

TITLE 25 AGRICULTURE
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TITLE 25. AGRICULTURE**ARTICLE I****GENERAL PROVISIONS**

[NOTE: Except as otherwise noted, the provisions of Article I were enacted on April 22, 2020 by Res. No. 14-2020.]

CHAPTER 1. CONSTRUCTION**Sec. 25-1101. Construction.**

Nothing in this Title shall be construed as a waiver or diminution of or limitation upon the sovereignty of the Tribe or the jurisdiction of the Tribe.

CHAPTER 2. MISCELLANEOUS**Sec. 25-1201. Sovereign Immunity.**

Nothing in this Title shall be construed as limiting, waiving, or abrogating the sovereignty or the sovereign immunity of the Sac & Fox Tribe of the Mississippi in Iowa or any of its agencies, departments, enterprises, agents, officials, or employees.

Sec. 25-1202. Severability.

If any article, chapter, section, or provision of this Title or amendment made by this Title is held invalid, the remaining articles, chapter, sections, or provisions of this Title and amendments made by this Title shall continue in full force and effect.

CHAPTER 3. DEFINITIONS**Sec. 25-1301. Definitions.**

Unless context requires otherwise, as used in this Title:

- (a) “AMS” means the USDA Agricultural Marketing Service.
- (b) “Council” means the tribal council of the Sac & Fox Tribe of the Mississippi in

Iowa

- (c) “DEA” means the United States Drug Enforcement Administration.
- (d) “FSA” means the USDA Farm Service Agency.
- (e) “Meskwaki Settlement” means all trust lands under the jurisdiction of the Tribe.
- (f) “MNPd” means the Meskwaki Nation Police Department.
- (g) “MNR” means the Meskwaki Department of Natural Resources.
- (h) “Secretary” means the United States Secretary of Agriculture.
- (i) “State” means the State of Iowa.
- (j) “Tribal Prosecutor” means the chief prosecutor of the Sac & Fox Tribe of the Mississippi in Iowa.
- (k) “Tribe” means the Sac and Fox Tribe of the Mississippi in Iowa.
- (l) “U.S. Attorney General” means the Attorney General of the United States.
- (m) “USDA” means the United States Department of Agriculture.

[NOTE: This section was amended February 23, 2022 by Res. No. 8-2022.]

TITLE 25. AGRICULTURE**ARTICLE II****HEMP PRODUCTION**

[NOTE: Except as otherwise noted, the provisions of Article I were enacted on April 22, 2020 by Res. No. 14-2020.]

CHAPTER 1. GENERAL PROVISIONS**Sec. 25-2101. Definitions.**

Unless the context requires otherwise, as used in this Article:

(a) “Acceptable Hemp THC Level” means when the application of the Measurement of Uncertainty to the reported Total THC concentration level of a sample on a dry weight basis produces a distribution or range that includes 0.3% or less.

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

(c) “Compliant Hemp” means Hemp that has been proven through Pre Harvest Testing to contain an Acceptable Hemp THC Level.

(d) “Culpable Mental State” has the meaning set forth in Title 13. Law & Order of the Meskwaki Tribal Code.

(e) “Dry Weight Basis” refers to a method of determining the percentage of a chemical in a substance after removing the moisture from the substance.

(f) “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.

(g) “Harvest” means ending the growth of the plant and removing it from the growing medium to begin processing.

(h) “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 delta-9-tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

- (i) “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.
- (j) “Key Participant” means, in the case of a Tribal Corporation, the board of directors and all “C” level employees.
- (k) “Licensee” means a Tribal Corporation which is the holder of a Tribal Hemp License.
- (l) “Lot” means a contiguous area in a field, greenhouse, or indoor growing structure containing the same variety or strain of Cannabis. For purposes of this title, the local FSA office will designate a “field” or “subfield” as the unique identifying number for that particular area which contains one variety, which shall be used for location, acreage, and variety reporting and testing purposes. Lot is used throughout this Title interchangeably with whatever term the FSA applies to the individual varietal units in a Licensee’s grow operation.
- (m) “Measure 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.
- (n) “Negligence” for the purposes of this title means failure to exercise the level of care that a reasonably prudent person would exercise in complying with this Title and other applicable law and regulations.
- (o) “Pre-Harvest Testing” means the test for THC content of a representative sample of a Lot required before harvesting by the Licensee may begin.
- (p) “Remediation” means the blending of a Lot into a biomass plant material for a final test for Acceptable Hemp TCH Level.
- (q) “Tribal Hemp License” means the license to grow Hemp issued by the Tribal Hemp Officer to a Tribal Corporation.
- (r) “Tribal Hemp Officer” means the employee of the Tribe designated to issue Tribal Hemp Licenses, ensure Licensee compliance with the laws and regulations of the Tribe, and collect samples for pre-harvest testing, and report information to Federal agencies as required by law.
- (s) “Tribal Hemp Regulations” are departmental regulations developed by the Tribal Hemp Officer for the implementation of this Title, which must be consistent with this Title, federal law, and federal regulations. Such regulations must be approved by Tribal Council before they become effective.

(t) “Tribal Corporation” means a corporation created by under the provisions of Title 3. Business and Profession of the Tribal Code.

(u) “Total THC” is the measure of THC on a dry weight basis which includes or accounts for the chemical conversion of delta-9-tetrahydrocannabinolic acid into delta-9-tetrahydrocannabinol.

[NOTE: This section was amended February 23, 2022 by Res. No. 8-2022.]

Sec. 25-2102. Purpose of this article.

The purpose of this Article is to establish the requirements to grow Hemp under the laws of the Sac & Fox Tribe of the Mississippi in Iowa.

Sec. 25-2103. Findings.

Hemp has historically been used in a wide range of consumer and industrial products. The total retail value of Hemp products in the United States has been estimated at over \$500 million. The Tribe has determined that it will regulate Hemp grown within its jurisdiction as an expression of its sovereignty.

Sec. 25-2104. Tribal Hemp Officer.

The position of Tribal Hemp Officer is hereby created. The Tribal Hemp Officer shall report to the Director of MNR and their duties shall include:

- (a) Collecting and providing required information to the USDA.
- (b) Collecting samples from Licensees for testing before harvest.
- (c) Sending samples for lab testing.
- (d) Ensuring that Licensees are compliant with this Title.
- (e) Developing corrective action plans and ensuring that they are followed.
- (f) Completing USDA sampling training to become an approved sampling agent, and keeping track of any changes in USDA sampling procedure.
- (g) Drafting Tribal Hemp Regulations as needed, which shall require council approval.
- (h) Tracking total acreage planted, harvested, and disposed of each year by Licensees.
- (i) Ordering and reviewing background checks on Key Participants through CLEAR.

- (j) Reviewing license applications and approving or denying them.
- (k) Other duties as assigned.

[NOTE: This section was amended February 23, 2022 by Res. No. 8-2022.]

Sec. 25-2105. Final Decisions of Tribal Hemp Officer.

Because only a Tribal Corporation, which is wholly owned by the Tribe, may apply for a Tribal Hemp License final decisions of the Tribal Hemp Officer are exempt from the provisions of Title 2 of the Tribal Code. The appeals process for appeal of a final decision of the Tribal Hemp Officer described in Sec. 25-2106 shall be the exclusive remedy available to a Licensee who disagrees with a final decision of the Tribal Hemp Officer or Tribal Corporation denied a Tribal Hemp License. The appeals process described in this title shall be the sole review of the final decision of the Tribal Hemp Officer.

[NOTE: This section was amended February 23, 2022 by Res. No. 8-2022.]

Sec. 25-2106. Appeal of a Final Decision of the Tribal Hemp Officer.

(a) Within 7 business days of receipt of the written notice of a final decision of the Tribal Hemp Officer, and upon approval of the corporate board of a Licensee or a Tribal Corporation denied a Tribal Hemp License the representative of the Tribal Corporation may appeal the final decision of the Tribal Hemp Officer.

(b) Appeal is initiated by sending a letter requesting review of the final decision by certified mail to the Executive Director of the Tribe, Tribal Prosecutor, and the Chair of the Tribal Council. Upon receipt of the request the Hemp Appeals panel shall issue notice to the party requesting review and the Tribal Hemp Officer that the final decision will not take effect until after a hearing on the request has been held and the panel has determined to uphold or reverse the final decision of the Tribal Hemp Officer. The letter shall also set a date and time for a review of the final decision of the Tribal Hemp Officer.

(c) At the hearing the Tribal Hemp Officer and the party requesting review shall provide the panel with any documents they believe would be useful to the panel and a written summary of their argument. The panel will review the documents and then allow each party to make an oral presentation of their argument. After which the panel may ask questions of each party. Once the questioning is finished the parties shall leave and the panel shall deliberate. The panel will provide the parties with written notice of their decision to uphold or reverse the final decision within three business days. Upon a determination by the panel to uphold the final decision the date of the final decision shall be the date of the determination by the panel.

(d) For the purpose of this Title notice is considered given when personally delivered or when post marked.

(e) Appeal to the panel shall be the sole and exclusive remedy available to the Licensee or Tribal Corporation denied a license and the determination of the panel may not be reviewed or reversed.

(f) When reviewing the final decision of the Tribal Hemp Officer the panel shall only reverse the decision if it finds that the Tribal Hemp Officer abused their discretion, did not correctly apply this title, or was mistaken as to the facts when making their final decision.

[NOTE: This section was adopted February 23, 2022 by Res. No. 8-2022 and the section numbering was adjusted.]

Sec. 25-2107. Effect of This Title on Title 13.

The use of a Total THC standard and Measure of Uncertainty in this Title is for Licensee compliance with this Title only and does not apply to nor alter definitions or standards used in Title 13 regarding controlled substances.

Sec. 25-2108. Transportation of Hemp.

Nothing in this Title or any other title of the Tribal Code shall be interpreted as prohibiting the transportation of harvested Hemp or Hemp products through or to a location on the Meskwaki Settlement.

CHAPTER 2. LICENSE TO GROW HEMP

Sec. 25-2201. License Required.

Cannabis seeds, clones, and plants may not be imported or possessed and Cannabis cannot be grown on the Meskwaki Settlement except by a Licensee.

[NOTE: This section was amended February 23, 2022 by Res. No. 8-2022.]

Sec. 25-2202. Licensing Authority.

All Tribal Hemp License Applications shall be submitted to the Tribal Hemp Officer, who shall review the application and either approve or deny the application based on criteria set forth in this Title. A Tribal Hemp License may only be issued to a Tribal Corporation. The license will be the corporation's and not any individuals.

[NOTE: This section was amended February 23, 2022 by Res. No. 8-2022.]

Sec. 25-2203. Form of License.

Upon approval of an application the Tribal Hemp Officer shall issue a physical license to the applicant. Every license issued shall contain the name of the business entity, a license number, and expiration date. License numbers shall start with the Tribe's BIA tribal code, F51490, and end with the license number. For example F51490_0001, F51490_0002, F51490_0003, etc.

Sec. 25-2204. Applications for License.

The Tribal Hemp Officer shall develop and make available a license application form which collects the following information: full name of business, address of principal location, telephone number, and email address, EIN number, list of key participants in the corporation. The applications shall also contain a certification by the applicant that they shall comply with the requirements of this title and with federal law and regulations. Additionally, the applicant must submit a complete FBI criminal history report for each key participant that is not dated more than 60 days before the submission of the application and the Key Participant information requested in Sec. 25-2205(a) of this Title, or may request that the Tribal Hemp Officer request a background check of one or more Key participants through CLEAR and submit the Key Participant information requested in Sec. 25-2205(a) of this Title.

[NOTE: This section was amended February 23, 2022 by Res. No. 8-2022.]

Sec. 25-2205. Key Participant Information and Criminal History.

(a) Each Key Participant must submit the following information to the Tribal Hemp Officer with the License Application or at the time that they become a Key Participant, they must also update the information if any of it changes. Failure to provide truthful and accurate information may result in a denial of the License Application.

- (1) Full name including other names used.
- (2) Date and place of birth.
- (3) Residences for past five (5) years.
- (4) Drivers' License number.
- (5) Description of any criminal history.

(6) If the Key Participant has ever held or applied for a professional or occupational license or permit issued by a state, Indian tribe or other jurisdiction and been denied or had the license revoked.

(7) A description of any previous business relationship with the Hemp or Marijuana industry.

(b) No individual may participate as a key participant in the production of hemp under this title if they have a tribal, state, or federal felony conviction relating to a controlled substance within the last ten (10) years. However, this shall not apply to any individual who was lawfully growing Hemp under the 2014 Farm Bill before December 20, 2018, and whose conviction also occurred before that date.

Sec. 25-2206. Review.

Upon receipt of an application and an application fee of \$500.00, the Tribal Hemp Officer shall review the information for accuracy and ensure that no key participant is disqualified. If all information is accurate and all key participants are qualified the Tribal Hemp Officer shall issue a Tribal Hemp License upon payment of a \$500.00 license fee.

[NOTE: This section was amended February 23, 2022 by Res. No. 8-2022.]

Sec. 25-2207. False Information.

Any entity or individual that submits an application containing materially false information shall be ineligible for licensure under this program. In the case of a Key Participant they will be unable to participate as a Key Participant.

[NOTE: This section was amended February 23, 2022 by Res. No. 8-2022.]

Sec. 25-2208. Renewal of License.

A Tribal Hemp License shall be good for a period of one (1) year from issuance. As long as the Licensee remains in good standing, they may renew their license for a subsequent one (1) year period upon payment of a renewal fee of \$1,000.00.

[NOTE: This section was amended February 23, 2022 by Res. No. 8-2022.]

CHAPTER 3. LICENSCEE REPORTING REQUIREMENTS

Sec. 25-2301. Location reporting to Tribal Hemp Officer.

Licensee must report the location of all land on which they will be growing Cannabis to the Tribal Hemp Officer. The report must include GPS coordinates of the land and a legal description of the land.

[NOTE: This section was amended February 23, 2022 by Res. No. 8-2022.]

Sec. 25-2302. Location reporting to USDA.

Licensee must report hemp crop acreage and other information as required by USDA through the FSA as directed by the USDA. The FSA office will assign the individual Lots “field” or “subfield” numbers as appropriate. It is required that each unit designated by the FSA contain a single variety of Hemp because testing is done based on a Lot containing a single variety. In general, this will require that the Licensee travel to the local FSA office to set up their account in the FSA system and to fill out reporting forms. This requirement applies to both indoor and outdoor grow operations.

[NOTE: This section was amended February 23, 2022 by Res. No. 8-2022.]

Sec. 25-2303. Changes in Key Participants.

Licensee must report any change in Key Participants or information that was contained in the license application to the Tribal Hemp Officer within three (3) business days of knowledge of the change. This includes Key Participants being convicted of a controlled substance related felony.

Sec. 25-2304. Relocation of Plants.

Once a Cannabis plant has been moved to the location where it shall grow until Harvest the Licensee shall inform the Tribal Hemp Officer of the location of the Lot. Plants may not be removed from the Lot other than for harvest or destruction. For clarification concerning indoor growing, moving a plant into a flowering room from a grow room is allowed, but the Licensee must inform the Tribal Hemp Officer and the local FSA Office of the new location of the Lot.

[NOTE: This section was amended February 23, 2022 by Res. No. 8-2022.]

Sec. 25-2305. Reporting of Lots.

Licensee shall inform the Tribal Hemp Officer of the location and boundaries of a Lot once plants or seeds have been put into place to grow until Harvest. The Licensee shall report the FSA “field” or “subfield” designations that correspond to the lots to the Tribal Hemp Officer within five business days of obtaining them. In an outdoor grow rows within a Lot must be a minimum of two feet apart, and there must be at least four feet of space between each lot. The boundaries of a Lot must be clearly marked and such that there will not be any comingling with an adjacent Lots. For an indoor grow a Lot may be one or several tables all containing the same variety. The indoor plants must be clearly marked for variety and Lot. All plants within a designated Lot must be of like variety.

[NOTE: This section was amended February 23, 2022 by Res. No. 8-2022.]

Sec. 25-2306. Roguing.

Licensees may rogue their indoor and outdoor Lots to ensure the health of their plants and make sure there is not a mixing of varieties.

Sec. 25-2307. Request for disposal of a Lot.

If an entire Lot needs to be disposed of before Harvest because of infection by pests, disease, or for other good cause in the determination of the Tribal Hemp Officer, the Licensee may request disposal of the lot and the Tribal Hemp Officer shall document and supervise the disposal.

CHAPTER 4. INFORMATION SHARING, REPORTING**Sec. 25-2401. Licensee information sharing with USDA.**

The Tribal Hemp Officer shall provide for each Licensee the full business name, primary address, list of the full name and title of each key participant, telephone number, email address if available, legal description with GPS coordinates of land on which hemp is grown, license status, and EIN of the business to the USDA through the USDA's online HeMP platform. The Tribal Hemp Officer shall notify USDA of changes in the above information through the same means.

[NOTE: This section was amended February 23, 2022 by Res. No. 8-2022.]

Sec. 25-2402. Required USDA reports.

The Tribal Hemp Official shall submit all required annual and monthly reports to the USDA through their HeMP platform as required.

[NOTE: This section was amended February 23, 2022 by Res. No. 8-2022.]

Sec. 25-2403. Use of updated or new USDA forms.

If the USDA changes the forms required or requires additional forms be submitted the Tribal Hemp Officer shall complete and submit those forms as required by USDA regulation.

Sec. 25-2404. Record retention.

The Tribal Hemp Officer shall keep copies of the forms and information submitted to the USDA for at least a three-year period.

CHAPTER 5. TESTING**Sec. 25-2501. Pre-harvest testing required.**

No licensee may harvest Hemp until representative sample testing as required by this title and federal law has been completed for the Lot to be harvested. Once the sample has been taken the licensee cannot harvest until a test result showing the Lot is Compliant Hemp has been returned, but the Lot must be harvested within 30 days from when the test sample was taken. If it has been longer than 30 days a new sample must be collected for testing.

[NOTE: This section was amended February 23, 2022 by Res. No. 8-2022.]

Sec. 25-2502. Sampling procedure.

When the Licensee is ready for testing of a Lot, they shall inform the Tribal Hemp Officer and submit a request for pre-harvest testing at least five business days before the requested date. A representative of the Licensee shall accompany the Tribal Hemp Officer while they take representative samples of the requested Lot. The Tribal Hemp officer will take sampling agent training and any renewal training offered by the USDA. The Tribal Hemp officer will take samples as described in the USDA's Sampling Guidelines for Hemp Issued January 15, 2021. If the USDA issues updated or new guidelines for the collection of samples the Tribal Hemp Officer shall adhere to the then current guidelines. . The Tribal Hemp Officer shall then overnight the samples to a lab registered with the DEA to handle controlled substances. The Tribal Hemp Officer shall give preference to facilities with ISO/IEC 17025 accreditation when selecting a laboratory. The Tribal Hemp Officer will then bill the Licensee for the cost of the sample taking and the laboratory testing. The cost of sample taking shall be at a rate of \$75 dollars per hour, which may be pro-rated by the half hour but shall be rounded up to the nearest half hour. Such bill must be paid within 10 business days of receipt. Further samples will not be taken if the Licensee is behind on payments to the Tribal Hemp Officer.

[NOTE: This section was amended February 23, 2022 by Res. No. 8-2022.]

Sec. 25-2503. Lab requirements.

Such facilities shall conduct tests of the sample material for total available THC on a dry weight basis using post-decarboxylation or other similarly reliable methods approved by the Secretary. The facilities must follow the guidelines set out in the USDA's Laboratory Testing Guidelines issued January 15, 2021 when conducting test and reporting results. Both High-Performance Liquid Chromatography and Gas Chromatography with detection are acceptable testing methodologies when performed in accordance with the above mentioned USDA guidelines. Other testing methodologies may be used once they have been approved by the USDA.

[NOTE: This section was amended February 23, 2022 by Res. No. 8-2022.]

Sec. 25-2504. Lab report requirements.

The lab conducting the testing must report the results to the Tribal Hemp Officer and the Licensee. They must also report the results to the USDA using the Laboratory Test Results Report, or then current form, found on the USDA website.

Sec. 25-2505. Disqualification of reports missing information.

Any report of test results that does not include the Total THC percentage of the sample on a dry weight basis and Measure of Uncertainty shall not be considered a valid pre harvest test.

Sec. 25-2506. Result analysis.

For the purpose of determining if the Lot that was tested is Compliant Hemp the Tribal Hemp Officer shall analyze the reported Total THC percentage and the range reported as the Measure of Uncertainty to determine if the sample contains an Acceptable Hemp THC Level. If 0.3% or less total THC falls within the distribution range then the Lot shall be deemed Compliant Hemp. The lower end of the distribution is found by subtracting the measure of uncertainty from the reported Total THC and the upper end of the range is found by adding the Measure of Uncertainty. For example if the lab reports a measure of uncertainty of +/-0.06 and Total THC level of 0.35% then the Lot will be deemed compliant as the distribution range is 0.29% to 0.41% and 0.3% is within the distribution range.

Sec. 25-2507. Payment for sampling and testing.

Licensee shall be responsible for the cost of taking samples and testing the samples.

[NOTE: The original section was deleted February 23, 2022 by Res. No. 8-2022 and section numbering was adjusted.]

Sec. 25-2508. Prohibition of pre-harvest commingling.

Licensee shall not commingle any hemp plant material from separate lots until both lots have received test results showing THC compliance. After such tests, the Licensee may commingle lots. However, the Licensee must document the commingling and keep records of the constituent Lots.

[NOTE: This section was amended February 23, 2022 by Res. No. 8-2022.]

CHAPTER 6. ENFORCEMENT**Sec. 25-2601. Annual Audit.**

(a) Each year the Tribal Hemp Officer shall select a number of Licensees representing ten percent of the Licensees and conduct an audit to ensure that the Licensees are not producing hemp in violation of this Title or federal law. For example if there are one-hundred Licensees, ten shall be chosen. If there are less than ten Licensees then only one shall be chosen.

(b) During the annual audit the Tribal Hemp Officer shall examine the Licensee's growing locations for accuracy of the reported legal description and GPS coordinates, shall ensure that no hemp in excess of what has been reported is being grown, shall ensure the accuracy of the information required in the Tribal Hemp License application, shall ensure that there are no ineligible Key Participants, shall compare information with available information the Licensee reported to the USDA for accuracy, and shall ensure that the Licensee is not using any pesticides that have not been approved for use with hemp by the EPA.

(c) During the audit the Licensee shall provide the Tribal Hemp Officer with access to documents needed to perform the audit, access to interview employees as needed, and shall provide access to all facilities used in the growing and production of hemp. Refusal to cooperate with the Tribal Hemp Officer during the annual audit shall result in the Tribal Hemp Officer revoking the Licensee's Tribal Hemp License.

Sec. 25-2602. Inspection.

(a) The Tribal Hemp Officer shall be given complete and unrestricted access during business hours to any land or buildings used by the Licensee where hemp is grown, processed, or stored. No notice to Licensee is required before access is requested.

(b) The Tribal Hemp Officer shall make unannounced visits to grow lots under Tribal jurisdiction as needed to ensure that Licensees are not growing, harvesting, or introducing Hemp into the stream of commerce in violation of this Title.

Sec. 25-2603. Violations.

Any of the following violations of this title shall be a Negligent Violation so long as they are not committed with a culpable mental state greater than negligence. This list is non-exclusive and any violation of a requirement of this Title may be a Negligent Violation so long as it was not committed with a culpable mental state greater than negligence.

(a) Fail to provide a legal description of the land on which the Licensee produces Hemp.

- (b) Failure to obtain a Tribal Hemp License from the Tribal Hemp Officer.
- (c) Production of Hemp containing more than 0.3% Total THC on a dry weight basis after taking into account the Measure of Uncertainty, except that a Licensee shall not be deemed to have committed a negligent violation of this section if they have used reasonable efforts to grow compliant plants, and the reported Total THC concentration is not more than 1% on a dry weight basis.
- (d) Nonpayment of licensee fees, testing cost, or any other amount required by this title.
- (e) Refusal to allow access to records or facilities to the Tribal Hemp Officer.
- (f) Harvesting of Hemp before test results have been returned.

[NOTE: This section was amended February 23, 2022 by Res. No. 8-2022.]

Sec. 25-2604. Prohibition on criminal prosecution of negligent violations.

Negligent Violations of this title are not subject to criminal enforcement action by the Tribe, State, or Federal government.

Sec. 25-2605. Corrective action plan.

If the Tribal Hemp Officer finds that a Licensee has committed a negligent violation of this Title the Tribal Hemp Officer shall create a Corrective Action Plan for the Licensee to follow. The plan must include a reasonable date by which the negligent violation must be corrected, and a requirement that the Licensee must report their continued compliance with the plan to the Tribal Hemp Officer on a monthly basis for two years following the implementation of the plan. The Tribal Hemp Officer will conduct unannounced inspections to verify that the plan is being followed. These inspections must occur every other month at a minimum. In the event that a negligent violation results in the revocation of the Licensee's Tribal Hemp License the Tribal Hemp Officer shall not create a Corrective Action Plan and any active Corrective Action Plans shall cease.

[NOTE: This section was amended February 23, 2022 by Res. No. 8-2022.]

Sec. 25-2606. Repeat violations.

The Tribal Hemp Officer shall revoke the Tribal Hemp License of any Licensee who negligently violates this Title three times in a five year for a period of five years beginning the date of the third negligent violation. At the end of the five year period the party may apply for a new Tribal Hemp License. However, only one negligent violation per year, to coincide with the license period, shall be counted toward the three violation in a five-year period revocation requirement.

[NOTE: This section was amended February 23, 2022 by Res. No. 8-2022.]

Sec. 25-2607. Culpable violations.

If the Tribal Hemp Officer finds that a Licensee commits a violation of this Title with a Culpable Mental State greater than negligence the Tribal Hemp Officer shall immediately report the Licensee to the USDA, United States Attorney General, Tribal Prosecutor, and Chief of MNPD.

CHAPTER 7. DISPOSAL AND REMEDIATION OF NON-COMPLIANT HEMP AND MARIJUANA

Sec. 25-2701. Request for retesting upon notice of failure.

(a) Upon notice that a representative sample has tested as Non-Compliant the Licensee may request that the lot represented by the sample be destroyed, request one retest by a different lab, or notify the Tribal Hemp Officer of their intent to begin remediation. The notice of intent to remediate may come after the first pre-harvest test or after a failed retest.

(b) If the Licensee chooses to remediate they must inform the tribal Hemp Officer of their intent to do so. They may then proceed to blend the Lot into a biomass plant material. The Licensee must inform the Tribal Hemp Officer of the time and place that this will take place so that the Tribal Hemp Officer may observe if warranted. The licensee must keep this blended material separated and ensure that it does not enter the stream of commerce. Once blending is completed the Tribal Hemp Officer will send a sample of the material for a final test for Acceptable Hemp THC Level. If the biomass has an Acceptable Hemp THC Level, it is deemed Compliant Hemp and may enter the stream of commerce.

(c) If the final test that the Licensee requests does not show the Lot is Compliant Hemp the lot shall be disposed of pursuant to this Title and other applicable law.

[NOTE: This section was amended February 23, 2022 by Res. No. 8-2022.]

Sec. 25-2702. Disposal upon final determination of non-compliance.

(a) If a representative sample does not test as Compliant Hemp the last time the Licensee requested a retest or the Licensee does not request any retest on the lot testing as Non-Compliant then the Lot shall be disposed of pursuant to this Title and the Licensee shall bear the cost of disposal. Non-Compliant Hemp grown by a Licensee may not be further handled, processed, or allowed enter the stream of commerce and must be disposed of pursuant to this Title and federal laws and regulations.

(b) The Tribal Hemp Officer shall notify the Chief of MNPD of the Non-Compliant Hemp and the Chief of MNPD shall be responsible for ensuring that the Lot is disposed of in a manner compliant with the applicable tribal and federal law and regulations, and documenting such disposal. Allowable methods of disposal include one or more of the following methods so long as the Lot is rendered non-retrievable or non-ingestible: plowing under; mulching/ composting; disking; bush mower/ chopper; deep burial; burning. The Chief of MNPD will then submit a copy of the lab report showing that the Lot was Non-Compliant and documentation of the disposal to the Tribal Hemp Officer and USDA. The Chief of MNPD shall retain these records for a period of three years.

(c) The Licensee may at their option and at their expense choose to dispose of the flower materials of the Non-Compliant Hemp as described in this chapter and salvage the remainder of the plant materials if the salvaged material passes THC compliance testing. The material is subject to all rules regarding commingling of lots.

[NOTE: This section was amended February 23, 2022 by Res. No. 8-2022.]

TITLE 25. AGRICULTURE**ARTICLE III****MANAGEMENT OF COMMODITY AGRICULTURAL LAND**

[NOTE: Except as otherwise noted, the provisions of Article III were enacted February 23, 2022 by Res. No. 8-2022.]

CHAPTER 1. GENERAL PROVISIONS**Sec. 25-3101. Definitions.**

“Commodity Agriculture Lands” means lands owned by the Tribe, over which it may exercise authority, and which have been designated by the Tribal Council as being set aside for agricultural or conservation purposes.

“Tribal Agricultural Corporation” shall mean a corporation created by under the provisions of Title 3. Business and Profession of the Tribal Code which has been assigned Commodity Agriculture Lands for agricultural purposes.

Sec. 25-3102. Purpose of article.

The purpose of this Article is to:

- (a) Protect and preserve the property and natural resources of the Tribe.
- (b) Promote public health and safety.
- (c) Promote sustainable management of agricultural lands under the authority of the Tribe.
- (d) Provide for orderly administration and regulation of commodity agriculture.

Sec. 25-3103. Findings.

The Tribe and its members will benefit from written regulations governing control of commodity based agricultural systems on Commodity Agriculture Lands. Such regulations being necessary to promote public health and safety, conservation, and sustainability of the environment over which the Tribe has authority.

Sec. 25-3104. Effect on other articles.

This Article III shall have no effect on the provisions of Article II of this Title 25.

CHAPTER 2. COMMODITY AGRICULTURE LAND REGULATION**Sec. 25-3201. General Authority.**

(a) MNR shall be responsible for the management of Commodity Agricultural Lands, excluding lands assigned by the Tribal Council to a Tribal Agricultural Corporation. Provided that MNR shall have the authority to administration and enforce ordinances and regulations on all Commodity Agriculture Lands and their agricultural or conservation practices. The Department shall have the authority reasonable and necessary to carry out its duties as provided herein and in other applicable law.

(b) All MNR Conservation Officers, when authorized by the Tribal Executive Director and the Chief of Police of MNPD, shall be vested with and exercise all the powers and authority of peace officers of the Tribe provided that they meet the requirements to be a peace officer of the Tribe.

Sec. 25-3202. Intergovernmental Agreements.

The Land and Wildlife Branch Coordinator of MNR or their designee is authorized to enter into negotiations with other jurisdictions for agreements relating to the agricultural land use, conservation, sustainability or any other agency responsibility for such land. Any such agreement shall not become effective until approved by the Tribal Council.

Sec. 25-3203. Agricultural Land Policies and Procedures.

MNR may promulgate policies and procedures regulating land deemed Commodity Agriculture Land, such policies and procedures shall only take effect once approved by the Tribal Council.