to subdivision 2 above. Methods of destruction or on-site utilization may include, but are not limited to, incineration, composting, tilling into the soil, or grazing by livestock when a tribal law enforcement officer is present.

Subdivision 6. Hemp subject to destruction or on-site utilization pursuant to this Section shall not be removed from the Registered Land Area unless otherwise authorized by the Commission.

Subdivision 7. With the exception of hemp seeds rendered non-viable pursuant to this Hemp Code, all hemp subject to destruction or on-site utilization pursuant to this section shall not be added to or processed into any consumable product.

Subdivision 8. The Hemp Grower shall provide any and all evidence requested by the Commission to verify disposal to the satisfaction of the Commission.

1310.15 Application Process

Subdivision 1. Hemp Growers License.

a) Any Person desiring to cultivate or produce hemp on Red Lake Nation lands must obtain a valid license from the Red Lake Hemp Regulatory Commission prior to engaging in such activity. A valid license means the license is valid for three (3) years, unsuspended, and unrevoked.

b) Any person who wishes to engage in the cultivating of hemp on the reservation, including employees and contractors, shall submit to the Commission annually a complete license application. An applicant must be at least 18 years of age. The applicant must file the proper paperwork for a land use permit and business license from the Nation. An applicant seeking to cultivate hemp shall provide the Commission with the following:

i) The legal description and GPS coordinates sufficient for locating the Registered Land Area and each field, greenhouse, or structure where the person cultivates hemp, or intends to cultivate hemp;

ii) The full name, residential address, telephone number, and email address (if available) of the applicant;

iii) If the applicant represents a business entity, the full legal entity name of the business, the principal business location address, documentation that the business is in compliance with the Nation's Title XI Business Law, the full name and title of all key

participants, the employer identification number of the business, and the email address (if available) of the applicant; and

iv) A completed criminal background check report(s) for the applicant or all key participants of the applicant confirming that all key participants to be covered by the license have not been convicted of a felony, under state or federal law, relating to a controlled substance within the past ten (10) years. Applicants shall submit fingerprints and pay criminal background check fees directly to the Commission to obtain a criminal history background check report.

c) The Commission may impose a fee to cover the costs of licensing and regulation. If imposed, all applications must be accompanied by a full remittance for the whole amount of the fee. The Commission may refuse to accept an incomplete application or an application without the required fee.

d) The following persons shall be ineligible to apply for a license:

i) Hemp Grower that negligently violates a federal, state or tribal plan three (3) times in a five-year (5) calendar period shall be ineligible to produce hemp for a period of five (5) calendar years beginning on the date of the third violation; or

ii) Any person convicted of a felony relating to a controlled substance under federal law in the ten-year (10) calendar period prior to the application date shall be ineligible to produce hemp under this Hemp Code; or

iii) Any person who materially falsifies any information contained in an application to participate in the program established under this Hemp Code shall be ineligible to produce hemp under this Hemp Code, and his or her application shall be denied.

e) A license modification is required if there is any change to the information submitted in the application including, but not limited to, sale of a business, the production, handling, or storage of hemp in a new location, or a change in the key participants producing under a license.

f) The Commission reserves the right to deny a license for any reason.

g) Every grower shall place signs at the natural access points of Industrial Hemp fields that communicate, at a minimum, that the crop is Industrial Hemp and that the THC content is insignificant (under .3%), license number, and contact information. The minimum length of the signs is twenty-four (24) inches and the minimum height is eighteen (18) inches.

h) All Hemp Growers must establish a security protocol for their fields. The security protocol can include cameras and other technology to monitor the field. This protocol is to deter any stealing or unauthorized access to said hemp fields.

i) All applicants shall submit information to the Commission in a full, faithful, truthful, and fair manner. The Commission may deny an application where the applicant made intentional or purposeful misstatements, omissions, misrepresentations, or untruths in the application or in connection with the applicant's background investigation. This type of conduct may be considered as the basis for additional administrative action against the applicant and it may also be the basis for criminal charges against the applicant.

j) An applicant shall not have and shall not make any false statements or representations to a representative of the Commission or a law enforcement agency.

Subdivision 2. Broker, Processor, or Handler License.

a) Any person who wishes to engage in the brokering, processing, handling, or marketing of hemp that does not fall within the definition of a "publicly marketable hemp product" at any location within the jurisdiction of the Nation shall apply to the Commission for a tribal Broker, Processor, or Handler's license. A Hemp Grower with a license from the Commission does not need a Broker, Processor, or Handler license. Further, a Hemp Grower can sell any amount of their harvest to Brokers or off-reservation.

b) Brokering, processing, or handling of hemp for commercial purposes without such a license shall constitute a civil violation subject to any civil or criminal penalty as the Nation's code may provide for.

c) No person shall broker, market, or process hemp that does not fall within the definition of "acceptable hemp THC level" grown from any location within the jurisdiction of the Nation.

d) A Broker, Processor, or Handler is subject to the same inspection requirements applicable to Hemp Growers as necessary to ensure all hemp meets the acceptable hemp THC level.

Subdivision 3. Requisite Licensing Standards.

The Commission shall, establish procedures and standards for awarding a Hemp Broker, Processor, or Handler's license. At minimum, such standards shall require the applicant to submit the following:

a) Proof that the applicant is at least 18 years of age.

b) Full name, residential address, telephone number, and email address, if an email address is available.

c) If the applicant is a government or government owned entity, including but not limited to, a tribe or the districts of Little Rock, Redby, Red Lake, or Ponemah, the application shall provide the full name and contact information for the registered agent or representative charged

with being the point of contact for the license along with the business name and principal business location address (if applicable).

d) If the applicant represents a business entity, the full name of the business, the principal business location address, the names and addresses of all persons holding a financial interest or decision making authority within the entity, if the business is a corporation, the name and address of its registered agent, the full name, address and birth date of the individual who will have signing authority on behalf of the entity, his or her title, and email address if an email address is available.

e) A detailed statement of all past and current hemp Broker, Processor, or Handler's license held by the applicant.

f) A detailed statement of any hemp related fines, notices of violations, citations or license revocation proceeding that the applicant has faced in any jurisdiction, along with a statement of any seed related civil or criminal cases that the applicant has been the subject of.

g) A brokerage, handling, or production plan, including the description and map of the proposed site on which the activity will take place and the variety and approximate volume of hemp that will be involved. A description of all aspects of the handling or brokerage or production the firm will engage in within the jurisdiction of the Nation.

h) A statement of whether the proposed Handler, Broker or producer proposes to import any hemp from outside the jurisdiction of the Red Lake Nation, and if so, a statement of where the proposed hemp is coming from and under what authority.

i) A sworn statement from the applicant that he or she or the entity agrees voluntarily to the jurisdiction of the Red Lake Nation, the Commission and the Red Lake Nation Tribal Court on all matters related to the license that they are applying for and all other hemp related activities taking place within the jurisdiction of the Red Lake Nation.

j) A sworn statement that the applicant and all of its identified principals agree to submit to an annual background check and pay the Commission fee associated with that background check.

k) A sworn statement that the applicant shall submit all reports and documents to the Commission related to the license and the license application.

Subdivision 4. Missing Information.

An application that is missing any of this required information shall be subject to denial, but may, at the discretion of the Commission be allowed to resubmit.

Subdivision 5. Background Checks for Broker, Processor, and Handler License Applicants.

a) Each applicant for a Broker, Processor, or Handler's license shall undergo and pay for an annual criminal background check arranged by the Commission. Such background check shall be no more than ninety (90) days old on the date of the application. No person who has been found guilty of or entered a plea of nolo contendere or guilty to: any felony related to a controlled substance under federal law within the last ten (10) years shall be eligible for a Broker, Processor, or Handler's license.

b) Each applicant for a Broker, Processor, or Handler's license shall agree to the release of any and all information related to their past or present hemp related licenses in any other jurisdiction. The Commission shall arrange to contact those other jurisdictions to ensure that the information the applicant is submitting is correct and that there is no reason to deny the application.

Subdivision 6. Review of a Hemp Broker, Processor, or Handler License Application.

a) No person or entity is entitled to a Broker, Processor, or Handler's license. Such a license is a privilege and not a right. Failure to agree or comply with terms and conditions established in the licensing agreement or this Hemp Code shall constitute grounds for denying final approval.

b) The Commission shall develop special license applications for Brokers, Processors, and Handlers and establish procedures for evaluating their applications applying, among other things, the minimum criteria established in this Hemp Code, the activities that the applicant proposes to engage in and the Commission's practical ability to properly regulate this activity.

i) If an applicant holds, or has held, a hemp or cannabis license of any type in any jurisdiction, the Commission shall obtain a report detailing violations, if any, of that current or prior license.

ii) If an applicant has held any type of license from the Red Lake Nation, the applicant shall not be behind on any tribal license renewals, tribal taxes or fees, or be found to be adjudicated to be in violation of that prior license.

iii) The applicant shall not have any unpaid fees or fines from the Nation or the Commission.

iv) The applicant shall not have intentionally submitted any false or misleading information or made any false statements in conjunction with this or any other application from the Commission.

v) Any application that is missing required information shall be grounds for license denial.

c) The Commission shall notify applicants by letter or email whether the application has been denied or conditionally approved. An applicant shall have thirty (30) days to request a

hearing to appeal the denial. Such hearings shall be conducted under procedures established by the Commission.

Subdivision 7. Land Use Restrictions for Licensed Brokers, Processors, or Handlers.

A licensed Broker, Processor, or Handler shall not process or store leaf or floral material from hemp in any location where hemp would not be allowed to be grown under this Hemp Code.

Subdivision 8. Broker, Processor, or Handler Licensing Agreements.

a) A Broker, Processor, or Handler license shall not be deemed approved until the applicant and the Commission have executed a Broker, Processor, or Handler's licensing agreement following the in-person attendance at the Commission's mandatory orientation session.

b) The Broker, Processor, or Handler licensing agreement shall establish the terms and conditions governing the applicant license.

c) The terms and conditions established in the Broker, Processor, or Handler's licensing agreement shall include, at a minimum, the following requirements:

i) Acknowledge that licensed Brokers, Processors, or Handlers shall comply with instructions from the representatives of Commission and law enforcement agencies.

ii) Agreement to pay all background check, inspection, testing, and licensing fees imposed by the Commission.

iii) Agreement that the license shall have no reasonable expectation of privacy with respect to premises where their hemp seeds, plants, or materials are located and any premises listed in the Broker, Processor, or Handler's licensing agreement. A licensee, whether present or not, shall permit a representative of the Commission to enter into premises where hemp seeds, plants, or materials are located and any premises listed in the licensing agreement, with or without cause or advanced notice. During such inspections, the Commission shall have the ability to collect and retain samples of hemp and products derived from all hemp in possession of a licensee and all such samples collected by the Commission shall become the property of the Commission and shall be nonreturnable. Compensation shall not be owed by the Commission. A licensee undergoing such inspections or collections shall not be eligible for compensation for the loss of that hemp or for any damage to their grow site caused by the Commission or its representatives in the performance of their duty.

iv) Subject to testing procedures set forth in section 1310.14 herein, consent to forfeiture and destruction, without compensation, of: material found to have a measured delta-9-THC content in excess of the acceptable hemp THC level percent under this Hemp Code on a dry weight basis, material located in an area that is not licensed by the

Commission, or material not properly accounted for in required reporting to the Commission.

v) Agreement that no hemp shall be processed, handled, or stored in any location other than the location listed in the licensing agreement.

vi) Written acknowledgement that the license shall comply with restrictions established by the Commission and applicable tribal and federal law limiting the movement of hemp plants and plant parts.

vii) Agreement that the risk of financial or other loss shall be borne solely by the licensee.

viii) Agreement that any time the hemp is in transit, the licensee shall ensure compliance with the hemp transportation requirements of this Hemp Code and all Commission regulations. In addition to those requirements, a Broker, Processor, or Handler of hemp within the jurisdiction of the Nation shall also ensure the transport and shall make that information available upon the request of a representative of the Commission or a law enforcement agency.

ix) Agreement to display a copy of the license at the licensee's on-reservation place of business.

x) Agreement to submit reports required by the Commission on or before the deadline established by the Commission.

xi) Agreement to notify the Commission of any hemp or drug-related interaction with law enforcement immediately by phone and to follow-up in writing within three (3) calendar days of the occurrence.

xii) Agreement to notify the Commission of any theft of hemp material.

xiii) Agreement by the applicant that failure to agree or comply with terms and conditions established in the Broker, Processor, or Handler's licensing agreement shall constitute grounds for the suspension or termination of the license.

xiv) A person or entity who has had their license revoked is not eligible to reapply for any license from the Commission for a period of five (5) years from the date of revocation.

xv) Failure to agree and sign the licensing agreement shall terminate any conditional approval and no license shall be deemed awarded.

Subdivision 9. Restrictions on Sale or Transfer of Hemp by a Licensed Broker, Processor, or Handler.

a) A licensed Broker, Processor, or Handler shall not sell, or transfer, or permit the sale or transfer, of living plants, viable seed, leaf material, or floral material to any person in the jurisdiction of the Red Lake Nation who does not hold a license issued by the Commission.

b) A licensed Broker, Processor, or Handler shall not sell, or transfer, or permit the sale or transfer, of living plants, viable seed, leaf material, or floral material to any person in the jurisdiction of the Red Lake Nation who is not authorized by applicable law to possess those items. The licensed Broker, Processor, or Handler shall be solely responsible for ensuring that such sale or transfer is lawful in other jurisdictions under applicable law.

c) The Commission shall permit the sale or transfer of stripped stalks, fiber, dried roots, nonviable seeds, seed oils, floral and plant extracts, and other marketable hemp products to members of the general public, both within and outside the jurisdiction of the Red Lake Nation, if the product's delta-9-THC level is not more than the acceptable hemp THC level and is not otherwise prohibited by applicable law.

d) A licensed Broker, Processor, or Handler selling or transferring hemp, or permitting the sale or transfer of floral or plant extracts (including CBD), shall conduct and retain testing data or results for at least three (3) years demonstrating that the product's acceptable hemp THC level is not more than what this Hemp Code mandates.

e) The Commission shall permit a licensed Broker, Processor, or Handler to transfer up to one (1) pound of hemp per transfer to testing laboratories, both within and outside the jurisdiction of the Nation, for the purposes of measuring THC, CBD, or other Phytocannabinoid profile levels. It shall be the sole responsibility of the licensed processor or handler to ensure compliance with applicable laws relating to that transfer.

f) A licensed Broker, Processor, or Handler shall comply with the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. Chapter 9, and all other applicable tribal and federal laws and regulations relating to product development, product manufacturing, consumer safety, and public health. Quality assurance must ensure no contaminants or heavy metals are present in any hemp products manufactured within the jurisdiction of the Red Lake Nation.

g) A licensed Broker, Processor, or Handler shall not knowingly permit hemp to be sold to or used by any person involved in the manufacturing of an item named on the prohibited products list of the United States or Red Lake Nation.

Subdivision 10. Research Licenses.

a) Post-Secondary License

i) A post-secondary institution located within the jurisdiction of the Red Lake Nation may grow or cultivate hemp if the hemp is grown or cultivated for the purposes of research conducted under an agricultural pilot program or other agricultural or academic research. Such institution must obtain a research license.

ii) Sites must be certified by and registered with the Commission.

b) Not-for-profit entities

i) A not-for-profit entity located within the jurisdiction of the Red Lake Nation that is chartered or owned by the Nation or the districts of Little Rock, Redby, Red Lake, or Ponemah may grow or cultivate hemp if the hemp is grown or cultivated for the purposes of research conducted under an agricultural pilot program or other agricultural or academic research. Such entity must obtain a research license.

ii) Site must be certified by and registered with the Commission.

c. Research Applicants

Research license applicants shall adhere to the same requirements as other Hemp Grower licensees except that the name shall be in the name of the post-secondary institution or non-profit, and the contact person shall be the principal investigator or researcher in charge of the agricultural pilot program or agricultural or academic research. The principal investigator or researcher in charge, as well as other key participants shall be required to submit to criminal background checks. Such background check shall be no more than ninety (90) days old on the date of the application. No person who has have been found guilty of or entered a plea of nolo contendere or guilty to: any felony related to a controlled substance under federal law within the last ten (10) years shall be eligible for a Research license.

d. Rules and Regulations

The Commission shall adopt and promulgate rules and regulations governing this section. If any additional rules, regulations or standards make substantive revisions to the hemp plan, such revisions must be reviewed by the USDA in conformity with 7 CFR Part 990.4 (b).

1310.16 Schedule of Fees and Forms

The Commission shall set and maintain a fee schedule for all applicable fees, including but not limited to, license application fees, testing fees, modification fees, and all other appropriate fees.

1310.17 Prohibitive Products

Any hemp product in excess of the acceptable hemp THC level shall not be sold to members of the public or publicly offered for sale.

1310.18 Violations

Subdivision 1. Negligent Violation. A Hemp Grower shall be subject to this section if the Commission determines that the Hemp Grower has negligently violated the requirements of this Hemp Code, including by negligently:

- a) Failing to provide a legal description of land on which the Hemp Grower cultivates hemp; or
- b) Failing to obtain a license or other required authorization from the Commission as applicable; or
- c) Producing Cannabis sativa L. with a THC concentration of more than the acceptable hemp THC level.

Subdivision 2. Enforcement. A Hemp Grower, Broker, Processor, or Handler that negligently violates this Hemp Code shall be subject to civil but not criminal enforcement action by the Red Lake Nation, as a result of that violation.

Subdivision 3. Repeat Violations. A Hemp Grower Broker, Processor, or Handler that negligently violates this Hemp Code three (3) times in a five-year (5) calendar period shall be ineligible to produce, broker, process, or handle hemp for a period of five (5) calendar years beginning on the date of the third violation.

Subdivision 4. Criminal Penalties. In addition to being subject to the license suspension, license revocation, and monetary civil penalty procedures set forth in this Hemp Code or any policies and procedures promulgated by the Commission, a person who is found by the Commission to have violated this Hemp Code with a culpable mental state greater than negligence may be subject to criminal penalties and the following:

- a) If the Commission determines that any person on Red Lake Nation lands has violated this Hemp Code with a culpable mental state greater than negligence, the Commission shall immediately report such violation to the Red Lake Nation Law Enforcement.
- b) Upon notice to the Commission or with its assistance, Red Lake Law Enforcement officers may seize any hemp or hemp product that exceeds the acceptable hemp THC level.
- c) Red Lake Law Enforcement shall have the discretion to file charges with the Red Lake Nation Tribal Court. Any charges shall be subject to due process and the ability to challenge the charges in tribal court.
- d) The violation must be reported to the United States Attorney General.

Subdivision 5. Trespass on Hemp Land. The Commission must refer any individual found to be trespassing or stealing hemp from approved Hemp Growers Brokers, Processors, or Handlers for violations and enforcement under Chapter 1308 of the Red Lake Nation Code – Indian Agricultural Land Trespass or any relevant penalties under the Nation’s code.

Subdivision 6. Other Remedies. Any land held by a Hemp Grower can have their land use assignment revoked for violations set forth in this Hemp Code.

1310.19 Corrective Action Plans

Subdivision 1. The Commission shall require a corrective action plan to correct any negligent violation of this Hemp Code.

Subdivision 2. A Hemp Grower shall comply with a plan established by the Commission to correct the negligent violation and such plan shall include the following:

a) A reasonable date by which the Hemp Grower Broker, Processor, or Handler shall correct the negligent violation; and

b) A requirement that the Hemp Grower Broker, Processor, or Handler shall periodically report to the Commission on the compliance of the Hemp Grower Broker, Processor, or Handler with this Hemp Code for a period of not less than the next two (2) calendar years.

c) Within thirty (30) days of imposing the requirement of a corrective action plan, the Commission shall conduct an inspection to determine if the corrective action plan has been implemented.

1310.20 Pesticides

Subdivision 1. A licensee may not use pesticides and other agricultural chemicals. To ensure the quality assurance for hemp products in this Code, Hemp Growers may utilize regenerative agriculture and other natural farming techniques for cultivation.

Subdivision 2. The Commission may approve the use of pesticides only if said pesticides are approved for appropriate use in food production or approved by the EPA.

Red Lake Band of Chippewa Indians Hemp Program Certification

Pursuant to Section 297(a)(2)(A)(vii) of the Agriculture Improvement Act of 2018 and 7 CFR 990.3(a)(8), I certify that the Red Lake Band of Chippewa Indians has the resources and personnel necessary to carry out each of the practices and procedures identified in Section 297 (a)(2) of the Act, 7 CFR 990.3(a)(1)-(7), and this Code. The Red Lake Band of Chippewa Indians will establish, fund and staff the appropriate and necessary offices and positions. The Red Lake Band previously forwarded to the USDA a copy of the Tribal Council's resolution enacting its Hemp Code.

Dated: _____

Darrell G. Seki, Sr., Chairman