

TABLED

Cherokee Council House
Cherokee, North Carolina

JAN 04 2024

Date

Ordinance No. 63 (2023)

WHEREAS, the Charter and Governing Document authorizes and empowers the Eastern Band of Cherokee Indians (EBCI) Tribal Council to adopt laws and regulations for the general government of the Tribe. Charter and Governing Document, sect. 23 (Sept. 5, 1995) *see also* C.C. §117-10.

WHEREAS, on August 16, 2021, Tribal Council established a medical marijuana code. EBCI Ordinance No. 539 (Aug. 16, 2021) codified at C.C. Ch. 17.

WHEREAS, on March 15, 2022, Tribal Council amended the medical marijuana code. EBCI Ordinance No. 138 (2022) codified at C.C. Ch. 17.

WHEREAS, on September 7, 2023, EBCI registered voters overwhelmingly (70% voting in favor) approved adult use cannabis on the Qualla Boundary for individuals 21 and over.

WHEREAS, Tribal Council is following through with the People's vote and amends Cherokee Code, Ch. 17 to allow for adult use.

NOW THEREFORE BE IT ORDAINED in Council assembled at which a quorum is present that the Tribal Council amends Cherokee Code Chapter 17, as follows in EXHIBIT A.

BE IT FURTHER ORDAINED the Ordinance provisions that amend or adopt new sections of the Cherokee Code shall be codified by the Department of Justice. The Department of Justice shall incorporate such amended provisions in the next codification of the Cherokee Code.

BE IT STILL FURTHER ORDAINED should any provision of this Ordinance be determined invalid by the Cherokee Supreme Court, or the Cherokee Court without appeal to the Cherokee Supreme Court, or any other court of competent jurisdiction, those portions of this Ordinance which are not determined invalid shall remain the law of the Eastern Band of Cherokee Indians

BE IT FINALLY ORDAINED that any resolution or ordinance in conflict are rescinded and that this ordinance shall become effective upon ratification.

Submitted By: Tribal Council

Cherokee Code

Chapter 17 – ~~MEDICAL MARIJUANA~~ CANNABIS

ARTICLE I. – GENERAL PROVISIONS

Sec. 17-1 – Legislative findings and declarations.

(a) The ~~medical~~ cannabis industry has the potential to be beneficial to the public health of the Tribe and the general welfare of enrolled members through job creation and economic development.

(b) The growth and success of a ~~medical~~ cannabis industry is dependent upon public confidence and trust that:

(1) People who suffer from chronic or debilitating medical conditions will be able to obtain medical cannabis safely and conveniently;

(2) Cannabis can reduce dependence on and abuse of opioids ~~Medical cannabis establishments do not unduly impact the quality of life enjoyed of nearby residents and the community at large;~~

(3) Cannabis facilities do not unduly impact the quality of life enjoyed of nearby residents and the community at large ~~Medical cannabis establishment licenses, agent cards, and medical patient cards are issued in a responsible manner; and~~

(4) Cannabis facility licenses, agent cards, and medical patient cards are issued in a responsible manner; and ~~The medical cannabis industry is free from criminal and corruptive practices.~~

(5) The cannabis industry is free from criminal and corruptive practices.

(c) Public confidence and trust can only be maintained by strict regulation of all persons, locations, practices, associations, and activities related to the operation of ~~medical cannabis establishments~~ facilities.

(d) All ~~medical cannabis establishments~~ facilities and ~~medical cannabis agents~~ must therefore be licensed, controlled, and assisted to protect the public health, safety, morals, good

1 order, and general welfare of the Tribe and to foster the stability and success of the
2 ~~medical~~ cannabis industry.

3 (e) This chapter incorporates medical cannabis, passed by the Tribe in August 2021, and
4 adult-use cannabis, approved by the Cherokee people through referendum on September
5 7, 2023 and codified by Tribal government in 2024.

6
7 **Sec. 17-2. Definitions.**

8 As used in this chapter, unless the context clearly otherwise requires, the following words
9 and terms have the following definitions:

10 ~~*Administer* means the direct application of a controlled substance, whether by injection,~~
11 ~~inhalation, ingestion, or any other means, to the body of a patient or research subject by:~~

12 (1) ~~A practitioner or, in the practitioner's presence, by the practitioner's authorized agent; or~~

13 (2) ~~The patient or research subject at the direction and in the presence of the practitioner.~~

14 *Agent* means an owner, officer, board member, employee or volunteer of a cannabis
15 facility, an independent contractor who provides labor relating to the cultivation of cannabis or
16 an employee of such an independent contractor.

17 *Agent card* means a ~~medical~~ cannabis facility establishment agent card.

18 *Attending provider of health care* means a provider of health care who is licensed or
19 certified to practice a profession which authorizes the person to write a prescription for a
20 medication to treat a chronic or debilitating medical condition; and has responsibility for the care
21 and treatment of a person diagnosed with a chronic or debilitating medical condition.

22 *Board* means the EBCI Cannabis Control Board.

23 *Cannabis* means a genus of flowering plants in the family Cannabaceae of which
24 Cannabis sativa is a species, and Cannabis indica and Cannabis ruderalis are subspecies thereof.
25 Cannabis also refers to any form of the plant in which the THC concentration on a dry weight
26 basis as not yet been determined.

27 *Cannabis Facility* includes each of the following:

28 (1) A testing facility;

29 (2) A cultivation facility;

30 (3) A processing facility; and/or

1 (4) A retail store.

2 Cannabis Product means a product that contains cannabis.

3 *Chronic or debilitating medical condition* means:

- 4 (1) Acquired immune deficiency syndrome;
- 5 (2) An anxiety disorder;
- 6 (3) An autism spectrum disorder;
- 7 (4) An autoimmune disease;
- 8 (5) Anorexia nervosa;
- 9 (6) Cancer;
- 10 (7) Dependence upon or addiction to opioids;
- 11 (8) Glaucoma;
- 12 (9) A medical condition or treatment for a medical condition that produces, for a
- 13 specific patient, one or more of the following:
- 14 (i) Cachexia;
- 15 (ii) Muscle spasms, including, without limitation, spasms caused by multiple
- 16 sclerosis;
- 17 (iii) Seizures, including, without limitation, seizures caused by epilepsy;
- 18 (iv) Nausea; or
- 19 (v) Severe or chronic pain;
- 20 (10) A medical condition related to the human immunodeficiency virus;
- 21 (11) A neuropathic condition, whether or not such condition causes seizures; or
- 22 (12) Any other medical condition or treatment for a medical condition that is:
- 23 (i) Classified as a chronic or debilitating medical condition by regulation of
- 24 the Board; or
- 25 (ii) Approved as a chronic or debilitating medical condition pursuant to a
- 26 petition submitted in accordance with Section 17-99.
- 27 (13) Post-traumatic stress disorder.

28 ~~Commission~~ means the ~~EBCI Cannabis Advisory Commission.~~

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1 *Community facility* means a facility that provides day care to children, a public park, a
2 playground, a public swimming pool, a community club building, or a church or other building
3 or place used for religious worship or a religious purpose.

4 *Concentrated cannabis* means the extracted or separated resin, whether crude or purified,
5 containing THC or CBD from marijuana.

6 *Court* means the Cherokee Court or the Cherokee Supreme Court as the context requires.

7 *Cultivation Facility* means a cannabis business that is licensed by the Board to acquire,
8 possess, cultivate, deliver, transport, supply and sell cannabis and related supplies to retails
9 stores, production facilities, or other cultivation facilities.

10 *Day* means a calendar day not including Tribal government holidays.

11 *Deliver or delivery* means the actual, constructive, or attempted transfer from one person
12 to another of a controlled substance, whether or not there is an agency relationship.

13 *Electronic verification system* means an electronic database that:

14 (1) Keeps track of data in real time; and

15 (2) Is accessible by the Board and by the ~~medical~~ cannabis facility
16 establishment.

17 *Enclosed, locked facility* means a closet, display case, room, greenhouse or other
18 enclosed area that meets the requirements of Section 17-74 and is equipped with locks or other
19 security devices which allow access only by an registrant agent.

20 *Excluded offense* means a conviction of an offense pursuant to Article XIV.A of
21 Cherokee Code Chapter 14 or an offense that would constitute a felony in the state of North
22 Carolina or another jurisdiction. The term does not include:

23 (1) a criminal offense for which the sentence, including any term of probation,
24 incarceration, or supervised release, was completed more than ten years ago; or

25 (2) an offense involving conduct that would be immune from arrest, prosecution, or
26 penalty pursuant to this chapter except that the conduct occurred before the effective date
27 of this chapter or in a jurisdiction other than the Eastern Band of Cherokee Indians.

28 *Executive director* means the Executive Director of the EBCI Cannabis Control Board
29 appointed pursuant to Section 17-27.

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1 *Inventory control system* means a process, device, or other contrivance that may be used
2 to monitor the chain of custody of cannabis from the point of cultivation to the end consumer.

3 *Laboratory* means a facility that is licensed by the Board to test cannabis and cannabis
4 products.

5 *License* means a license that is issued by the Board to authorize the operation of a
6 cannabis facility.

7 *Licensee* means the holder of a ~~medical cannabis~~ facility establishment license.

8 *Medical cannabis cultivation facility* mean a business that:

9 (1) Is licensed by the Board pursuant to ~~Section 17-62~~ and

10 (2) Acquires, possesses, cultivates, delivers, transfers, transports, supplies, or sells
11 ~~medical cannabis and related supplies to:~~

12 (i) ~~Medical cannabis dispensaries;~~

13 (ii) ~~Medical cannabis production facilities; or~~

14 (iii) ~~Other medical cannabis cultivation facilities.~~

15 *Medical cannabis dispensary* means a business that:

16 (1) Is licensed by the Board pursuant to ~~Section 17-62~~ and

17 (2) Acquires, possesses, delivers, transfers, transports, supplies, sells, or dispenses
18 ~~medical cannabis or related supplies and educational materials to the holder of a valid~~
19 ~~medical cannabis patient card or to another medical cannabis dispensary.~~

20 *Medical cannabis establishment* means:

21 (1) — A ~~medical cannabis independent testing laboratory;~~

22 (2) — A ~~medical cannabis cultivation facility;~~

23 (3) — A ~~medical cannabis production facility; or~~

24 (4) — A ~~medical cannabis dispensary.~~

25 *Medical cannabis establishment agent* means an owner, officer, board member,
26 employee, or volunteer of a medical cannabis establishment, an independent contractor who
27 provides labor relating to the cultivation or processing of cannabis or the production of usable
28 cannabis or cannabis products for a medical cannabis establishment or an employee of such an
29 independent contractor.

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1 Medical cannabis establishment agent card means an identification card that is issued by
2 the Board pursuant to ~~Section 17-66~~ to authorize a person:

- 3 (1) — To be an owner, officer, or board member of a medical cannabis establishment; or
4 (2) — To volunteer for, work at, or contract to provide labor or services to a medical
5 cannabis establishment.

6 Medical cannabis establishment license means a license that is issued by the Board
7 pursuant to ~~Section 17-62~~ to authorize the operation of a medical cannabis establishment.

8 Medical cannabis independent testing laboratory means a facility described in ~~Section~~
9 ~~17-64~~ that:

- 10 (1) — Is licensed by the Board pursuant to ~~Section 17-62~~; and
11 (2) — Tests:
12 (i) — Cannabis intended for the medical use of cannabis.
13 (ii) — Medical cannabis products.

14 Medical cannabis infused product means a product intended for the medical use of
15 cannabis that:

- 16 (1) — Is infused with cannabis or an extract thereof; and
17 (2) — Is intended for use or consumption by humans through means other than
18 inhalation or oral ingestion.
19 (3) — The term includes, without limitation, topical products, ointments, oils, and
20 tinctures.

21 Medical cannabis product means:

- 22 (1) — A medical edible cannabis product; or
23 (2) — A medical cannabis infused product.

24 Medical cannabis production facility means a business that:

- 25 (1) — Is licensed by the Board pursuant to ~~Section 17-62~~; and
26 (2) — Acquires, possesses, manufactures, delivers, transfers, transports, supplies or sells
27 medical cannabis products to medical cannabis dispensaries.

28 Medical cannabis patient means the holder of a medical cannabis patient card.

29 Medical cannabis patient card means a document issued by the Board that identifies a
30 person who is exempt from Tribal prosecution for engaging in medical use of cannabis or the

1 designated primary caregiver, if any, of such a person exempt from tribal prosecution for
2 engaging in medical use of cannabis.

3 *Medical edible cannabis product* means a product intended for the medical use of
4 cannabis that:

- 5 (1) — Contains cannabis or an extract thereof;
- 6 (2) — Is intended for human consumption by oral ingestion; and
- 7 (3) — Is presented in the form of a foodstuff, extract, oil, tincture, or other similar
8 product.

9 *Medical use of cannabis* means:

- 10 (1) The possession, delivery, production, or use of cannabis;
- 11 (2) The possession, delivery or use of paraphernalia used to administer cannabis; or
- 12 (3) Any combination of the acts described in subsections (1) and (2) above, as
13 necessary for the exclusive benefit of a person to mitigate the symptoms or effects
14 of his or her chronic or debilitating medical condition.

15 *Paraphernalia* means accessories, devices and other equipment that is necessary or
16 useful, for a person to engage in the medical use of cannabis or the adult use of cannabis.

17 *Person* means a natural person, corporation, limited liability company, or other such or
18 similar entity.

19 *Processing* means the manufacturing of cannabis or cannabis products and the planting,
20 cultivation, growing, or harvesting of a plant from which a cannabis product is derived.

21 *Processing facility* means a business that is licensed by the Board to manufacture and
22 process cannabis and cannabis products.

23 *Retail store* means a cannabis business that is licensed by the Board to acquire, possess,
24 transfer, receive, supply, sell or dispense cannabis and cannabis products to eligible customers,
25 whether medical cannabis patients or adult-use customers.

26 ~~*Production* includes the manufacturing of a controlled substance and the planting,~~
27 ~~cultivation, growing, or harvesting of a plant from which a controlled substance is derived.~~

28 ~~*Registrant* means the holder of a medical cannabis establishment agent card.~~

29 ~~*Registration card* means:~~

- 30 (1) — ~~A medical cannabis establishment agent card.~~

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THC means:

- (1) Delta-9-tetrahydrocannabinol;
- (2) Delta-8-tetrahydrocannabinol; and
- (3) The optical isomers of such substances.

Tribe or Tribal means the Eastern Band of Cherokee Indians.

Unreasonably impracticable means the measures necessary to comply with the law or regulation require such a high investment of risk, money, time or any other resource or asset that the operation of a medical cannabis facility establishment is not worthy of being carried out in practice by a reasonably prudent businessperson.

Written documentation means a statement signed by the attending provider of health care of a person diagnosed with a chronic or debilitating medical condition; copies of the relevant medical records of a person diagnosed with a chronic or debilitating medical condition; proof of current prescription of opioid, opiate, or other pain medications; or a valid proof of authorization to use medical cannabis issued by another jurisdiction.

Secs. 17-3—17-9. Reserved.

ARTICLE II. RESERVED

ARTICLE II. EBCI CANNABIS ADVISORY COMMISSION

~~Sec. 17-10. Commission established.~~

~~(a) The EBCI Cannabis Advisory Commission is hereby created for the purposes of studying issues related to cannabis and making recommendations to the EBCI Cannabis Control Board, Tribal Council, and Principal Chief regarding the regulation of medical cannabis and any activity related to cannabis. The Commission consists of:~~

- ~~———— (1) The Principal Chief, or his or her designee;~~
- ~~———— (2) The Chair of Tribal Council, or his or her designee;~~
- ~~———— (3) The Community Club Chair, or his or her designee;~~
- ~~———— (4) The Secretary of Agriculture and Natural Resources, or his or her designee;~~
- ~~———— (5) The Secretary of Public Health and Human Services, or his or her designee;~~

1 ~~(6) The Chief of Police, or his or her designee; and~~

2 ~~(7) The Chief Executive Officer of the Cherokee Indian Hospital Authority, or his or~~
3 ~~her designee.~~

4 ~~(b) A designee on the Commission serves a term of two years. Designees may be~~
5 ~~reappointed. Designees shall not serve more than three consecutive terms.~~

6 ~~(c) Members of the Commission shall not be compensated for their service on the~~
7 ~~Commission.~~

8 ~~(d) The members of the Commission may meet throughout each year at the times and places~~
9 ~~specified by a call of the Chair or a majority of its members. A majority of the members~~
10 ~~of the Commission constitutes a quorum, and a quorum may exercise all the powers~~
11 ~~conferred on the Commission. The Commission shall designate members as Chair, Vice-~~
12 ~~Chair, and any other officers deemed necessary or appropriate.~~

13 ~~(e) The Cannabis Control Board shall provide the Commission with such staff and logistical~~
14 ~~support as is necessary to carry out the duties of the Commission. The Attorney General,~~
15 ~~or his or her other designated attorney, shall represent the Commission.~~

16 ~~Sec. 17-11. Commission duties.~~

17 ~~(a) The Commission shall:~~

18 ~~(1) Consider all matters submitted to it by the Board, the Principal Chief, the Vice Chief, or~~
19 ~~Tribal Council;~~

20 ~~(2) On its own initiative, recommend to the Board any policies, procedures, guidelines, rules,~~
21 ~~or regulations or any changes to existing guidelines, rules, or regulations that the~~
22 ~~Commission considers important or necessary for the review and consideration of the~~
23 ~~Board;~~

24 ~~(3) Advise the Board on the preparation and amendment of any regulations adopted pursuant~~
25 ~~to this chapter;~~

26 ~~(4) Study the distribution of licenses, including, without limitation, the number of licenses~~
27 ~~authorized to be issued to medical cannabis establishments within the jurisdiction of the~~
28 ~~Tribe, and recommend to the Board any legislative changes that the Commission~~
29 ~~determines to be appropriate; and~~

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1 ~~(5) Study the feasibility of the use of emerging technologies, including, without limitation,~~
2 ~~blockchain and systems that use a single source of truth, as a means of collecting data or~~
3 ~~efficiently and effectively handling transactions electronically to reduce or eliminate the~~
4 ~~handling of cash.~~

5 ~~(b) The Commission may establish subcommittees for the purposes of carrying out its~~
6 ~~_____ duties.~~

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8 ~~Secs. 17-12 - 17-19. Reserved.~~

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10 **ARTICLE III. EBCI CANNABIS CONTROL BOARD**

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14 **Sec. 17-29. General board powers.**

15 In addition to any other powers granted by this chapter, the Board has the power to:

- 16 (a) Establish and amend a plan of organization for the Board, including, without limitation,
17 various divisions or sections with leaders for such divisions or sections
- 18 (b) Apply for and accept any gift, donation, bequest, grant or other source of money to carry
19 out the provisions of this chapter.
- 20 (c) Prepare, publish, and distribute such studies, reports, bulletins, and other materials as the
21 Board deems appropriate.
- 22 (d) Refer cases to the Office of the Attorney General for criminal prosecution.
- 23 (e) Maintain an official Internet website for the Board.
- 24 (f) Monitor federal activity regarding cannabis and report its findings to the Commission.

25
26 **Sec. 17-30. Board regulations.**

27 (a) The Board may issue regulations pursuant to Cherokee Code Chapter 150 when
28 necessary or convenient to carry out the provisions of this chapter. Such regulations may
29 include, without limitation:

- 30 (1) Financial requirements for licensees.

- 1 (2) Establishing such investigative and enforcement mechanisms as the Board deems
2 necessary to ensure the compliance of a licensee or agent registrant with the
3 provisions of this chapter.
- 4 (3) Requirements for licensees or agent registrant relating to the cultivation,
5 processing, manufacture, transport, distribution, testing, study, advertising, and
6 sale of cannabis and cannabis products.
- 7 (4) Reasonable restrictions on the signage, marketing, display, and advertising of
8 ~~medical cannabis~~ facilities establishments. Such a restriction must not require a
9 ~~medical cannabis~~ facilities establishments to obtain the approval of the Board
10 before using a logo, sign, or advertisement.
- 11 (5) Prescribe the form and any additional required content of applications for licenses
12 or agent cards issued pursuant to this chapter;
- 13 (6) Establish procedures for the suspension or revocation of a license or ~~registration~~
14 agent card or other disciplinary action to be taken against a licensee or ~~registration~~
15 agent;
- 16 (7) Set forth rules pertaining to the safe and healthful operation of ~~medical cannabis~~
17 facilities establishments, including, without limitation:
- 18 (i) The manner of protecting against diversion and theft without imposing an
19 undue burden on ~~medical cannabis~~ facilities establishments or
20 compromising the confidentiality of consumers and holders of medical
21 cannabis patient identification cards and letters of approval;
- 22 (ii) Minimum requirements for the oversight of ~~medical cannabis~~ facilities
23 establishments;
- 24 (iii) Minimum requirements for the keeping of records by ~~medical cannabis~~
25 facilities establishments;
- 26 (iv) Minimum requirements for the conduct of ~~medical cannabis establishment~~
27 agents;
- 28 (v) Provisions for the security of ~~medical cannabis~~ facilities establishments,
29 including without limitation, requirements for the protection by a fully
30

1 operational security alarm system of each ~~medical~~ cannabis facilities
2 establishments; and

- 3 (vi) Procedures pursuant to which ~~medical~~ cannabis facilities ~~establishments~~
4 must use the services of ~~medical-cannabis~~ an independent testing facility
5 ~~laboratories~~ to ensure that any cannabis or cannabis product or commodity
6 or product made from hemp sold by a ~~medical-cannabis dispensary~~ retail
7 store to an end user is tested for content, quality, and potency in
8 accordance with standards established by the Board;
- 9 (vii) Establish circumstances and procedures pursuant to which the maximum
10 fees set forth in Section 17-69 may be reduced over time to ensure that the
11 fees are, insofar as may be practicable, revenue neutral;
- 12 (viii) As far as possible while maintaining accountability, protect the identity,
13 and personal identifying information of each person who receives,
14 facilitates, or delivers services in accordance with this chapter;
- 15 (ix) Address such other matters as the Board deems necessary to carry out the
16 provisions of this chapter.

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20 **ARTICLE IV. DISCIPLINARY ACTIONS**

21
22 **Sec. 17-40. Complaints.**

- 23 (a) If the Executive Director becomes aware that a licensee ~~or registrant~~ has violated, is
24 violating or is about to violate any provision of this chapter or any regulation adopted
25 pursuant thereto, the Executive Director may transmit the details of the suspected
26 violation, along with any further facts or information related to the violation which are
27 known to the Executive Director, to the Attorney General or the Cherokee Indian Police
28 Department.
- 29 (b) If any person other than the Executive Director becomes aware that a licensee ~~or~~
30 ~~registrant~~ has violated, is violating or is about to violate any provision of this chapter or

1 any regulation adopted pursuant thereto, the person may file a written complaint with the
2 Executive Director specifying the relevant facts. The Executive Director shall review
3 each such complaint and, if the Executive Director finds the complaint not to be
4 frivolous, may transmit the details of the suspected violation, along with any further facts
5 or information derived from the review of the complaint to the Attorney General or the
6 Cherokee Indian Police Department.

- 7 (c) Employees of the Board shall cooperate with the Attorney General and Cherokee Indian
8 Police Department in the performance of any investigation.

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12 **ARTICLE V. LICENSING OF CANNABIS ESTABLISHMENTS, THEIR AGENTS, AND**
13 **MEDICAL CANNABIS ESTABLISHMENTS AND THEIR AGENTS**

14
15 **Sec. 17-60. License and purpose.**

- 16 (a) The purpose for licensing ~~medical cannabis~~ facilities ~~establishments~~ and registering
17 ~~medical cannabis establishment~~ agents is to protect the public health and safety and the
18 general welfare of the Tribe.
- 19 (b) Any ~~medical cannabis establishment~~ license or, ~~medical cannabis establishment~~ agent
20 card, is a revocable privilege and the holder of such a license or agent card, as applicable,
21 does not acquire thereby any vested right.
- 22 ~~(c) A medical cannabis establishment is prohibited from acquiring, possessing, cultivating,~~
23 ~~manufacturing, delivering, transferring, transporting, supplying, or dispensing cannabis~~
24 ~~for any purpose except to~~
- 25 (1) ~~Directly or indirectly assist patients who possess valid patient cards;~~
26 (2) ~~Assist patients who possess valid patient cards by way of those patients'~~
27 ~~designated primary caregivers; and~~
- 28 (3) ~~Return for a refund cannabis, medical edible cannabis products or medical~~
29 ~~cannabis-infused products to the medical cannabis establishment from which the~~
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1 ~~cannabis, medical edible cannabis products or medical cannabis-infused products~~
2 ~~were acquired.~~

3
4 **Sec. 17-61. General qualifications for licensure or registration.**

- 5 (a) Any person who the Board determines is qualified to receive a license or ~~registration~~
6 agent card under the provisions of this chapter, having due consideration for the proper
7 protection of the health, safety, morals, good order, and general welfare of the Tribe and
8 its enrolled members and the declared policy of the Tribe, may be issued a license or
9 ~~registration~~ agent card. The burden of proving an applicant's qualification to receive any
10 license or ~~registration~~ agent card under this chapter is on the applicant.
- 11 (b) When determining whether to approve an application to receive a license or ~~registration~~
12 agent card, the Board may consider whether the applicant is:
- 13 (1) A person of good character, honesty and integrity;
- 14 (2) A person whose prior activities, criminal record, if any, reputation, habits, and
15 associations do not pose a threat to the public interest of the Tribe or to the
16 effective regulation and control of cannabis, or create or enhance the dangers of
17 unsuitable, unfair, or illegal practices, methods and activities in the conduct of
18 cannabis-related activities, or in the carrying on of the business and financial
19 arrangements incidental thereto; and
- 20 (3) In all other respects qualified to be issued a license or ~~registration~~ agent card
21 consistently with the declared policy of the Tribe.
- 22 (c) An application to receive a license or ~~registration~~ agent card constitutes a request for a
23 determination of the applicant's general character, integrity, and ability to participate or
24 engage in, or be associated with a ~~medical cannabis facility establishment~~. Any written or
25 oral statement made in the course of an official proceeding of the Board by any member
26 thereof or any witness testifying under oath which is relevant to the purpose of the
27 proceeding is absolutely privileged and does not impose liability for defamation or
28 constitute a ground for recovery in any civil action.

- 1 (d) The Board may by regulation establish such other qualifications for a license or
2 ~~registration agent~~ card as it may, in its discretion, deem to be in the public interest and
3 consistent with the declared policy of the Tribe.
- 4 (e) Any person granted a license or ~~registration agent~~ card by the Board must continue to
5 meet the applicable standards and qualifications set forth in this chapter and any other
6 qualifications established by the Board by regulation. The failure to continue to meet
7 such standards and qualifications constitutes grounds for disciplinary action.
- 8 (f) The Board shall, to the greatest extent practicable, ensure that persons who have been
9 adversely affected by cannabis prohibition have equal opportunity to obtain licenses and
10 ~~registration agent~~ cards and to participate in the cannabis industry of the Tribe.

11
12 **Sec. 17-62. Licensing medical of cannabis facilities establishments.**

- 13 (a) A person shall not engage in the business of a ~~medical cannabis facility establishment~~
14 unless the person holds a ~~medical cannabis establishment~~ license issued by the Board
15 pursuant to this section. The Board is the sole issuer of licenses for medical cannabis
16 facility establishment licenses.
- 17 (b) A person who wishes to engage in the business of a ~~medical cannabis facility~~
18 ~~establishment~~ must submit to the Board an application on a form prescribed by the Board.
- 19 (c) After receiving a complete application to engage in the business of a ~~medical cannabis~~
20 facility establishment, the Board may deny or approve the application and ~~register the~~
21 ~~medical cannabis establishment and~~ issue a ~~medical cannabis facility establishment~~
22 license and a random 20-digit alphanumeric identification number if:
- 23 (1) The person who wishes to operate the proposed ~~medical cannabis facility~~
24 ~~establishment~~ has submitted to the Board all of the following:
- 25 (i) The application fee, as set forth in Section 17-69;
- 26 (ii) And application, which must include:
- 27 (A) The legal name of the proposed ~~medical cannabis facility~~
28 establishment;
- 29 (B) Evidence that the applicant has the ability to secure liquid assets in
30 an amount determined by the Board to be sufficient to cover the

1 initial expenses of opening the proposed cannabis facility and
2 complying with the provisions of this chapter; and ~~The physical~~
3 ~~address where the proposed medical cannabis establishment will be~~
4 ~~located and the physical address of any co-owned additional or~~
5 ~~otherwise associated medical cannabis establishments, the~~
6 ~~locations of which may not be within 1,000 feet of a school that~~
7 ~~provides formal education traditionally associated with preschool~~
8 ~~or kindergarten through grade 12 and that existed on the date on~~
9 ~~which the application for the proposed medical cannabis~~
10 ~~establishment was submitted to the Board, or within 100 feet of a~~
11 ~~community facility or gaming facility that existed on the date on~~
12 ~~which the application for the proposed medical cannabis~~
13 ~~establishment was submitted to the Board.~~

14 (C) Such other information as the Board may require by regulation.

15 ~~Evidence that the applicant controls not less than \$250,000.00 in~~
16 ~~liquid assets to cover the initial expenses of opening the proposed~~
17 ~~medical cannabis establishment and complying with the provisions~~
18 ~~of this chapter.~~

19 (D) ~~Evidence that the applicant owns or has lawful possession of the~~
20 ~~property on which the proposed medical cannabis establishment~~
21 ~~will be located or has the written permission of the property owner~~
22 ~~to operate the proposed medical cannabis establishment on that~~
23 ~~property;~~

24 (E) ~~For the applicant and each person who is proposed to be an owner,~~
25 ~~officer, or board member of the proposed medical cannabis~~
26 ~~establishment, a complete set of the person's fingerprints and~~
27 ~~written permission of the person authorizing the Board to use the~~
28 ~~fingerprints for criminal background check purposes, including~~
29 ~~submission to the Federal Bureau of Investigation for its report;~~
30 ~~and~~

- 1 (F) ~~The full legal name, address, and date of birth of each person who~~
2 ~~is proposed to be an owner, officer, or board member of the~~
3 ~~proposed medical cannabis establishment;~~
- 4 (iii) ~~Operating procedures consistent with rules of the Board for oversight of~~
5 ~~the proposed medical cannabis establishment, including, without~~
6 ~~limitation:~~
- 7 (A) ~~Procedures to ensure the use of adequate security measures; and~~
8 (B) ~~The use of an electronic verification system and an inventory~~
9 ~~control system pursuant to Section 17-72 and Section 17-73;~~
- 10 (iv) ~~If the proposed medical cannabis establishment will sell or deliver medical~~
11 ~~cannabis products, proposed operating procedures for handling such~~
12 ~~products which must be preapproved by the Board;~~
- 13 (v) ~~Proof that the proposed location is in compliance with all applicable~~
14 ~~building requirements; and~~
- 15 (vi) ~~Such other information as the Board may require by regulation.~~
- 16 (2) ~~None of the persons who are proposed to be owners, officers, or board members~~
17 ~~of the proposed a medical cannabis facility establishment have been convicted of~~
18 ~~an excluded offense;~~
- 19 (3) ~~None of the persons who are proposed to be owners, officers, or board members~~
20 ~~of the proposed a medical cannabis facility establishment have:~~
- 21 (i) ~~Served as an owner, officer, or board member for a cannabis establishment~~
22 ~~that has had its medical cannabis establishment license or adult-use~~
23 ~~cannabis establishment license, or equivalent, revoked in any jurisdiction;~~
- 24 (ii) ~~Previously had an cannabis establishment agent registration card revoked,~~
25 ~~or equivalent, in any jurisdiction; and~~
- 26 (4) ~~None of the persons who are proposed to be owners, officers, or board members~~
27 ~~of the proposed medical cannabis facility establishment are under 21 years of age.~~
- 28 (d) For each person who submits an application pursuant to this section, and each person
29 who is proposed to be an owner, officer, or board member of a proposed ~~medical~~
30

1 cannabis ~~facility establishment~~, the Board shall submit the fingerprints of the person to
2 the Federal Bureau of Investigation to determine the criminal history of that person.

3 (e) Except as otherwise provided in subsection (f), if an application for registration as a
4 ~~medical cannabis facility establishment~~ satisfies the requirements of this section, is
5 qualified in the determination of the Board pursuant to Section 17-61 and the
6 ~~establishment facility~~ is not disqualified from being registered as a ~~medical cannabis~~
7 ~~facility establishment~~ pursuant to this section or other applicable law, the Board shall
8 issue to the ~~establishment facility~~ a ~~medical cannabis facility establishment~~ license. A
9 ~~medical cannabis facility establishment~~ license expires one year after the date of issuance
10 and may be renewed upon:

11 (1) Submission of the information required by the Board by regulation; and

12 (2) Payment of the renewal fee set forth in Section 17-69.

13 (f) In determining whether to issue a ~~medical cannabis facility establishment~~ license
14 pursuant to this section, the Board shall consider the criteria of merit set forth in Section
15 17-63.

16 (g) For the purposes of ~~sub-paragraph (B) of subparagraph (ii) of paragraph (1) of~~
17 ~~subsection (e); measuring relevant distances~~, the distance must be measured from the
18 front door of the proposed ~~medical cannabis facility establishment~~ to the front door of a
19 school, community facility, or gaming establishment.

20 (h) A ~~medical cannabis facility establishment~~ license is not a substitute for a Tribal business
21 license. Licensees must abide by all applicable Tribal laws, rules, and regulations at all
22 times.

23 (i) The Board, by regulation, may adopt regulations prescribing requirements for the
24 issuances of licenses to business entities and standards for licensees that are business
25 entities which are more stringent than the requirements and standards otherwise set forth
26 in this chapter.

27
28 **Sec. 17-63. Considerations in issuing licenses Licensing of Cannabis Consumption Lounges.**
29
30

1 The Board, by regulation, may adopt regulations prescribing requirements for the
2 issuances of licenses to business entities and standards for licensees that are business entities
3 which a person to engage in the business of a cannabis consumption lounge.

4
5 (a) ~~In determining whether to issue a medical cannabis establishment license pursuant~~
6 ~~to Section 17-62, the Board shall, in addition to the factors set forth in that section,~~
7 ~~consider criteria of merit established by regulation of the Board. Such criteria must~~
8 ~~include, without limitation:~~

9 (1) ~~Whether the applicant controls liquid assets in an amount determined by the~~
10 ~~Board to be sufficient to cover the initial expenses of opening the proposed~~
11 ~~medical cannabis establishment and complying with the provisions of this~~
12 ~~chapter;~~

13 (2) ~~The previous experience of the persons who are proposed to be owners, officers,~~
14 ~~or board members of the proposed medical cannabis establishment at operating~~
15 ~~other businesses or nonprofit organizations;~~

16 (3) ~~The educational and life experience of the persons who are proposed to be~~
17 ~~owners, officers, or board members of the proposed medical cannabis~~
18 ~~establishment;~~

19 (4) ~~Any demonstrated knowledge or expertise on the part of the persons who are~~
20 ~~proposed to be owners, officers, or board members of the proposed medical~~
21 ~~cannabis establishment with respect to the compassionate use of cannabis to treat~~
22 ~~medical conditions;~~

23 (5) ~~Whether the proposed location of the proposed medical cannabis establishment~~
24 ~~would be convenient to serve the needs of persons who are authorized to engage~~
25 ~~in the medical use of cannabis;~~

26 (6) ~~The likely impact of the proposed medical cannabis establishment on the~~
27 ~~community in which it is proposed to be located;~~

28 (7) ~~The adequacy of the size of the proposed medical cannabis establishment to serve~~
29 ~~the needs of persons who are authorized to engage in the medical use of cannabis;~~

30

1 ~~(8) Whether the applicant has an integrated plan for the care, quality, and safekeeping~~
2 ~~of medical cannabis from seed to sale; and~~

3 ~~(9) Any other criteria of merit that the Board determines to be relevant.~~

4 ~~(b) The Board shall adopt regulations for determining the relative weight of each criteria of~~
5 ~~merit established by the Board pursuant to subsection (a).~~

6
7 **Sec. 17-64. ~~Medical cannabis independent testing laboratories~~ Laboratories.**

8 (a) The Board shall establish standards for and certify one or more cannabis independent
9 testing laboratories to test cannabis and cannabis products ~~for medical use and medical~~
10 ~~cannabis products~~ that are to be sold in within the Tribe's jurisdiction.

11 (b) Such a ~~cannabis independent testing~~ laboratory must be able to:

12 (1) Determine accurately, with respect to cannabis or cannabis products that are sold
13 or will be sold at cannabis sales facilities:

14 (i) The concentration therein of THC and cannabidiol.

15 (ii) The presence and identification of microbes, molds, and fungus.

16 (iii) The composition of the tested material.

17 (iv) The presence of chemicals in the tested material, including, without
18 limitation, pesticides, heavy metals, herbicides, or growth regulators.

19 (2) Demonstrate the validity and accuracy of the methods used by the ~~cannabis~~
20 ~~independent testing~~ laboratory to test cannabis and cannabis products.

21 (c) To obtain a license to operate a ~~cannabis independent testing~~ laboratory, an applicant
22 must:

23 (1) Apply successfully as required pursuant to Section 17-62.

24 (2) Pay the fees required pursuant to Section 17-69.

25 (3) Agree to become accredited pursuant to standard ISO/IEC 17025 of the
26 International Organization for Standardization within one year after licensure.

1 **Sec. 17-65. Information regarding the inspection or review of a medical cannabis facility**
2 **establishment by a tribal division, department or office.**

3 The Board may request information regarding any inspection or review of a ~~medical~~
4 medical cannabis facility establishment by a Tribal division, department, or office. The recipient of a
5 reasonable request from the Board pursuant to this section shall comply with the request as soon
6 as is reasonably practicable after receiving the request.

7
8 **Sec. 17-66. Agents required to register with board, requirements.**

9 (a) Except as otherwise provided in this section, a person shall not hold an ownership interest
10 in a medical cannabis facility establishment of less than five percent, volunteer or work
11 at, contract to provide labor to, or be employed by an independent contractor to provide
12 labor to a medical cannabis facility establishment as an medical cannabis establishment
13 agent unless the person is registered with the Board pursuant to this section.

14 (b) A person who wishes to volunteer or work at a ~~medical cannabis facility establishment~~
15 shall submit to the Board an application on a form prescribed by the Board. The
16 application must be accompanied by:

- 17 (1) The full legal name, physical and mailing address, and date of birth of the
18 prospective ~~medical cannabis establishment~~ agent;
- 19 (2) A statement signed by the prospective ~~medical cannabis establishment~~ agent
20 pledging not to dispense or otherwise divert cannabis to any person who is not
21 authorized to possess cannabis in accordance with the provisions of this chapter;
- 22 (3) A statement signed by the prospective ~~medical cannabis establishment~~ agent
23 asserting that he or she has not previously had a ~~medical cannabis establishment~~
24 an agent registration card revoked;
- 25 (4) The application fee, as set forth in Section 17-69; and
- 26 (5) Such other information as the Board may require by regulation.

27 (c) A person who wishes to contract to provide labor to or be employed by an independent
28 contractor to provide labor to a ~~medical cannabis facility establishment~~ shall submit to
29 the Board an application on a form prescribed by the Board for the registration of the
30 independent contractor and each employee of the independent contractor who will

1 provide labor as a ~~medical cannabis establishment~~ an agent. The application must be
2 accompanied by:

- 3 (1) The ~~full~~ legal name and physical and mailing address of the prospective ~~medical~~
4 ~~cannabis establishment~~ agent;
- 5 (2) The name, address and date of birth of each employee of the prospective ~~medical~~
6 ~~cannabis establishment~~ agent who will provide labor as a ~~medical cannabis~~
7 ~~establishment~~ an agent;
- 8 (3) A ~~state~~ment signed by the prospective ~~medical cannabis establishment~~ agent
9 pledging not to dispense or otherwise divert cannabis to, or allow any of its
10 employees to dispense or otherwise divert cannabis to, any person who is not
11 authorized to possess cannabis in accordance with the provisions of this chapter;
- 12 (4) A ~~state~~ment signed by the prospective ~~medical cannabis establishment~~ agent
13 asserting that it has not previously had a ~~medical cannabis establishment~~ an agent
14 ~~registration~~ card revoked and that none of its employees who will provide labor as
15 a ~~medical cannabis establishment~~ an agent have previously had a ~~medical~~
16 ~~cannabis establishment~~ an agent ~~registration~~ card revoked;
- 17 (5) The application fee, as set forth in Section 17-69; and
- 18 (6) Such ~~other~~ information as the Board may require by regulation.

19 (d) A person who wishes to hold an ownership interest in a ~~medical cannabis~~ facility
20 ~~establishment~~ of less than five percent shall submit to the Board an application on a form
21 prescribed by ~~the~~ Board. The application must be accompanied by:

- 22 (1) The name, physical and mailing address, and date of birth of the prospective
23 ~~medical cannabis establishment~~ agent;
- 24 (2) A ~~state~~ment signed by the prospective ~~medical cannabis establishment~~ agent
25 pledging not to dispense or otherwise divert cannabis to any person who is not
26 authorized to possess cannabis in accordance with the provisions of this chapter;
- 27 (3) A ~~state~~ment signed by the prospective ~~medical cannabis establishment~~ agent
28 asserting that he or she has not previously had a ~~medical cannabis establishment~~
29 an agent ~~registration~~ card revoked;

30

- 1 (4) Any information required by the Board to complete an investigation into the
2 background of the prospective ~~medical cannabis establishment~~ agent, including,
3 without limitation, financial records and other information relating to the business
4 affairs of the prospective ~~medical cannabis establishment~~ agent;
- 5 (5) The application fee, as set forth in Section 17-69; and
- 6 (6) Such other information as the Board may require by regulation.

7 (e) The Board may conduct any investigation of a prospective ~~medical cannabis~~
8 ~~establishment~~ agent and, for an independent contractor, each employee of the prospective
9 ~~medical cannabis establishment~~ agent who will provide labor as a ~~medical cannabis~~
10 ~~establishment~~ an agent, that the Board deems appropriate. In connection with such an
11 investigation, the Board may:

12 (1) Conduct or accept any background check the Board determines to be reliable and
13 expedient to determine the criminal history of the prospective ~~medical cannabis~~
14 ~~establishment~~ agent or the employee;

15 (2) Require a prospective ~~medical cannabis establishment~~ agent, if a natural person,
16 and each employee of a prospective ~~medical cannabis establishment~~ agent who will
17 provide labor as a ~~medical cannabis establishment~~ an agent to submit to the Board a
18 complete set of fingerprints and written permission authorizing the Board to submit to the
19 Federal Bureau of Investigation for its report; and

20 (3) If the Board imposes the requirement described in paragraph (2), submit the
21 fingerprints of the prospective ~~medical cannabis establishment~~ agent and each employee
22 of the prospective ~~medical cannabis establishment~~ agent who will provide labor as a
23 ~~medical cannabis establishment~~ an agent to the Federal Bureau of Investigation for its
24 report.

25 (f) A ~~medical cannabis~~ facility establishment shall notify the Board within ten days after a
26 ~~medical cannabis establishment~~ an agent ceases to hold an ownership interest in the
27 ~~medical cannabis~~ facility establishment of less than five percent, be employed by,
28 volunteer at, or provide labor as a ~~medical cannabis establishment~~ an agent to the ~~medical~~
29 ~~cannabis~~ facility establishment.

30

1 (g) A person who has been convicted of an excluded offense, is less than 21 years of age, or
2 is not qualified in the determination of the Board pursuant to Section 17-61 shall not
3 serve as a ~~medical cannabis establishment~~ an agent.

4 (h) The provisions of this section do not require a person who is an owner, officer, or board
5 member of a ~~medical cannabis~~ facility establishment to resubmit information already
6 furnished to the Board at the time the establishment was licensed with the Board.

7 (i) If an applicant for registration as a ~~medical cannabis establishment~~ an agent satisfies the
8 requirements of this section, is found to be qualified by the Board pursuant to C.C.
9 Section 17-61 and is not disqualified from serving as such an agent pursuant to this
10 section or any other applicable law, the Board shall issue to the person and, for an
11 independent contractor, to each person identified in the independent contractor's
12 application for registration as an employee who will provide labor as a ~~medical cannabis~~
13 ~~establishment~~ an agent, a ~~medical cannabis establishment~~ an agent registration card. A
14 ~~medical cannabis establishment~~ an agent registration card expires two years after the date
15 of issuance and may be renewed upon:

16 (1) Resubmission of the information set forth in this section; and

17 (2) Payment of the renewal fee set forth in Section 17-69.

18 (j) A person to whom a ~~medical cannabis establishment~~ an agent registration card is issued
19 or for whom such a ~~registration~~ an agent card is renewed shall submit to the Board on the
20 date of the first anniversary of the issuance or renewal an affidavit attesting that in the
21 preceding year there has been no change in the information previously provided to the
22 Board which would subject the person to disciplinary action by the Board.

23 (k) ~~A medical cannabis establishment~~ An agent registration card issued pursuant to this
24 section to an independent contractor or an employee of an independent contractor
25 authorizes the independent contractor or employee to provide labor to any ~~medical~~
26 ~~cannabis~~ facility establishment within the Tribe's jurisdiction.

27 (l) ~~A medical cannabis establishment~~ An registration agent card issued pursuant to this
28 section to a person who wishes to volunteer or work at a ~~medical cannabis~~ facility
29 ~~establishment~~ authorizes the person to volunteer or work at any ~~medical cannabis~~ facility
30

1 establishment within the Tribe's jurisdiction for which the category of the medical
2 cannabis establishment agent registration card authorizes the person to volunteer or work.
3 (m) Except as otherwise prescribed by regulation of the Board, an applicant for registration or
4 renewal of registration as a medical cannabis establishment an agent is deemed
5 temporarily registered as a medical cannabis establishment an agent registration agent on
6 the date on which a complete application for registration or renewal of registration is
7 submitted to the Board. A temporary registration as a medical cannabis establishment an
8 agent expires 45 days after the date upon which the application is received.
9

10 **Sec. 17-67. License and registration agent card nontransferable.**

11 Licenses and agent cards are nontransferable. Except when the Board adopts regulations
12 which prescribe procedures and requirements by which a holder of a license may transfer the
13 license to another party who is qualified to hold such a license pursuant to the provisions of this
14 chapter.

- 15 (a) ~~Except as otherwise provided by regulations adopted by the Board pursuant to subsection~~
16 ~~(b), the following are nontransferable:~~
17 (1) ~~A medical cannabis establishment license.~~
18 (2) ~~A cannabis establishment agent registration card.~~
19 (b) ~~The Board shall adopt regulations which prescribe procedures and requirements by which~~
20 ~~a holder of a license may transfer the license to another party who is qualified to hold~~
21 ~~such a license pursuant to the provisions of this chapter.~~
22

23 **Sec. 17-68. Grounds for immediate revocation of registration agent card.**

- 24 (a) The following acts constitute grounds for the immediate revocation of a medical cannabis
25 establishment an agent registration card of a medical cannabis establishment an agent:
26 (1) Having committed or committing any excluded offense.
27 (2) Dispensing, delivering or otherwise transferring cannabis to a person who is not
28 authorized by law to possess cannabis in accordance with the provisions of this
29 chapter.
30

- 1 (3) Having been electronically recorded by a video monitoring system stealing
2 cannabis or cannabis products.
- 3 (4) Having been convicted of any crime involving the theft of cannabis or cannabis
4 products.
- 5 ~~(5) Having been electronically recorded by a video monitoring system smoking or~~
6 ~~otherwise consuming cannabis on the premises of a cannabis establishment.~~
- 7 (5 6) Intentionally submitting to the Board any document required under the provisions
8 of this chapter which is false or contains any material misstatement of fact.
- 9 (6 7) Violating a regulation of the Board, the violation of which is stated to be grounds
10 for immediate revocation of a ~~medical cannabis establishment~~ an agent
11 ~~registration card~~.
- 12

13 **Sec. 17-69. Fees.**

- 14 (a) Except as otherwise provided in subsection (b), the Board shall collect not more than the
15 following maximum fees:
- 16 (1) For the initial issuance of a ~~medical cannabis establishment~~ license for a ~~medical~~
17 ~~cannabis dispensary~~ retail store: \$30,000.00.
- 18 (2) For the renewal of a ~~medical cannabis establishment~~ license for a ~~medical~~
19 ~~cannabis dispensary~~ retail store: \$5,000.00.
- 20 (3) For the initial issuance of a ~~medical cannabis establishment~~ license for a ~~medical~~
21 ~~cannabis~~ cultivation facility: \$3,000.00
- 22 (4) For the renewal of a ~~medical cannabis establishment~~ license for a ~~medical~~
23 ~~cannabis~~ cultivation facility: \$1,000.00.
- 24 (5) For the initial issuance of a ~~medical cannabis establishment~~ license for a ~~medical~~
25 ~~cannabis production~~ processing facility: \$3,000.00.
- 26 (6) For the renewal of a ~~medical cannabis establishment~~ license for a ~~medical~~
27 ~~cannabis production~~ processing facility: \$1,000.00.
- 28 (7) For the initial issuance of a ~~medical cannabis establishment~~ license for a ~~medical~~
29 ~~cannabis independent testing~~ laboratory: \$5,000.00.
- 30

- 1 (8) For the renewal of a ~~medical cannabis establishment~~ license for a ~~medical~~
2 ~~cannabis independent testing~~ laboratory: \$3,000.00.
- 3 (9) For each person identified in an application for the initial issuance of a ~~medical~~
4 ~~cannabis establishment~~ an agent registration card: \$150.00.
- 5 (10) For each person identified in an application for the renewal of a ~~medical cannabis~~
6 ~~establishment~~ an agent registration card: \$150.00.

7 (b) In addition to the fees described in subsection (a), each applicant for a ~~medical cannabis~~
8 ~~establishment~~ license must pay to the Board:

- 9 (1) A one-time, nonrefundable application fee of \$5,000; and
- 10 (2) The actual costs incurred by the Board in processing the application, including,
11 without limitation, conducting background checks.

12 (c) Any revenue generated from the fees imposed pursuant to this section

- 13 (1) Must be expended first to pay the costs of the Board in carrying out the provisions
14 of this chapter; and
- 15 (2) If any excess revenue remains after paying the costs described in paragraph (c)(1),
16 such excess revenue must be paid over as instructed by the Secretary of the Treasury so
17 as not to comingle such revenue with the Tribe's other monies.

18

19 **ARTICLE VI. REQUIREMENTS CONCERNING OPERATION OF MEDICAL**
20 **CANNABIS FACILITIES ESTABLISHMENTS**

21

22 **Sec. 17-70. Location, land use and signage, change of location.**

- 23 (a) Each cannabis facility ~~establishment~~ must
- 24 (1) comply with all Tribal ordinances and rules pertaining to land development, land
25 use, and signage.
- 26 (2) Have an appearance, both as to the interior and exterior, that is professional,
27 orderly, and consistent with Board regulations ~~the traditional style of pharmacies,~~
28 ~~medical offices, or commercial/industrial properties;~~ and
- 29
- 30

1 (3) Have discreet and professional signage that is consistent with Board regulations
2 ~~the traditional style of signage for pharmacies and medical offices or~~
3 ~~commercial/industrial properties.~~

4 (b) A cannabis facility establishment may not change locations without permission from the
5 Board.
6

7 **Sec. 17-71. Operating documents, security, inspections.**

8 (a) The operating documents of a ~~medical cannabis~~ facility establishment must include
9 procedures:

10 (1) For the oversight of the ~~medical cannabis~~ facility establishment; and

11 (2) To ensure accurate recordkeeping

12 (b) Except as otherwise provided in this subsection, a ~~medical cannabis~~ facility
13 ~~establishment~~:

14 (1) That is a ~~medical cannabis dispensary~~ retail store must have a single entrance for
15 patrons, which must be secure, and shall implement strict security measures to deter and
16 prevent the theft of cannabis and unauthorized entrance into areas containing cannabis.

17 (2) That is not a ~~medical cannabis dispensary~~ retail store must have a single secure
18 entrance and shall implement strict security measures to deter and prevent the theft of
19 cannabis and unauthorized entrance into areas containing cannabis.

20 (c) All cultivation or production of cannabis that a ~~medical cannabis~~ cultivation facility
21 carries out or causes to be carried out must take place in an enclosed, locked facility at
22 the physical address provided to the Board during the licensing process for the ~~medical~~
23 ~~cannabis~~ cultivation facility. Such an enclosed, locked facility must be accessible only by
24 ~~medical cannabis establishment agents~~ who are lawfully associated with the ~~cannabis~~
25 cultivation facility, except that limited access by persons necessary to perform
26 construction or repairs or provide other labor is permissible if such persons are
27 supervised by a ~~medical cannabis establishment~~ an agent.
28

29 ~~(d) A medical cannabis establishment shall not allow any person to consume cannabis on the~~
30 ~~property or premises of the establishment.~~

1 ~~(d e)~~ ~~Medical cannabis establishments~~ Cannabis facilities are subject to reasonable inspection
2 by the Board at any time, and a person who holds a license must make himself or herself,
3 or a designee thereof, available and present for any inspection by the Board of the
4 ~~medical cannabis~~ facility establishment.

5 ~~(e f)~~ Each ~~medical cannabis facility~~ establishment shall install a video monitoring system
6 which must, at a minimum:

7 (1) Allow for the transmission and storage, by digital or analog means, of a video
8 feed which displays the interior and exterior of the ~~medical cannabis~~ facility
9 establishment; and

10 (2) Be capable of being accessed remotely by a law enforcement agency in real-time
11 upon request.

12 ~~(g)~~ ~~A medical cannabis establishment shall not dispense or otherwise sell medical cannabis~~
13 ~~or medical cannabis products from a vending machine or allow such a vending machine~~
14 ~~to be installed at the interior or exterior of the premises of the cannabis establishment.~~

15
16 **Sec. 17-72. Electronic verification system.**

17 (a) Each ~~medical cannabis facility~~ establishment, in consultation with the Board, shall
18 maintain an electronic verification system.

19 (b) The electronic verification system required pursuant to subsection (a) must be able to
20 monitor and report information, including, without limitation:

21 (1) In the case of a ~~medical cannabis dispensary~~ retail store, for each person who
22 holds a valid medical cannabis patient card and who purchased cannabis from the
23 dispensary in the immediately preceding 60-day period:

24 (i) The number of the card;

25 (ii) The date on which the card was issued; and

26 (iii) The date on which the card will expire.

27 (2) For each ~~cannabis establishment~~ agent who is employed by or volunteers at the
28 ~~medical cannabis~~ facility establishment, the number of the person's ~~cannabis~~
29 establishment agent card.
30

1 (3) In the case of a ~~medical cannabis dispensary~~ retail store, such information as may
2 be required by the Board by regulation regarding persons who are not residents of Tribal
3 land and who have purchased cannabis from the retail store dispensary.

4 (4) Verification of the identity of a person to whom cannabis or ~~medical cannabis~~
5 products are sold or otherwise distributed.

6 (5) Such other information as the Board may require.

7 (c) Nothing in this section prohibits more than one ~~medical cannabis~~ facility establishment
8 from co-owning an electronic verification system in cooperation with other ~~medical~~
9 cannabis facility establishment, or sharing the information obtained therefrom.

10 (d) A ~~medical cannabis~~ facility establishment must exercise reasonable care to ensure that the
11 personal identifying information of persons who hold medical cannabis patient
12 ~~identification~~ cards which is contained in an electronic verification system is encrypted,
13 protected, and not divulged for any purpose not specifically authorized by law.
14

15 **Sec. 17-73. Inventory control system.**

16 (a) Each ~~medical cannabis~~ facility establishment, in consultation with the Board, shall
17 maintain an inventory control system.

18 (b) The inventory control system required pursuant to subsection (a) must be able to monitor
19 and report information, including, without limitation:

20 (1) Insofar as is practicable, the chain of custody and current whereabouts, in real
21 time, of cannabis from the point that it is harvested at a ~~cannabis cultivation~~
22 facility until it is sold at a ~~medical cannabis establishment~~ retail store and, if
23 applicable, ~~medical cannabis production~~ a processing facility;

24 (2) The name of each person or other ~~medical cannabis~~ facility establishment, or
25 both, to which the ~~establishment~~ facility sold cannabis;

26 (3) In the case of a ~~medical cannabis establishment~~ retail store, the date on which it
27 sold cannabis to a person who holds a medical cannabis patient card and, if any,
28 the quantity of ~~medical cannabis~~ products sold, measured both by weight and
29 potency; and

30 (4) Such other information as the Board may require.

1 (c) Nothing in this section prohibits more than one ~~medical cannabis~~ facility establishment
2 from co-owning an inventory control system in cooperation with other ~~medical cannabis~~
3 facilities establishment, or sharing the information obtained therefrom.

4 (d) A ~~medical cannabis~~ facility establishment must exercise reasonable care to ensure that the
5 personal identifying information of persons who hold medical cannabis patient cards
6 which is contained in an inventory control system is encrypted, protected, and not
7 divulged for any purpose not specifically authorized by law.

8
9 **Sec. 17-74. Requirements for storage, removal, transportation of ~~medical cannabis~~.**

10 (a) At each ~~medical cannabis~~ facility establishment, ~~medical cannabis~~ must be stored only in
11 an enclosed, locked facility.

12 (b) Except as otherwise provided in subsection (c), at each ~~medical cannabis establishment~~
13 retail store, ~~medical cannabis~~ must be stored in a secure, locked device, display case,
14 cabinet, or room within the enclosed, locked facility. The secure, locked device, display
15 case, cabinet, or room must be protected by a lock or locking mechanism that meets at
16 least the security rating established by the Underwriters Laboratories for key locks.

17 (c) At a ~~medical cannabis establishment~~ retail store, ~~medical cannabis~~ may be removed from
18 the secure setting described in subsection (b):

19 (1) Only for the purpose of dispensing the cannabis;

20 (2) Only immediately before the cannabis is dispensed; and

21 (3) Only by a ~~cannabis establishment~~ an agent who is employed by or volunteers at
22 the dispensary.

23 (d) A ~~medical cannabis~~ facility establishment may:

24 (1) Transport ~~medical cannabis~~ to another ~~medical cannabis~~ facility establishment or
25 between the buildings of the ~~medical cannabis~~ facility establishment; and

26 (2) Enter into a contract with a third party to transport cannabis to another ~~medical~~
27 cannabis facility establishment or between the buildings of the ~~medical cannabis~~
28 facility establishment.

1 **Sec. 17-75. Duties of ~~medical cannabis dispensaries~~ retail stores relating to the sale of**
2 **medical cannabis.**

3 (a) Each ~~medical cannabis dispensary~~ retail store shall ensure all of the following:

4 (1) The weight, concentration, and content of THC in all cannabis and cannabis
5 products that ~~the~~ dispensary sells are clearly and accurately stated on the product sold.

6 (2) That ~~the dispensary~~ retail store does not sell to a person, in any one transaction,
7 more than one and a half (1.5) ounces of cannabis.

8 (3) That, ~~posted~~ clearly and conspicuously within the ~~dispensary~~ retail store, are the
9 legal limits on ~~the possession of cannabis for medical purposes, as set forth in~~ Section 17-
10 91.

11 (4) That only persons who are at least 21 years of age ~~or hold a patient card~~ are
12 allowed to enter the premises of the ~~medical cannabis dispensary~~ retail store.

13 (b) A ~~medical cannabis dispensary~~ retail store shall not sell cannabis or cannabis products to
14 a consumer through the use of, or accept a sale of cannabis or cannabis products from, a
15 third party, intermediary business, broker or any other business that does not hold a
16 ~~medical cannabis establishment~~ license for a ~~medical cannabis dispensary~~.

17 (c) A ~~medical cannabis dispensary~~ retail store may deliver medical cannabis or medical
18 cannabis products to ~~a person who holds a valid patient card~~ if an eligible person if the
19 delivery is made by a ~~medical cannabis establishment~~ an agent who is authorized to make
20 the delivery by ~~the medical cannabis dispensary~~ retail store which sold the cannabis or
21 cannabis product.

22 (1) The Board may adopt regulations prescribing procedures and protocols for
23 deliveries conducted pursuant to subsection (c).

24
25 **Sec. 17-76. Requirements concerning medical cannabis products.**

26 (a) Each ~~medical cannabis~~ facility ~~establishment~~ shall, in consultation with the Board,
27 cooperate to ensure that all cannabis products offered for sale:

28 (1) Are appropriately labeled.
29
30

- 1 (2) Are not presented in packaging that contains an image of a cartoon character,
2 mascot, action figure, balloon or toy, except that such an item may appear in the
3 logo of the cannabis production facility which produced the product.
- 4 (3) Are regulated and sold on the basis of the concentration of THC in the products
5 and not by weight.
- 6 (4) Are packaged and labeled in such a manner as to allow tracking by way of an
7 inventory control system.
- 8 (5) Are not packaged and labeled in a manner which is modeled after a brand of
9 products primarily consumed by or marketed to children.
- 10 (6) Are labeled in a manner which indicates the amount of THC in the product,
11 measured in milligrams, and includes a statement that the product contains
12 cannabis and its potency was tested with an allowable variance of the amount
13 determined by the Board by regulation.
- 14 (7) Are not labeled or marketed as candy.

15 (b) A ~~medical cannabis production~~ processing facility shall not produce cannabis products in
16 any form that:

- 17 (1) Is or appears to be a lollipop.
- 18 (2) Bears the likeness or contains characteristics of a real or fictional person, animal
19 or fruit, including, without limitation, a caricature, cartoon or artistic rendering.
- 20 (3) Is modeled after a brand of products primarily consumed by or marketed to
21 children.
- 22 (4) Is made by applying concentrated cannabis to a commercially available candy or
23 snack food item other than dried fruit, nuts, or granola.

24 (c) A ~~medical cannabis production~~ processing facility shall:

- 25 (1) Seal any ~~medical~~ cannabis product that consists of cookies or brownies in a bag or
26 other container which is not transparent.
- 27 (2) Affix a label to each ~~medical~~ cannabis product which includes without limitation,
28 in a manner which must not mislead consumers, the following information:
 - 29 (i) The words "Keep out of reach of children";
 - 30 (ii) A list of all ingredients used in the medical cannabis product;

- 1 (iii) A list of all allergens in the cannabis product; and
2 (iv) The total content of THC measured in milligrams.
- 3 (3) Maintain a hand washing area with hot water, soap and disposable towels which is
4 located away from any area in which cannabis products are cooked or otherwise
5 prepared.
- 6 (4) Require each person who handles cannabis or ~~medical~~ cannabis products to
7 restrain his or her hair, wear clean clothing, and keep his or her fingernails neatly
8 trimmed.
- 9 (5) Package all cannabis products produced by the ~~cannabis production~~ processing
10 facility on the premises of the ~~cannabis production~~ processing facility or at a
11 location as approved by the Board.
- 12 (d) A ~~medical cannabis facility establishment~~ shall not engage in advertising that in any way
13 makes cannabis or ~~medical~~ cannabis products appeal to children, including without
14 limitation, advertising which uses an image of a cartoon character, mascot, action figure,
15 balloon, fruit, or toy.
- 16 (e) Each ~~medical cannabis dispensary~~ retail store shall offer for sale containers for the
17 storage of ~~medical~~ cannabis and ~~medical~~ cannabis products which lock and are designed
18 to prohibit children from unlocking and opening the container.
- 19 (f) A ~~medical cannabis dispensary~~ retail store shall:
- 20 (1) Include a written notification with each sale of ~~medical~~ cannabis or ~~medical~~
21 cannabis products which advises the purchaser:
- 22 (i) To keep cannabis and cannabis products out of the reach of children;
23 (ii) That cannabis products can cause severe illness in children;
24 (iii) That allowing children to ingest cannabis or cannabis products or storing
25 cannabis or cannabis products in a location which is accessible to children
26 may result in an investigation by an agency which provides child welfare
27 services or criminal prosecution for child abuse or neglect;
28 (iv) That the intoxicating effects of edible cannabis products may be delayed
29 by two hours or more and users of edible ~~medical~~ cannabis products
30

- 1 (iii) A list of all allergens in the cannabis product; and
2 (iv) The total content of THC measured in milligrams.
- 3 (3) Maintain a hand washing area with hot water, soap and disposable towels which is
4 located away from any area in which cannabis products are cooked or otherwise
5 prepared.
- 6 (4) Require each person who handles cannabis or ~~medical~~ cannabis products to
7 restrain his or her hair, wear clean clothing, and keep his or her fingernails neatly
8 trimmed.
- 9 (5) Package all cannabis products produced by the ~~cannabis production~~ processing
10 facility on the premises of the ~~cannabis production~~ processing facility or at a
11 location as approved by the Board.
- 12 (d) A ~~medical~~ cannabis facility establishment shall not engage in advertising that in any way
13 makes cannabis or ~~medical~~ cannabis products appeal to children, including without
14 limitation, advertising which uses an image of a cartoon character, mascot, action figure,
15 balloon, fruit, or toy.
- 16 (e) Each ~~medical-cannabis dispensary~~ retail store shall offer for sale containers for the
17 storage of ~~medical~~ cannabis and ~~medical~~ cannabis products which lock and are designed
18 to prohibit children from unlocking and opening the container.
- 19 (f) A ~~medical-cannabis dispensary~~ retail store shall:
- 20 (1) Include a written notification with each sale of ~~medical~~ cannabis or ~~medical~~
21 cannabis products which advises the purchaser:
- 22 (i) To keep cannabis and cannabis products out of the reach of children;
23 (ii) That cannabis products can cause severe illness in children;
24 (iii) That allowing children to ingest cannabis or cannabis products or storing
25 cannabis or cannabis products in a location which is accessible to children
26 may result in an investigation by an agency which provides child welfare
27 services or criminal prosecution for child abuse or neglect;
28 (iv) That the intoxicating effects of edible cannabis products may be delayed
29 by two hours or more and users of edible ~~medical~~ cannabis products
30

- 1 should initially ingest a small amount of the product, then wait at least 120
2 minutes before ingesting any additional amount of the product;
- 3 (v) That pregnant women should consult with a physician before ingesting
4 ~~medical~~ cannabis or ~~medical~~ cannabis products;
- 5 (vi) That ingesting ~~medical~~ cannabis or ~~medical~~ cannabis products with
6 alcohol or other drugs, including prescription medication, may result in
7 unpredictable levels of impairment and that a person should consult with a
8 physician before doing so;
- 9 (vii) That ~~medical~~ cannabis or ~~medical~~ cannabis products can impair
10 concentration, coordination and judgment and a person should not operate
11 a motor vehicle while under the influence of cannabis or cannabis
12 products; and
- 13 (viii) That ingestion of any amount of ~~medical~~ cannabis or ~~medical~~ cannabis
14 products before driving may result in criminal prosecution for driving
15 under the influence.
- 16 (2) Enclose all ~~medical~~ cannabis and ~~medical~~ cannabis products in opaque, child-
17 proof packaging upon sale.
- 18 (g) A ~~cannabis dispensary~~ retail store shall not allow any person who is at less than 21 years
19 of age to enter the premises of the ~~cannabis dispensary~~ retail store.
- 20 ~~(h) If the applicable health authority where a medical cannabis production facility or medical~~
21 ~~cannabis dispensary which sells edible medical cannabis products is located requires~~
22 ~~persons who handle food at a food establishment to obtain certification, the medical~~
23 ~~cannabis production facility or medical cannabis dispensary shall ensure that at least one~~
24 ~~employee maintains such certification.~~
- 25 ~~(h i)~~ A ~~medical cannabis production~~ processing facility may sell a commodity or product made
26 using hemp or containing cannabidiol to a ~~medical cannabis dispensary~~ retail store.
- 27 ~~(i j)~~ In addition to any other product authorized by the provisions of this chapter, a ~~medical~~
28 ~~cannabis dispensary~~ retail store may sell:
- 29 (1) Any commodity or product made using hemp;
- 30

1 (2) Any commodity or product containing cannabidiol with a THC concentration of
2 not more than 0.3 percent; and

3 (3) Any other product specified by regulation of the Board.

4 (i k) A ~~medical cannabis~~ facility establishment:

5 (1) Shall not engage in advertising which contains any statement or illustration that:

6 (i) Is false or misleading;

7 (ii) Promotes overconsumption of ~~medical cannabis~~ or ~~medical cannabis~~
8 products;

9 (iii) Depicts the actual consumption of ~~medical cannabis~~ or ~~medical cannabis~~
10 products; or

11 (iv) Depicts a child or other person who is less than 21 years of age consuming
12 ~~medical cannabis~~ or ~~medical cannabis~~ products or objects suggesting the
13 presence of a child, including, without limitation, toys, characters, or
14 cartoons, or contains any other depiction which is designed in any manner
15 to be appealing to or encourage consumption of ~~medical cannabis~~ or
16 ~~medical cannabis~~ products by a person who is less than 21 years of age.

17 ~~(2) Shall not advertise in any publication or on radio, television, or any other medium~~
18 ~~if 30 percent or more of the audience of that medium is reasonably expected to be~~
19 ~~persons who are less than 21 years of age.~~

20 ~~(2 3)~~ Shall not place an advertisement:

21 (i) Within 1,000 feet of a school, playground, public park, or library, but may
22 maintain such an advertisement if it was initially placed before the school,
23 playground, public park, or library was located within 1,000 feet of the
24 location of the advertisement;

25 (ii) On or inside of a motor vehicle used for public transportation or any
26 shelter for public transportation;

27 (iii) At a sports event to which persons who are less than 21 years of age are
28 allowed entry; or

29
30

1 (iv) At an entertainment event if it is reasonably estimated that 30 percent or
2 more of the persons who will attend that event are less than 21 years of
3 age.

4 (3 4) Shall not advertise or offer any ~~medical cannabis~~ or ~~medical cannabis~~ product as
5 "free" or "donated" without a purchase.

6 (4 5) Shall ensure that all advertising by the ~~medical cannabis~~ facility establishment
7 contains such warnings as may be prescribed by the Board, which must include,
8 without limitation, the following words:

9 (i) "Keep out of reach of children"; and

10 (ii) "For use only by adults 21 years of age and older."

11 ~~(l) If a medical cannabis establishment engages in advertising for which it is required to~~
12 ~~determine the percentage of persons who are less than 21 years of age and who may~~
13 ~~reasonably be expected to view or hear the advertisement, the medical cannabis~~
14 ~~establishment shall maintain documentation for not less than five years after the date on~~
15 ~~which the advertisement is first broadcasted, published, or otherwise displayed that~~
16 ~~demonstrates the manner in which the medical cannabis establishment determined the~~
17 ~~reasonably expected age of the audience for that advertisement.~~

18 ~~(k m)~~ In addition to any other penalties provided for by law, the Board may impose a civil
19 penalty upon a cannabis facility establishment that violates the provisions of this section
20 ~~subsection (k) and (l)~~ as follows:

21 (1) For the first violation in the immediately preceding two years, a civil penalty not
22 to exceed \$1,250.00.

23 (2) For the second violation in the immediately preceding two years, a civil penalty
24 not to exceed \$2,500.00.

25 (3) For the third violation in the immediately preceding two years, a civil penalty not
26 to exceed \$5,000.00.

27 (4) For the fourth violation in the immediately preceding two years, a civil penalty
28 not to exceed \$10,000.00.

29
30

1 **Sec. 17-77. Advertising, selling, appearing to sell ~~medical~~ cannabis without a license is**
2 **prohibited.**

3 A person shall not advertise the sale of ~~medical~~ cannabis or ~~medical~~ cannabis products by
4 the person, sell, offer to sell, or appear to sell ~~medical~~ cannabis or ~~medical~~ cannabis products
5 unless the person holds a ~~medical~~ cannabis facility establishment license.
6

7 **Sec. 17-78. Random laboratory assurance checks.**

8 (a) The Board may establish a program to ensure the integrity of all testing performed by a
9 ~~medical-cannabis-independent-testing~~ laboratory by subjecting each such laboratory to
10 random laboratory assurance checks.

11 (b) If the Board establishes a program pursuant to subsection (a), each ~~medical-cannabis~~
12 ~~independent-testing~~ laboratory shall participate in the program.

13 (c) If the Board establishes a program pursuant to subsection (a), as part of the program, the
14 Board shall:

15 (1) Collect samples of cannabis or cannabis products from ~~medical~~ cannabis facility
16 ~~establishment~~ that have already been tested by ~~medical-cannabis-independent~~
17 ~~testing~~ laboratories in amounts deemed sufficient by the Board;

18 (2) Remove identifying characteristics from and randomize such samples; and

19 (3) Provide each ~~cannabis-independent-testing~~ laboratory with a sample for analysis.

20 (d) A ~~cannabis-independent~~ laboratory that receives a sample from the Board shall perform
21 such quality assurance tests upon the sample as the Board may require. Such tests may
22 include, without limitation:

23 (1) Screening the sample for pesticides, heavy metals, chemical residues, herbicides,
24 growth regulators and microbial analysis;

25 (2) A potency analysis to test for and quantify the presence of the following
26 cannabinoids:

27 (i) THC;

28 (ii) Tetrahydrocannabinolic acid;

29 (iii) Cannabidiol;

30 (iv) Cannabidiolic acid; and

- 1 (v) Cannabinol; and
- 2 (3) Such other quality assurance tests that the Board may require.
- 3 (e) If the Board establishes a program pursuant to subsection (a), the Board shall adopt
- 4 regulations necessary to carry out the program. Such regulations:
- 5 (1) Must require each ~~cannabis independent testing~~ laboratory to perform a random
- 6 laboratory assurance check at least once every six months but not more frequently
- 7 than once every three months.
- 8 (2) May modify the procedures and requirements set forth in this section if the Board
- 9 determines that advances in science necessitate such a modification.
- 10 (f) As used in this section, "random laboratory assurance check" means the evaluation of the
- 11 performance of a ~~cannabis independent testing~~ laboratory in conducting quality assurance
- 12 tests upon a sample if required by the Board under the program established pursuant to
- 13 subsection (a).
- 14

15 **Sec. 17-79. Reciprocity.**

16 ~~Medical cannabis dispensaries~~ Retail stores shall offer reciprocity to the participants of

17 medical cannabis programs of other jurisdictions. ~~A medical cannabis dispensary may sell~~

18 ~~medical cannabis and medical cannabis products to a person without a medical cannabis patient~~

19 ~~card if the person has valid documentation or credentials showing that the person is a participant~~

20 ~~of a medical cannabis program in a different jurisdiction.~~

21

22 **ARTICLE VII. MISCELLANEOUS LICENSING PROVISIONS**

23

24 ***

25

26 **Sec. 17-81. Enforcement of contracts.**

27 It is the public policy of the Tribe that contracts related to the operation of cannabis

28 facilities ~~establishments~~ under this chapter should be enforceable, and no contract entered into by

29 the licensee or registrant as permitted pursuant to such a license or ~~registration~~ agent card, or by

30 those who allow property to be used by a licensee or ~~registration~~ agent as permitted pursuant to

1 such a license or ~~registration agent~~ card, shall be deemed unenforceable on the basis that the
2 actions or conduct permitted pursuant to the license or ~~registration agent~~ card are prohibited by
3 federal law.

4
5 **Sec. 17-82. Training of ~~medical cannabis establishment~~ agents.**

6 (a) An independent contractor, including, without limitation, an educational institution,
7 nonprofit organization, or labor organization, may enter into a contract with a ~~medical~~
8 ~~cannabis facility establishment~~ to provide training to the ~~medical cannabis establishment~~
9 agents who volunteer or work at, contract to provide labor to, or are employed by an
10 independent contractor to provide labor to the ~~medical cannabis facility establishment~~.

11 (b) The Board shall issue to an independent contractor who wishes to provide training as
12 described in subsection (a) ~~a medical cannabis establishment~~ an agent registration card if:

13 (1) The independent contractor submits to the Board an organized, written plan
14 describing the manner in which the independent contractor will conduct the
15 training which has been agreed to by the independent contractor and the cannabis
16 ~~establishment facility~~ facility; and

17 (2) The independent contractor satisfies the requirements of Section 17-66.
18

19 **Sec. 17-83. Petition to determine if criminal history is disqualifying.**

20 (a) The Board shall develop and implement a process by which a person with a criminal
21 history may petition the Board to review the criminal history of the person to determine if
22 the person's criminal history will disqualify the person from obtaining a license or
23 ~~medical cannabis establishment~~ an agent registration card pursuant to this chapter.

24 (b) Not later than 90 days after a petition is submitted to the Board pursuant to subsection
25 (a), the Board shall inform the person of the determination of the Board of whether the
26 person's criminal history will disqualify the person from obtaining a license or ~~medical~~
27 ~~cannabis establishment~~ agent registration card. The Board is not bound by its
28 determination of disqualification or qualification and may rescind such a determination at
29 any time.
30

- 1 (c) The Board may provide instructions to a person who receives a determination of
2 disqualification to remedy the determination of disqualification. A person may resubmit a
3 petition pursuant to subsection (a) not earlier than six months after receiving instructions
4 pursuant to this subsection if the person remedies the determination of disqualification.
- 5 (d) A person with a criminal history may petition the Board at any time, including, without
6 limitation, before obtaining any education or paying any fee required to obtain a license
7 or ~~medical cannabis establishment~~ agent registration card from the Board.
- 8 (e) A person may submit a new petition to the Board not earlier than two years after the final
9 determination of the initial petition submitted to the Board.
- 10 (f) The Board may impose a fee of up to \$50.00 upon the person to fund the administrative
11 costs in complying with the provisions of this section. The Board may waive such fees or
12 allow such fees to be covered by funds from a scholarship or grant.
- 13 (g) The Board may post on its Internet website:
- 14 (1) The requirements to obtain a license and ~~a medical cannabis establishment an~~
15 ~~agent registration~~ card from the Board; and
- 16 (2) A list of crimes, if any, that would disqualify a person from obtaining a license or
17 ~~a medical cannabis establishment an~~ agent registration card from the Board.
- 18 (h) The Board may request the criminal history record of a person who petitions the Board
19 for a determination pursuant to subsection (a). To the extent consistent with federal law,
20 if the Board makes such a request of a person, the Board shall require the person to
21 submit his or her criminal history record which includes a report from:
- 22 (1) The Central Repository for North Carolina Records of Criminal History; and
23 (2) The Federal Bureau of Investigation.
- 24 (i) A person who petitions the Board for a determination pursuant to subsection (a) shall not
25 submit false or misleading information to the Board.
- 26 (j) The Director shall transmit a report of petitions and the results thereof to Tribal Council
27 quarterly, ~~unless otherwise directed by the Commission.~~

28 ***

1 **ARTICLE VIII. ~~MEDICAL USE OF CANNABIS~~ PROSECUTIONS**

2
3 **Sec. 17-90. Exemption from tribal prosecution for certain acts involving cannabis.**

4 (a) Possessing, cultivating, delivering, transferring, transporting, supplying, or selling in
5 accordance with this chapter is authorization to possess a controlled substance for
6 purposes of Cherokee Code Chapter 14.

7 (b) A person is not exempt from tribal prosecution for any of the following acts:

8 (1) Driving, operating or being in actual physical control of a vehicle or a vessel
9 under power or sail while under the influence of cannabis;

10 (2) Transporting an open container of cannabis in the passenger area of a motor
11 vehicle;

12 (3) Delivering cannabis to another person who he or she knows does not lawfully
13 hold a patient card issued by the Board;

14 (4) Delivering cannabis for consideration or remuneration to any person, regardless
15 of whether the recipient lawfully holds a patient identification card issued by the
16 Division;

17 (5) Possessing cannabis if the possession occurs in any place open to the public or
18 exposed to public view, in any Tribal government office or facility, in any place
19 which the owner or one in lawful possession prohibits possession of cannabis, or
20 on the property of a school or community facility.

21 (6) Any other act as set out in regulations issued by the Board.

22 (c) In addition to any other penalty provided by law, if the Board determines that a person
23 has willfully violated a provision of this chapter or any regulation adopted by the Board
24 to carry out the provisions of this chapter, the Division may, at its own discretion,
25 prohibit the person from obtaining or using a medical cannabis patient card for a period
26 of up to six months.

27 ~~(b) — Except as otherwise provided in this chapter, a person who holds a valid medical~~
28 ~~cannabis patient card is exempt from tribal prosecution for:~~

29 ~~(1) — The possession, delivery, or production of cannabis;~~

30 ~~(2) — The possession or delivery of paraphernalia;~~

- 1 ~~(3) — Aiding and abetting another in the possession, delivery or production of cannabis;~~
2 ~~(4) — Aiding and abetting another in the possession or delivery of paraphernalia;~~
3 ~~(5) — Any combination of the acts described in paragraphs (1) to (4), inclusive; and~~
4 ~~(6) — Any other criminal offense in which the possession, delivery, or production of~~
5 ~~cannabis or the possession or delivery of paraphernalia is an element.~~

6 ~~(c) — The exemption from tribal prosecution set forth in subsection (a) applies only to the~~
7 ~~extent that a person who holds a patient identification card and the designated primary~~
8 ~~caregiver, if any, of such a person:~~

9 ~~(1) — Engage in or assist in, as applicable, the medical use of cannabis in accordance~~
10 ~~with the provisions of this chapter as justified to mitigate the symptoms or effects~~
11 ~~of a person's chronic or debilitating medical condition; and~~

12 ~~(2) — Do not, at any one time, collectively possess with another who is authorized to~~
13 ~~possess, deliver or produce more than:~~

14 ~~(i) — Two and one half ounces of usable cannabis;~~

15 ~~(ii) — Twelve cannabis plants, irrespective of whether the cannabis plants are~~
16 ~~mature or immature; and~~

17 ~~(iii) — A maximum allowable quantity of cannabis products as established by~~
18 ~~regulation of the Board.~~

19 ~~(d) — If the persons described in subsection (c) possess, deliver, or produce cannabis in an~~
20 ~~amount which exceeds the amount described in paragraph (c)(2), those persons are not~~
21 ~~exempt from prosecution for the possession, delivery or production of cannabis.~~

22 ~~(e) — A person who holds a valid medical cannabis establishment license or a valid medical~~
23 ~~cannabis establishment agent card and who confines his or her activities to those~~
24 ~~authorized by this chapter, and the regulations adopted by the Board pursuant thereto, is~~
25 ~~exempt from tribal prosecution for:~~

26 ~~(1) — The possession, delivery, or production of cannabis;~~

27 ~~(2) — The possession or delivery of paraphernalia;~~

28 ~~(3) — Aiding and abetting another in the possession, delivery or production of cannabis;~~

29 ~~(4) — Aiding and abetting another in the possession or delivery of paraphernalia;~~

30 ~~(5) — Any combination of the acts described in paragraphs (1) to (4), inclusive; and~~

1 ~~(6) Any other criminal offense in which the possession, delivery or production of~~
2 ~~cannabis or the possession or delivery of paraphernalia is an element.~~

3 ~~(f) In addition to the provisions of subsections (a) and (d), no person may be subject to tribal~~
4 ~~prosecution for constructive possession, conspiracy, or any other criminal offense solely~~
5 ~~for being in the presence or vicinity of the medical use of cannabis in accordance with the~~
6 ~~provisions of this chapter.~~

7 ~~(g) The persons described in this section must ensure that the usable cannabis and cannabis~~
8 ~~plants described in this subsection are safeguarded in an enclosed, secure location.~~

9 ~~(h) As used in this section, "cannabis" includes, without limitation, cannabis products.~~

10
11 **Sec. 17-91. Search and seizure.**

12 (a) The fact that a person is at least 21 years of age, possesses a medical cannabis patient
13 card, a cannabis facility license, or an agent card does not, alone:

14 (1) Constitute probable cause to search the person or the person's property; or

15 (2) Subject the person or the person's property to inspection by any governmental
16 agency.

17 (b) Except as otherwise provided in this subsection, if the officers of a law enforcement
18 agency seize cannabis, paraphernalia, or other related property from a person engaged in,
19 facilitating, or assisting in the use of cannabis the law enforcement agency shall ensure
20 that the cannabis, paraphernalia, or other related property is not destroyed while in the
21 possession of the law enforcement agency.

22 (1) Any property interest of the person from whom the cannabis, paraphernalia or
23 other related property was seized must not be forfeited pursuant to any provision
24 of law providing for the forfeiture of property, except as part of a sentence
25 imposed after conviction of a criminal offense.

26 (2) Upon a decision not to prosecute, dismissal of charges, or acquittal the law
27 enforcement agency shall, to the extent permitted by law, return to that person any
28 usable cannabis, cannabis plants, paraphernalia or other related property that was
29 seized.

30

1 (3) The provisions of this subsection do not require a law enforcement agency to care
2 for live cannabis plants.

3
4 **ARTICLE IX. MEDICAL CANNABIS PATIENT CARDS**

5
6 **Sec. 17-92-4. Medical cannabis patient cards.**

7 (a) The Board shall establish and maintain a program for the issuance of medical cannabis
8 patient ~~identification~~ cards to persons who meet the requirements of this section. Medical
9 cannabis patient cards may only be issued to natural persons who are at least 21 years
10 old.

11 (b) Except as otherwise provided in Section 17-93, the Board shall issue a medical cannabis
12 patient ~~identification~~ card to a person who submits an application on a form prescribed by
13 the Board accompanied by the following:

14 (1) The name, physical and mailing address, telephone number, and date of birth of
15 the person;

16 (2) A copy of a government-issued identification;

17 (3) Written documentation a chronic or debilitating medical condition;

18 (4) The name, physical and mailing address, telephone number, and date of birth of
19 the person's designated primary caregiver, if any

20 (5) The name, physical and mailing address, telephone number, and date of birth of
21 the person for whom the applicant is acting as designated primary caregiver, if
22 any, and

23 (6) Such other and further information required by the Board to ensure the accuracy
24 of the written documentation.

25 (c) The Board shall verify the information contained in an application submitted pursuant to
26 this section and shall approve or deny an application within the period of time specified
27 by the Board by regulation, not to exceed 30 days. The Board may contact an applicant,
28 the applicant's attending provider of health care or designated primary caregiver, if any,
29 by telephone to determine that the information provided on or accompanying the
30

1 application is accurate. The Board may deny an application only on the following
2 grounds:

- 3 (1) The applicant failed to provide a complete application;
 - 4 (2) The applicant failed to comply with regulations adopted by the Board;
 - 5 (3) The Board determines that the information provided by the applicant was falsified
6 or incorrect;
 - 7 (4) The Board determines that the attending provider of health care of the applicant is
8 not licensed, certified, or not in good standing as reported by the applicable
9 professional licensing board;
 - 10 (5) The Board has otherwise prohibited the applicant from obtaining or using a
11 medical cannabis patient identification card pursuant to Section 17-97.
 - 12 (6) The Board determines that the applicant, or the applicant's designated primary
13 caregiver, if applicable, has had a medical cannabis patient card revoked.
- 14 (d) A person may have only one designated primary caregiver at one time. A person may act
15 as a designated primary caregiver for multiple people at one time.
- 16 (e) The decision of the Board to deny an application for a medical cannabis patient card is a
17 final decision for the purposes of administrative appeal and judicial review. Only the
18 person whose application has been denied has standing to contest the determination of the
19 Board. A judicial review shall be conducted with the procedures set forth Chapter 150 for
20 review of administrative actions.
- 21 (f) A person whose application has been denied may not reapply for six months after the
22 date of the denial.

23
24 **Sec. 17-93.5. Issuance of medical cannabis patient cards.**

25 ***

- 26 (c) A medical cannabis patient card issued to a designated primary caregiver must set forth:
- 27 (1) The name, address and photograph of the designated primary caregiver;
 - 28 (2) The date of issuance and date of expiration of the patient identification card;
 - 29 (3) The name and address of the applicant for whom the person is the designated
30 primary caregiver;

1 (4) Any other information prescribed by regulation of the Board.

2 ***

3
4 **Sec. 17-94-6. Medical cannabis patient card revocation.**

- 5 (a) If, at any time after the Board has issued a medical cannabis patient card, the Board
6 determines, on the basis of official documents or records or other credible evidence, that
7 the person provided falsified or materially inaccurate information on his or her
8 application to the Board, the Board shall immediately revoke the medical cannabis
9 patient ~~identification~~ card issued to that person and shall immediately revoke the medical
10 cannabis patient ~~identification~~ card issued to that person's designated primary caregiver,
11 if any.
- 12 (b) Upon the revocation of a medical cannabis patient card pursuant to this section:
- 13 (1) The Board shall send, by certified mail, return receipt requested, notice to the
14 person whose medical cannabis patient ~~identification~~ card has been revoked,
15 advising the person of the requirements of paragraph (2) below; and
- 16 (2) The person shall return his or her medical cannabis patient card to the Board
17 within seven days after receiving the notice sent pursuant to paragraph (1) above.
- 18 (c) The decision of the Board to revoke a medical cannabis patient card pursuant to this
19 section is a final decision for the purposes of judicial review.
- 20 (d) A person whose patient medical cannabis patient ~~identification~~ card has been revoked
21 pursuant to this section may not reapply for a medical cannabis patient ~~identification~~ card
22 for 12 months after the date of the revocation.

23
24 **Sec. 17-95-7. Duty to notify Board of certain changes in information.**

- 25 (a) A person to whom the Board has issued a medical cannabis patient ~~identification~~ card
26 shall, in accordance with regulations adopted by the Board:
- 27 (1) Notify the Board of any change in the person's name, physical or mailing address,
28 telephone number, attending provider of health care or designated primary
29 caregiver, if any;

1 (2) Notify the Board of any change in the identity of a person for whom he or she acts
2 as designated primary caregiver, if any;

3 (3) Notify the Board of any change in the person's chronic or debilitating medical
4 condition, with accompanying written documentation; and

5 (4) If the person elects to designate a primary caregiver for the subsequent year and
6 the primary caregiver so designated was not the person's designated primary
7 caregiver during the previous year:

8 (i) The name, physical and mailing address, and telephone number of the
9 designated primary caregiver.

10 (b) If a person fails to comply with the provisions of subsection (a), the medical cannabis
11 patient card shall be deemed expired. If a person's patient card is deemed expired under
12 subsection (a), the patient card for the person's designated primary caregiver, if any, shall
13 also be deemed expired.

14
15 **Sec. 17-96-8. Renewal and expiration of medical cannabis patient cards.**

16 (a) Upon the expiration of a medical cannabis patient card pursuant to this section:

17 (1) The Board shall send, by certified mail, return receipt requested, notice to the
18 person whose medical cannabis patient ~~identification~~ card has been revoked,
19 advising the person of the requirements of paragraph (2) below; and

20 (2) The person shall return his or her medical cannabis patient card to the Board
21 within seven days after receiving the notice sent pursuant to paragraph (1) above.

22 (b) A person may apply for renewal of his or her medical cannabis patient card pursuant to
23 regulations issued by the Board, but no earlier than 30 days from the date of expiration.

24
25 **Sec. 17-97-9. Diagnosis of absence of chronic or debilitating medical condition.**

26 (a) If a person to whom the Board has issued a medical cannabis patient card is diagnosed by
27 the person's attending provider of health care as no longer having a chronic or debilitating
28 medical condition, the person shall return his or her medical cannabis patient card and his
29 or her designated primary caregiver, if any, shall return his or her medical cannabis
30 patient card to the Board within seven days after notification of the diagnosis.

1 (b) Failing to comply with this section is grounds for revocation of a medical cannabis
2 patient card.

3
4 ~~Sec. 17-97. Acts for which there is no exemption of tribal prosecution.~~

5 ~~(a) A person who holds a patient identification card is not exempt from tribal prosecution for~~
6 ~~any of the following acts:~~

7 ~~(1) Driving, operating or being in actual physical control of a vehicle or a vessel~~
8 ~~under power or sail while under the influence of cannabis;~~

9 ~~(2) Transporting an open container of cannabis in the passenger area of a motor~~
10 ~~vehicle;~~

11 ~~(3) Delivering cannabis to another person who he or she knows does not lawfully~~
12 ~~hold a patient card issued by the Board;~~

13 ~~(4) Delivering cannabis for consideration or remuneration to any person, regardless~~
14 ~~of whether the recipient lawfully holds a patient identification card issued by the~~
15 ~~Division;~~

16 ~~(5) Possessing cannabis if the possession occurs in any place open to the public or~~
17 ~~exposed to public view, in any Tribal government office or facility, in any place~~
18 ~~which the owner or one in lawful possession prohibits possession of cannabis, or~~
19 ~~on the property of a school or community facility.~~

20 ~~(6) Any other act as set out in regulations issued by the Board.~~

21 ~~(b) In addition to any other penalty provided by law, if the Board determines that a person~~
22 ~~has willfully violated a provision of this chapter or any regulation adopted by the Board~~
23 ~~to carry out the provisions of this chapter, the Division may, at its own discretion,~~
24 ~~prohibit the person from obtaining or using a patient identification card for a period of up~~
25 ~~to six months.~~

26
27 ~~Sec. 17-98. Search and seizure.~~

28 ~~(a) The fact that a person possesses a medical cannabis patient card, a medical cannabis~~
29 ~~establishment license, or a medical cannabis establishment agent card does not, alone:~~

30 ~~(1) Constitute probable cause to search the person or the person's property; or~~

1 ~~(2) Subject the person or the person's property to inspection by any governmental~~
2 ~~agency.~~

3 ~~(b) Except as otherwise provided in this subsection, if the officers of a law enforcement~~
4 ~~agency seize cannabis, paraphernalia, or other related property from a person engaged in,~~
5 ~~facilitating, or assisting in the medical use of cannabis the law enforcement agency shall~~
6 ~~ensure that the cannabis, paraphernalia, or other related property is not destroyed while in~~
7 ~~the possession of the law enforcement agency.~~

8 ~~(1) Any property interest of the person from whom the cannabis, paraphernalia or~~
9 ~~other related property was seized must not be forfeited pursuant to any provision~~
10 ~~of law providing for the forfeiture of property, except as part of a sentence~~
11 ~~imposed after conviction of a criminal offense.~~

12 ~~(2) Upon a decision not to prosecute, dismissal of charges, or acquittal the law~~
13 ~~enforcement agency shall, to the extent permitted by law, return to that person any~~
14 ~~usable cannabis, cannabis plants, paraphernalia or other related property that was~~
15 ~~seized.~~

16 ~~(3) The provisions of this subsection do not require a law enforcement agency to care~~
17 ~~for live cannabis plants.~~

18
19
20 **Sec. 17-~~98~~ 100. Addition of diseases and conditions to the list of chronic and debilitating**
21 **medical conditions.**

22 ***

23
24 **Sec. 17-~~99~~ 101. Effect of chapter.**

25 (a) The provisions of this chapter do not:

26 (1) Require any employer to allow the ~~medical~~ use of cannabis in the workplace.

27 (2) Except as otherwise provided in subsection (a)(3), require an employer to modify
28 the job or working conditions of a person who engages in the ~~medical~~ use of cannabis
29 that are based upon the reasonable business purposes of the employer but the employer
30 must attempt to make reasonable accommodations for the medical needs of an employee

1 who engages in the medical use of cannabis if the employee holds a valid medical
2 cannabis patient identification card, provided that such reasonable accommodation would
3 not:

- 4 (i) Pose a threat of harm or danger to persons or property or impose an undue
5 hardship on the employer; or
6 (ii) Prohibit the employee from fulfilling any and all of his or her job
7 responsibilities.
- 8 (3) Prohibit a law enforcement agency from adopting policies and procedures that
9 preclude an employee from engaging in the ~~medical~~ use of cannabis.
- 10 (4) Impose any responsibility upon the Tribe for any deleterious outcomes from the
11 medical use of cannabis by any person.
- 12 (5) In any way or manner waiver the sovereign immunity of the Tribe.
- 13
14

15 ARTICLE IX. INTRODUCTORY PERIOD LIMITATIONS

16 17 Sec. 17-100-102. Introductory period established Limitations.

- 18 (a) There shall be a limit of one and a half ounces of cannabis or cannabis products sold to a
19 customer or to a medical cannabis patient card holder per day.
- 20 (b) There shall be a limit of 2,500 milligrams of THC in medical cannabis products sold to a
21 medical cannabis patient card holder per day, not to exceed 10,000 milligrams of THC
22 within medical cannabis products per month.
- 23 (c) There shall be no medical cannabis facility licenses, other than a license for a laboratory,
24 issued to any person or entity other than an entity wholly-owned by the Eastern Band of
25 Cherokee Indians as the sole member, or one of its wholly-owned subsidiaries
26 incorporated under Tribal law.
- 27 ~~(a) There is hereby established an introductory period of 36 months from the date this~~
28 ~~legislation becomes effective. During the introductory period the restrictions of this~~
29 ~~section shall apply and the Board may not adopt regulations or policies in conflict with~~
30 ~~this section.~~

1 ~~(b) During the introductory period the following restrictions shall be apply:~~

2 ~~(1) There shall be a limit of one ounce of medical marijuana sold to a medical~~
3 ~~cannabis patient card holder per day, not to exceed six ounces per month.~~

4 ~~(2) There shall be a limit of 2,500 milligrams of THC in medical cannabis products~~
5 ~~sold to a medical cannabis patient card holder per day, not to exceed 10,000~~
6 ~~milligrams of THC within medical cannabis products per month.~~

7 ~~(3) There shall be no medical cannabis establishment licenses, other than a license for~~
8 ~~a medical cannabis laboratory, issued to any person or entity other than an entity~~
9 ~~wholly owned by the Eastern Band of Cherokee Indians as the sole member, or~~
10 ~~one of its wholly owned subsidiaries incorporated under Tribal law.~~

11 ~~(4) There shall not be more than two medical cannabis dispensary locations.~~

12 ~~(c) After the exclusivity period ends, the Board may consider the issuance of additional~~
13 ~~medical cannabis establishment licenses and the adoption of regulations or policies in~~
14 ~~conflict with this section. Nothing in this section reduces, lessens, or otherwise alters the~~
15 ~~applicability of the remainder of this chapter during or after the introductory period.~~