

BLACKFEET NATION

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Tinsuwella Bird Rattler, Treasurer

BLACKFEET TRIBAL BUSINESS COUNCIL

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Iloff "Scott" Kipp, Sr.
Roland Kennerly, Jr.

Resolution

A Resolution to Enact the Blackfeet Hemp production Plan for Submission to The United States Department of Agriculture for the Regulation of the Production of Hemp in Blackfeet Territory

No. 102-2020

- WHEREAS,** The Blackfeet Tribal Business Council is the duly constituted governing body within the exterior boundaries of the Blackfeet Indian Nation, and
- WHEREAS,** The Blackfeet Tribal Business Council has been organized to represent, develop, protect, and advance the views, interests, education, and resources of the Blackfeet Indian Nation, and
- WHEREAS,** The enumerated powers of the Blackfeet Tribal Business Council contained at Article VI, Section 1 (g) of the Constitution include the management of tribal affairs in an acceptable and business-like manner, and
- WHEREAS,** The Agriculture Improvement Act of 2018 (7 U.S.C. § 1639 *et seq.*) legalizes the production of hemp that has a tetrahydrocannabinol (THC, the psychoactive component of marijuana) concentration of no more than three-tenths of one percent (0.3%) by removing it from Schedule I of the Controlled Substance Act, and
- WHEREAS,** The Blackfeet Nation wishes to regulate the production of hemp in Blackfeet Territory by submitting a plan to the United States Department of Agriculture, and
- WHEREAS,** This plan includes a practice to maintain relevant information regarding land on which hemp is produced, a procedure for testing delta-9 tetrahydrocannabinol concentration levels in hemp, a procedure for the effective disposal of plants and products for those plants in violation of the plan, a procedure to comply with enforcement procedures, and a procedure for conducting annual inspections of hemp producers to verify that hemp is not produced in violation of the plan, and

WHEREAS, The Blackfeet Nation certifies that it has the capacity and resources to implement the hemp production plan as submitted to the United States Department of Agriculture, now

THEREFORE BE IT RESOLVED AS FOLLOWS:

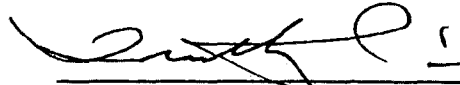
1. That the Blackfeet Tribal Business Council hereby adopts the Blackfeet Hemp Production Plan, as attached and made part of this resolution by this reference, for the regulation of the production of hemp in Blackfeet Territory for submission to the United States Department of Agriculture and for immediate implementation upon approval.
2. The Chairman or the Vice-Chairman in the Chairman's absence and the Secretary of the Blackfeet Tribal Business Council are hereby authorized to sign this Resolution

ATTEST:

**BLACKFEET TRIBE OF THE
BLACKFEET INDIAN RESERVATION**



STACEY A. KELLER
Secretary



TIMOTHY F. DAVIS
Chairman

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Blackfeet Tribal Business Council in a duly called, noticed and convened General Session, assembled the 7th day of February, 2020 with Eight (8) members present to constitute a quorum, and with a vote of Eight (8) FOR and (0) OPPOSED.

(SEAL)



STACEY A. KELLER
Secretary

BLACKFEET NATION HEMP PLAN

The Blackfeet Tribal Business Council (Council) has authorized the creation of a Hemp Plan (Resolution #102-2020 enacting Ordinance #120) to allow for the regulation of hemp production in Blackfeet Territory. The Council believes this plan will meet the requirements set forth in the 2018 Farm Bill and seeks approval from the United States Department of Agriculture.

ORDINANCE #120

BLACKFEET NATION TRIBAL CODE

HEMP PRODUCTION

A Code authorizing, directing, and regulating the production of hemp, the enforcement of necessary and proper regulations for production of hemp, and for other purposes.

SECTION 1: SHORT TITLE

This Code shall be known and may be cited as the “Hemp Production Code.”

SECTION 2: DECLARATION OF POLICY

It is the declared policy of the Blackfeet Tribal Business Council that hemp is a valuable agricultural crop and commodity in Blackfeet Territory. The purposes of this Code are to:

- (1) Promote the production of hemp, and the development of new commercial markets for producers through the sale of hemp;
- (2) Promote the creation of the Blackfeet Nation’s hemp industry to the maximum extent permitted by law and allow producers to cultivate, handle, process, transport, and sell hemp for commercial purposes;
- (3) Regulate hemp as an agricultural commodity in Blackfeet Territory;
- (4) Enable affiliated Institutions of Higher Education, to conduct research regarding the production of hemp in Blackfeet Territory; and
- (5) Protect the political integrity, economic security, health, and welfare, and public safety of the Blackfeet Nation and its members.

SECTION 3: DEFINITIONS

- (1) “Acceptable hemp THC level” means, for the purpose of compliance with the requirements of this Title, is when the application of the measurement of uncertainty to the reported THC content concentration level on a dry weight basis produces a distribution or range that includes three-tenths of one percent (0.3%) or less.
- (2) “Act” means the Agricultural Marketing Act of 1946.
- (3) “Administrator” means the Administrator of the Agricultural Marketing Service (AMS) of the U.S. Department of Agriculture.
- (4) “Agency” means the Blackfeet Law Enforcement Agency.

- (5) “AMS” means the Agricultural Marketing Service of the U.S. Department of Agriculture.
- (6) “Applicant” means a person, or a person who is authorized to sign for an entity, who applies to participate in the Blackfeet Tribal Hemp Program.
- (7) “BIA” means the Bureau of Indian Affairs.
- (8) “BLES” means the Blackfeet Law Enforcement Services.
- (9) “Blackfeet Territory” means, to the maximum extent allowed, all lands within the definition of “Indian country” as used in 18 U.S.C. § 1151 that apply to the Blackfeet Nation.
- (10) “Cannabis” means any form of a plant in the genus *Cannabis* in which the THC concentration on a dry weight basis has not yet been determined.
- (11) “Conviction” means any plea of guilty or nolo contendere, or any finding of guilt, except when the finding of guilt is subsequently overturned on appeal, pardoned, or expunged. A conviction is expunged when the conviction is removed from the individual’s criminal history record and there are no legal disabilities or restrictions associated with the expunged conviction, other than the fact that the conviction may be used for sentencing purposes for subsequent convictions. In addition, where an individual is allowed to withdraw an original plea of guilty or nolo contendere and enter a plea of not guilty and the case is subsequently dismissed, the individual is no longer considered to have a conviction for purposes of this part.
- (12) “Corrective action plan” means a plan established by the Department for a producer to correct a negligent violation or non-compliance with a hemp production license under this Code.
- (13) “Council” means the Blackfeet Tribal Business Council, the governing body of the Blackfeet Nation.
- (14) “Criminal history report” means the Federal Bureau of Investigation’s Identity History Summary.
- (15) “CSA” means the Controlled Substances Act as codified in 21 U.S.C. § 801 *et seq.*
- (16) “Culpable mental state greater than negligence” means to act, intentionally, knowingly, willfully, or recklessly.
- (17) “Decarboxylated” means the completion of the chemical reaction that converts THC-acid (THC-A) into THC.

- (18) “Decarboxylation” means the removal or elimination of a carboxyl group from a molecule or organic compound.
- (19) “DEA” means the United States Drug Enforcement Agency.
- (20) “Department” means the Blackfeet Homeland Security Department.
- (21) “Dry weight basis” means the ratio of the amount of moisture in a sample to the amount of dry solid in a sample. The percentage of THC on a dry weight basis means the percentage of THC, by weight, in cannabis item after excluding moisture from the item.
- (22) “Entity” means a corporation, foundation, organization, business trust, estate, limited liability company, licensed corporation, trust, partnership, limited liability partnership, association, or other form of legal business entity, as well as a tribal, state, or local government entity.
- (23) “FSA” means the Farm Service Agency, an agency of the United States Department of Agriculture.
- (24) “Gas chromatography” means a type of chromatography in analytical chemistry used to separate, identify, and quantify each component in a mixture. Gas Chromatography relies on heat for separating and analyzing compounds that can be vaporized without decomposition.
- (25) “Geospatial location” means a location designated through a global system of navigational satellites used to determine the precise ground position of a place or object.
- (26) “Greenhouse” means a structure with walls and roof made chiefly of transparent material in which hemp is produced. “Greenhouse” also includes structures used for hydroponic or other indoor hemp production.
- (27) “Handle” means to harvest or store hemp prior to the delivery of such plants or plant parts for further processing. “Handle” also includes the disposal of cannabis plants that are not hemp for purposes of chemical analysis and disposal of such plants.
- (28) “Hemp” means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a THC concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis.
- (29) “High-performance liquid chromatography” means a type of chromatography technique in analytical chemistry used to separate, identify, and quantify each component in a mixture. High-performance liquid chromatography relies on pumps to pass a pressurized liquid solvent containing the sample mixture through a column filled with a solid adsorbent material to separate and analyze compounds.

- (30) “Hydroponic” means the method of growing plants without soil by instead using mineral nutrient solutions in a water solvent.
- (31) “Information Sharing System” means the database mandated under the Act which allows USDA to share information collected under state, tribal, and USDA plans with federal, state, tribal, and local law enforcement.
- (32) “Institution of Higher Education” means the meaning assigned to it by 20 U.S.C. § 1001. The Blackfeet Community College (BCC), and higher education institutions in partnership with BCC, are expressly declared Institutions of Higher Education.
- (33) “Key Participant” means a sole proprietor, a partner in a partnership, or a person with executive managerial control in a corporation. A person with executive managerial control includes persons such as a chief executive officer, chief operating officer, and chief financial officer. This definition does not include non-executive managers such as farm, field, or shift managers.
- (34) “License” means a license from the Council for the production of hemp in Blackfeet Territory.
- (35) “Lot” means a contiguous area in a field, greenhouse, or indoor growing structure containing the same variety or strain of cannabis throughout the area.
- (36) “Marijuana” means all cannabis that tests as having a concentration level of THC on a dry weight basis of higher than three-tenths of one percent (0.3%).
- (37) “Measurement of uncertainty” means the parameter, associated with the result of a measurement that characterizes the dispersion of the values that could reasonably be attributed to the particular quantity subject to measurement.
- (38) “Negligence” means a failure to exercise the level of care that a reasonable and prudent person would exercise in complying with this Code.
- (39) “Phytocannabinoid” means cannabinoid chemical compounds found in the cannabis plant, two of which are THC and cannabidiol (CBD).
- (40) “Post-decarboxylation” means, a value determined after the process of decarboxylation that determines the total potential THC content derived from the sum of the THC and THC-A content and reported on a dry weight basis.
- (41) “Produce” means to grow hemp for market, or for cultivation for market, in the United States.
- (42) “Producer” means an entity or person that is licensed or authorized to produce hemp under this Code.

- (43) “Reverse Distributor” means a person who is registered with the DEA to dispose of marijuana under the CSA.
- (44) “Secretary” means the Secretary of Agriculture of the United States.
- (45) “THC” means the chemical compound delta-9 tetrahydrocannabinol, the primary psychoactive component of cannabis.
- (46) “USDA” means the United States Department of Agriculture.

SECTION 4: HEMP AUTHORIZED AS AN AGRICULTURAL CROP

Hemp that has no more than three-tenths of one percent (0.3%) THC is considered an agricultural crop in Blackfeet Territory. Upon meeting the requirements of this Code, a person may produce hemp.

SECTION 5: HEMP PRODUCTION LICENSE

- (1) Any person producing or intending to produce hemp must have a valid license from the Department prior to producing hemp. A valid license means the license is unexpired, unsuspended, and unrevoked.
- (2) A person intending to produce hemp shall apply to the Department on a form prescribed by the Council. The Department shall consult and coordinate with the Council while developing and issuing licenses.
- (3) Applicants may submit a signed, complete, accurate, and legible application for a new license from the Department between January 1st and December 31st, 2020. In subsequent years, applicants may submit an application for a new license or renewal of an existing license to the Department from August 1st through December 31st of each year.
- (4) Applications must include the following information:
 - (a) For each applicant who is an individual, the full name of the individual, principal business location address, telephone number, and email address (if available);
 - (b) For each applicant who is an entity, the full name of the entity, the principal business location address, employer identification number (EIN) of the business, and the full name title, and email address (if available) of each employee for whom the entity is required to submit a criminal history record report;
 - (c) A current Federal Bureau of Investigation’s Identity History Summary. If the applicant is a business entity a criminal history report shall be provided for each key participant. The applicant shall ensure the criminal history report accompanies the application. The criminal history report must be dated within sixty (60) days

prior to the application submission date. A license application will not be considered complete without all required criminal history reports;

- (d) A legal description or street address of the land, other than any homesite on Blackfeet Tribal land or residence, on which the producer will produce hemp including, to the extent practicable its geospatial location.
- (e) Acreage dedicated to the production of hemp, or greenhouse indoor square footage, other than any homesite on Blackfeet Tribal land or residence, dedicated to the production of hemp; and
- (f) A \$1,000.00 application fee.

Applications missing required information shall be returned to the applicant as incomplete. If a license application is denied, the notification from the Department will explain the cause for denial. The applicant may resubmit a completed application.

- (5) All Licenses issued shall be valid for one (1) year from the date of issuance, unless otherwise extended or revoked at an earlier date, until December 31 of the following year. Hemp production licenses must be renewed prior to license expiration. Licenses are not automatically renewed. Applications for renewal shall be subject to the same terms, information collection requirements, and approval criteria as provided in this Code for initial applications.
- (6) A license modification is required if there is any change to the information submitted in the application including, but not limited to: sale of a business; the production, handling, or storage of hemp in a new location; or a change in the key participants producing under a license.
- (7) Licenses may not be sold, assigned, transferred, pledged, or otherwise disposed of, alienated, or encumbered.
- (8) Criminal history report
 - (a) All costs associated with the criminal history report are the responsibility of the applicant and are not covered or included in the application fees.
 - (b) The producer is responsible for all individuals that will engage in the cultivation or handling of hemp on its behalf.
 - (c) The producer must report any felony convictions of each employee for whom the entity is required to submit a criminal history record report relating to controlled substances under federal, state, or tribal law to the Department within five (5) days of receiving notice of such conviction.

- (9) By submitting an application, the applicant acknowledges and agrees to the following terms and conditions:
- (a) Any information provided to the Department may be provided to law enforcement agencies without further notice to the applicant;
 - (b) The applicant or producer shall allow and fully cooperate with any inspection and sampling that the Department deems necessary;
 - (c) Applicants submitting a completed license application, in doing so, consent to comply with the requirements of this Code and to Ordinance 90 regarding Blackfeet Environmental Protection requirements and the Blackfeet Land Use/Leasing Requirements.
- (10) If the applicant has completed the application process to the satisfaction of the Department, the Department shall recommend that the Tribal Council shall approve the application and issue the License.
- (11) Any license for the production of hemp in Blackfeet Territory shall be given a license identifier. The license identifier shall follow the following format: [BIA Tribal Code_License Number]. For example: C51201_0001

SECTION 6: INFORMATION MAINTENANCE

The Department shall maintain relevant information regarding land on which hemp is produced in Blackfeet Territory, including: contact information described in Section 5; a legal description of the land on which the producer will produce hemp, and to the extent practicable, its geospatial location; the status and number of the producer's license or authorization; and test results of hemp, for a period of not less than three (3) years.

SECTION 7: INFORMATION SUBMISSION

- (1) Producers must report their hemp crop acreage to the FSA and shall provide, at a minimum, the following information:
- (a) Legal description or street address and, to the extent practicable, geospatial location of the lot, greenhouse, building, or site where hemp will be produced. All locations where hemp is produced must be reported to FSA.
 - (b) Acreage dedicated to the production of hemp, or greenhouse indoor square footage dedicated to the production of hemp.
 - (c) Total acreage of hemp planted, harvested, and disposed.
 - (d) License identifier.

All such information must be submitted to the USDA in a format that is compatible with USDA's information sharing system.

(2) Hemp Producer Report

The Department shall submit to USDA, by the first of each month, a report providing the contact information and the status of the license issued for each Hemp producer. If the first of the month falls on a weekend or holiday, the report is due by the first business day following the due date. The report shall be submitted using a digital format compatible with USDA's information sharing systems, whenever possible. The report shall contain the following information:

- (a) For each new producer who is an individual, the full name of the individual, license identifier, business address, telephone number, and email address (if available);
- (b) For each new producer who is an entity, the full name of the entity, the principal business location address, license identifier, EIN number, and the full name title, and email address (if available) of each employee for whom the entity is required to submit a criminal history record report;
- (c) For each producer that was included in a previous report and whose reported information has changed, the report shall include the previously reported information and the new information;
- (d) Legal description or street address and, to the extent practicable, geospatial location for each lot or greenhouse where hemp will be produced. If an applicant operates in more than one location, that information shall be provided for all production sites;
- (e) The total acreage of hemp planted and harvested;
- (f) The status of each producer's license or authorization;
- (g) The period covered by the report; and
- (h) An indication that there were no changes during the current reporting cycle, if applicable.

The Hemp Producer Report (AMS-23) is available at:

https://www.ams.usda.gov/sites/default/files/media/StateandTribalHempProducerReportAMS_23.pdf

(4) Hemp Disposal Report

- (a) If a Producer has produced cannabis exceeding the acceptable hemp THC level, the cannabis must be disposed of in accordance with the CSA and DEA regulations

found in 21 CFR § 1317.15. The Department shall submit to USDA, by the first of each month, a report notifying USDA of any occurrence of non-conforming plants or plant material and providing a disposal record of those plants and materials. If the first of the month fall on a weekend or holiday, the report is due by the first business day following the due date. The report shall be submitted using a digital format compatible with USDA's information sharing systems, whenever possible. The report shall contain the following information:

- (i) The name and contact information (including address) for each producer subject to disposal during the reporting period;
- (ii) The producer's license identifier;
- (iii) The location information, including the lot number, location type, and geospatial location or other location description for the production are subject to disposal;
- (iv) Laboratory test results report for the lot;
- (v) Information on the agent handling the disposal, and if completed by the Agency, an attestation of the agents stating all of the marijuana was disposed and the method of disposal;
- (vi) The disposal completion date; and
- (vii) The total acreage of disposed plants and materials.

The Tribal Hemp Disposal Report (AMS-24) is available at: https://www.ams.usda.gov/sites/default/files/media/StateandTribalHempDisposalReportAMS_24.pdf

(1) Annual Report

- (a) The Department shall submit an annual report to USDA. The report form shall be submitted by December 15th of each year and contain the following information:
 - (i) The total planted acreage;
 - (ii) The total harvested acreage; and
 - (iii) The total acreage disposed.

The Tribal Hemp Annual Report (AMS-25) is available at: https://www.ams.usda.gov/sites/default/files/media/StateandTribalHempAnnualReportAMS_25.pdf

SECTION 8: SAMPLING PROCEDURE

- (1) Within fifteen (15) days prior to the anticipated harvest of cannabis plants, a Federal or Tribal law enforcement agency or other Federal or Tribal designated person shall collect samples from the flower material from such cannabis plants for THC concentration level testing as described in Section 9.
- (2) The method used for sampling from the flower material of the cannabis must be sufficient at a confidence level of ninety-five percent (95%) that no more than one percent (1%) of the plants in the lot would exceed the acceptable hemp THC level. The method used for sampling must ensure that a representative sample is collected that represents a homogeneous composition of the lot.
- (3) The sampling agency or designated person shall collect samples using the USDA's "Sampling guidelines for hemp growing facilities," available at:
<https://www.ams.usda.gov/sites/default/files/media/SamplingGuidelinesforHemp.pdf>
- (4) During the scheduled sample collection, the producer or an authorized representative of the producer shall be present at the growing site.
- (5) Representatives of the sampling agency shall be provided with complete and unrestricted access during business hours to all hemp and other cannabis plants, whether growing or harvested, and all land, buildings, and other structures used for the cultivation, handling, and storage of all hemp and other cannabis plants, and all locations listed in the producer's license.
- (6) A producer shall not harvest the cannabis crop prior to samples being taken.

SECTION 9: THC TESTING

- (1) Analytical testing for purposes of detecting the concentration levels of THC in the flower material of the cannabis plant shall meet the following standard:
 - (a) Laboratory quality assurance must ensure the validity and reliability of test results;
 - (b) Analytical method selection, validation, and verification must ensure that the testing method used is appropriate and that the laboratory can successfully perform the testing;
 - (c) The demonstration of testing validity must ensure consistent, accurate analytical performance; and
 - (d) Method performance specifications must ensure analytical tests are sufficiently sensitive for the purposes of the detectability requirements of this part.

- (2) At a minimum, analytical testing of samples for THC concentration levels must use post-decarboxylation or other similarly reliable methods approved by the Secretary. The testing methodology must consider the potential conversion of THC-A in hemp into THC and the test result reflect the total available THC derived from the sum of the THC and THC-A content. Testing methodologies meeting these requirements include, but are not limited to, gas or liquid chromatography with detection.
- (3) The total THC concentration level shall be determined and reported on a dry weight basis. Additionally, measurement of uncertainty must be estimated and reported with test results. Laboratories shall use appropriate, validated methods and procedures for all testing activities and evaluate measurement uncertainty.
- (4) The producer is responsible for ensuring and paying the costs for samples to be received and prepared for testing by a DEA-registered laboratory.
- (5) The laboratory shall follow the preparation and testing procedures as described in USDA's "Testing guidelines for Identifying Delta-9 Tetrahydrocannabinol (THC) Concentration in Hemp," available at:
<https://www.ams.usda.gov/sites/default/files/media/TestingGuidelinesforHemp.pdf>
- (6) Any test of a representative sample resulting in higher than the acceptable hemp THC level shall be conclusive evidence that the lot represented by the sample is not in compliance with this part. Lots tested and not certified by the DEA-registered laboratory at or below the acceptable hemp THC level may not be further handled, processed, or enter the stream of commerce and the producer shall ensure the lot is disposed of in accordance with Section 13.
- (7) Samples of hemp plant material from one lot shall not be comingled with hemp plant material from other lots.
- (8) Laboratories must have an effective disposal procedure for cannabis that are tested and do not meet the requirements of this Code. The procedure must be in accordance with CSA and DEA regulations found at 21 CFR 1317.15.
- (9) A list of Hemp Analytical Testing Laboratories is available at:
<https://www.ams.usda.gov/rules-regulations/hemp/dea-laboratories>
- (10) Each producer must ensure that the DEA-registered laboratory that conducts the test of the sample(s) from its lots report the test results for all samples tested to the Department and USDA.
- (11) For each sample tested pursuant to this Section, the Producer shall obtain from a laboratory, or have the laboratory produce, a "Laboratory Test Result Report," available at:
https://www.ams.usda.gov/sites/default/files/media/LaboratoryTestResultsReportAMS_22.pdf.

- (12) The laboratory test result report shall contain the following information:
- (a) Producer's license number;
 - (b) Name of producer;
 - (c) Business address of producer;
 - (d) Lot identification information for the sample;
 - (e) Name and DEA registration number of laboratory;
 - (f) Date of test and report;
 - (g) Identification of a retest; and
 - (h) Test result.
- (13) Any hemp program licensee may request that the laboratory retest samples if it is believed the original THC concentration level test results were in error. The licensee requesting the retest of the second sample will pay the cost of the test. The retest result shall be issued to the licensee requesting the retest and a copy shall be provided to the Department and USDA or its agent.
- (14) The producer shall harvest the crop not more than fifteen (15) days following the date of sample collection.
- (15) If the producer fails to complete harvest within fifteen (15) days of sample collection, a secondary pre-harvested sample of the lot shall be required to be submitted for testing.
- (16) Harvested lots of hemp plants shall not be commingled with other harvested lots or other material without prior written permission from the Department.
- (17) Lots that meet the acceptable hemp THC level may enter the stream of commerce.
- (18) Lots tested and *not* certified by the DEA-registered laboratory not exceeding the acceptable hemp THC level may *not* be furthered handled, processed, or enter the stream of commerce and the licensee shall ensure the lot is disposed of in accordance with Section 13.

SECTION 10: NOTIFICATION REQUIREMENTS

- (1) The Department shall promptly notify the Administrator by certified mail or electronically of any occurrence of cannabis plants or plant material that do not meet the definition of hemp in this Code and attach the records demonstrating the appropriate disposal of all of those plants and materials in the lot from which the representative samples were taken.

- (2) Each producer shall file with the Department documentation showing that the seeds planted are of a type and variety certified to have no more than three-tenths of one percent (0.3%) THC. The Council recognizes seed certifications by the Association of Official Seed Certifying Agencies (AOSCA) and the Organization for Economic Cooperation and Development (OECD) standards.
- (3) Each producer shall notify the Department of the sale or distribution of any hemp grown by the producer, including the name and address of the person receiving the hemp.

SECTION 11: ENFORCEMENT PROCEDURES – VIOLATIONS

In general. A producer violation of this Code shall be subject to enforcement solely in accordance with the terms of this Section.

- (1) Negligent violation. Negligent violations shall include, but not be limited to:
 - (a) Failure to provide a legal description or street address of land on which the producer produces hemp;
 - (b) Failure to obtain a license or other required authorization from the Department; or
 - (c) Production of cannabis with a THC concentration exceeding the acceptable hemp THC level. Hemp producers do not commit a negligent violation under this subsection if they make reasonable efforts to grow hemp and the cannabis does not have a THC concentration of more than one-half of one percent (0.5%) on a dry weight basis.
- (2) Corrective action plan. A producer described in Subsection (1) shall comply with a plan established by the Department to correct the negligent violation, including:
 - (a) A reasonable date by which the producer shall correct the negligent violation; and
 - (b) A requirement that the producer shall quarterly report to the Department on the compliance of the producer with the corrective action plan for a period of not less than the next two (2) calendar years from the date of the negligent violation.

The Department shall conduct inspections to determine if the corrective action plan has been implemented.

- (3) Result of a negligent violation. A producer that negligently violates this Code under subsection (1) shall not as a result of that violation be subject to any criminal enforcement action by the Federal Government or any state government, Tribal government, or local government.
- (4) Repeat violations.

- (a) A producer that negligently violates this Code under subsection (1) three (3) times in a five (5)-year period shall be ineligible to produce hemp for a period of five (5) years beginning on the date of the third violation.
 - (b) A producer who violates clause (a) shall have his/her plants and plants products seized by the Agency and disposed of in accordance with Section 13.
- (5) Culpable violations.
- (a) If the Department determines that a producer has violated this Code with a culpable mental state greater than negligence, the Department shall immediately report the producer to:
 - (i) The U.S. Attorney General; and
 - (ii) The chief law enforcement officer of the Agency.
 - (b) Subsections (1)-(4) of this Section shall not apply to the violation.
- (6) Felony.
- (a) In general. Except as provided in clause (b), any person convicted of a felony relating to a controlled substance under Federal law before, on, or after the date of Dec. 20, 2018 shall be ineligible, during the ten (10) year period following the date of the conviction, to participate in hemp production in Blackfeet Territory.
 - (b) Exception. Clause (a) shall not apply to any person producing hemp lawfully with a license, registration, or authorization under a pilot program authorized by Section 7606 of the Agriculture Act of 2014 (7 USC § 5940) before the date of Dec. 20, 2018, and whose conviction also occurred before that date.
 - (c) Entities. If any key participant of an entity has been convicted of a felony related to a controlled substance and that conviction is not subject to the exception in clause (b), then the entity shall be ineligible during the ten (10) year period following the date of the conviction to participate in hemp production in Blackfeet Territory, unless the entity removes the convicted key participant within thirty (30) days after the conviction.
- (7) False statement. Any person who materially falsifies any information contained in an application to participate in hemp production in Blackfeet Territory shall be ineligible to participate under this Code.
- (8) Any person who is found to have violated subsections (5) –(7) shall have their plants and plants products seized by the Agency and disposed of in accordance with Section 13.

SECTION 12: INSPECTIONS

- (1) The Department shall have authority to conduct random inspections of producers and all lots to verify compliance with all requirements of the license issued.
- (2) The Department shall annually inspect a random sample of producers in Blackfeet Territory to verify that hemp is not produced in violation of this Code.
- (3) Inspections may be without advanced notice to producers.
- (4) Inspections may include sampling by Department inspectors for testing to determine hemp THC levels or any other Department defined purpose.
- (5) If a violation of this Code has been found as a result of an inspection, the violation shall be resolved by the procedures described in Section 11.

SECTION 13: PROCEDURE FOR DISPOSAL OF NONCOMPLIANT CANNABIS

Disposal Requirements:

- (1) Cannabis that test higher than three-tenths of one percent (0.3%) THC concentration shall be disposed of in compliance with DEA disposal regulations found in 21 CFR § 1317 *et seq.*
- (2) All cannabis cultivated at the same lot and that tests higher than three-tenths of one percent (0.3%) THC shall be promptly disposed of according to the following disposition:
 - (a) The producer shall, under the supervision of the Department and/or the Agency, collect all marijuana plants from the lot and turn them over to the Agency;
 - (b) The Agency shall then either:
 - (i) Immediately contact and, as soon as practicable, deliver to or provide for the pick-up of the marijuana by a reverse distributor for disposal; or
 - (ii) Dispose of the marijuana immediately on-site in such a way as to render it to a non-retrievable state in order to prevent diversion of any such substance to illicit purposes and to protect the public health and safety. If the Agency disposes of the marijuana on-site two agents of the Agency must sign an attestation that all of the marijuana was disposed and the method of disposal.
- (3) The Agency and/or Department shall collect all of the information required in the Hemp Disposal Report and Section 10.
- (4) The producer shall pay all costs for disposal.

SECTION 14: DISPOSITION OF FEES

All fees assessed as provided by this Code must be deposited in the Council's special fund for administering and enforcing this Code.

SECTION 15: LAND USE RESTRICTIONS AND SITE MODIFICATION

- (1) A producer shall not produce hemp on any site not listed in the license application.
- (2) A producer shall not produce hemp in any structure that is used for residential purposes.

SECTION 16: TRANSPORTATION REQUIREMENTS

A producer or other person responsible for the transportation of hemp must ensure the following documentation accompanies the hemp at all times during transport:

- (1) A copy of the producer's license that corresponds to the lot from which the hemp originated;
- (2) A copy of the pre-harvest test results that corresponds to the lot in transit; and
- (3) Any other documentation that may be required by the Department.

SECTION 17: EFFECTS ON OTHER LAWS

Agricultural leases authorized under the American Indian Agricultural Resource Management Act of 1993 (25 USC § 3701 *et seq.*) and BIA agricultural lease regulations (25 CFR Part 162) in Blackfeet Territory for the production of hemp shall include provisions to implement and enforce this Code and shall not include provision which are in conflict with this Code.

SECTION 18: COMPLIANCE WITH FEDERAL LAW

Nothing in this Code authorizes any person to violate any Federal or Tribal law, ordinance, or regulation.

HEMP PRODUCTION LICENSE APPLICATION

This Hemp Production License Application and appropriate fees must be received by **December 31st** to be considered for the next year's growing season.

APPLICANT INFORMATION		Have you been licensed previously? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please provide the license number:	
Last Name:		First Name:	Middle Name:
Address:			
City:		State:	Zip:
Phone:	Cell:	Email:	
If the Applicant is an entity (attach applicant information and FBI Identity History Summaries for all key participants):			
Entity Name:			
Principal Business Address:			
City:		State:	Zip:
Entity EIN Number:			
FIELD INFORMATION: Please provide a geospatial location, legal description, and/or street address for each lot or greenhouse where hemp will be produced.			
Lot or Greenhouse 1		Lot or Greenhouse 2	
Township: _____ Range: _____		Township: _____ Range: _____	
Section: _____ ¼ Section: _____		Section: _____ ¼ Section: _____	
Field Center Lat/Long: _____		Field Center Lat/Long: _____	
Street Address: _____		Street Address: _____	
City: _____ State: _____ Zip: _____		City: _____ State: _____ Zip: _____	
GPS Coordinates: _____		GPS Coordinates _____	
_____ Landowner or Agent Signature		_____ Landowner or Agent Signature	
_____ Landowner or Agent Name (Print)		_____ Landowner or Agent Name (Print)	
Number of Lots and/or Greenhouses:		Total Acres and/or Square Footage:	
INTENDED USE FOR CROP(S)			
Check all that apply			
<input type="checkbox"/> Fiber <input type="checkbox"/> Construction Materials <input type="checkbox"/> Cosmetics/Beauty/Health <input type="checkbox"/> Seed Oil <input type="checkbox"/> Food/Beverage <input type="checkbox"/> Variety Trials/Research <input type="checkbox"/> Animal Bedding <input type="checkbox"/> Biofuel <input type="checkbox"/> Cannabinoid Oils <input type="checkbox"/> Seed Stock <input type="checkbox"/> Phyto Remediation <input type="checkbox"/> Textiles <input type="checkbox"/> Other – Please explain _____			
What is/are your primary goal(s) for this project?			
SEED VARIETIES AND SOURCES			
Hemp varieties must be approved by the Council and purchased from licensed dealers.			
Variety	Licensed Seed Dealer	Pounds	
LICENSE AND FEES			
BLACKFEET HEMP PRODUCTION LICENSE		<input type="checkbox"/> \$1,000.00	

ATTESTATION STATEMENT		
<p>I hereby certify that the information contained in and submitted with this application is true and correct. Persons who violate federal or tribal laws regarding hemp production may be subject to federal or tribal prosecution. I further certify that I do not have any disqualifying felony drug convictions. I agree to comply with the Blackfeet Hemp Production Code, including consent to entrance of above property by the Department for hemp inspection and sampling.</p>		
Name: _____		Title: _____
Signature: _____		Date: _____
Notary:		
DEPARTMENT USE ONLY		
Date Received:	Amount Received:	License #:

INSTRUCTIONS

Applicant Information: Please print clearly or type all required information.

Criminal History Report: Producers in Blackfeet Territory must have no prior felony drug charge convictions in the past ten (10) years. You must provide all necessary FBI Identity History Summaries with this application. Attach additional pages for all FBI Identity History Summaries. FBI Identity History Summaries must be dated within sixty (60) days prior to the application submission date.

Lot and/or Greenhouse Information: Please provide the exact location of each lot and/or greenhouse where the hemp will be produced. Attach additional pages if you have more than two lots and/or greenhouses. The legal landowner of the property or his/her agent must sign the application to receive a license. Rented or leased lots and/or greenhouses must have the actual landowner signature for each field.

Seed Varieties and Sources: The Applicant must obtain only approved seeds, either certified to the Association of Official Seed Certifying Agencies (AOSCA) or the Organization for Economic Cooperation and Development (OECD) standard. Attach additional pages if more than three (3) varieties or sources are being produced.

Intended Use for Crops: Please check all boxes that describe the planned uses for your hemp crop.

License Fees: Please enclose a check for \$1,000.00 to the Blackfeet Tribe.

Contact Information and Signature: The Applicant must completely fill out, sign, and notarize the hemp production license application.

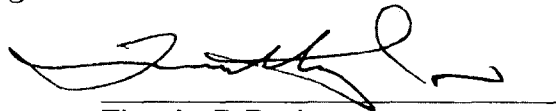
Mail To or Return to: Blackfeet Homeland Security Department, P.O. Box 850, Browning, MT 59417, located in the Blackfeet Tribal Headquarters, 650 All Chiefs Rd. Browning, MT 59417.

For additional assistance, please contact 406-338-7667 or 406-338-5545.

HEMP PROGRAM CERTIFICATION

Pursuant to Section 297B (a)(2)(A)(vii) of the Agriculture Improvement Act of 2018 and 7 CFR § 990.3(a)(8), I certify that the Blackfeet Home Land Security Department has the resources and personnel necessary to carry out each of the practices and procedures identified in Section 297B (a)(2) of the Act and 7 CFR §§ 990.3 (a)(1)-(7).

DATED this 11th day of February, 2020.



Timothy F. Davis
Chairman
Blackfeet Tribe



BLACKFEET NATION

P.O. BOX 850 BROWNING, MONTANA 59417
(406) 338-7521 FAX (406) 338-7530

EXECUTIVE COMMITTEE

Timothy Davis, Chairman
Ilf "Scott" Kipp, Vice-Chairman
Stacey Keller, Secretary
Tinsuwella Bird Rattler, Treasurer

BLACKFEET TRIBAL BUSINESS COUNCIL

Timothy Davis
Rodney Gervais
Mark Pollock
Vera Weaselhead
Terry J. Tatsey
Stacey Keller
Carl D. Kipp
Ilf "Scott" Kipp, Sr.
Roland Kennerly, Jr

February 06, 2020

Blackfeet Tribal Business Council
Blackfeet Tribal Departments

RE: Commitment of Blackfeet Tribal Resources to Implement the Hemp Production Plan

Dear BTBC Members and Tribal Departments,

This letter serves as notice that I am committing Blackfeet Nation Tribal resources to implement the Hemp Production Plan that will be submitted upon Blackfeet Tribal Business Council adoption to the United States Department of Agriculture for approval. Upon approval, the Blackfeet Nation will be immediately authorized to commence regulation of hemp production on the Blackfeet Reservation.

The Blackfeet Homeland Security Department will serve as the lead Tribal department in the hemp production plan implementation. This department will ensure that all producer applications are investigated, including required background checks; ensure that required sampling of cannabis plants occurs as mandated by the plan; ensure producer compliance and ensure that cannabis crops that exceed the legal TCH level are destroyed.

The Blackfeet Revenue Department will process and issue hemp production licenses in coordination with the Homeland Security Department. Further, the Blackfeet Law Enforcement Services will provide investigative services for producers that violate the hemp production plan requirements. Finally, the Blackfeet Land Department will ensure that all production on leased lands is in compliance with leasing regulations and the Blackfeet Environmental Office will monitor compliance with the Blackfeet Environmental Code.

I would like to make an initial financial commitment of \$60,000 for personnel and start-up costs for this new effort that has the potential to generate significant revenue for the Tribe.

Respectfully,

Timothy Davis, Chairman