

Seminole Nation of Oklahoma



EXECUTIVE DEPARTMENT
GREG P. CHILCOAT, PRINCIPAL CHIEF
LEWIS J. JOHNSON, ASSISTANT CHIEF

PHONE: 405-257-7200
FAX: 405-257-7209

P.O. Box 1498, WEWOKA, OKLAHOMA 74884

September 14, 2020

USDA/AMS/Specialty Crops Program
Hemp Branch
470 L'Enfant Plaza S.W.
P.O. Box 23192
Washington, D.C. 20026

Dear Secretary Perdue:

The purpose of this letter is to seek the approval of the plan established by the Seminole Nation of Oklahoma to provide primary regulatory oversight over Hemp Cultivation within Seminole jurisdiction. For your review, please see the attached plan which is titled Seminole Hemp Cultivation Regulatory Code enacted by the General Council through Tribal Ordinance 2020-11. Should the USDA have any comments or questions regarding the submitted plan, please direct them to my email at chief@sno-nsn.gov.

Sincerely,

A handwritten signature in black ink that reads "Greg P. Chilcoat". The signature is written in a cursive style.

Greg P. Chilcoat, Chief
Seminole Nation of Oklahoma

SEMINOLE NATION OF OKLAHOMA

TR 2020-45

**A TRIBAL RESOLUTION OF THE SEMINOLE NATION OF OKLAHOMA
GENERAL COUNCIL AUTHORIZING THE CHIEF OF THE SEMINOLE NATION
OF OKLAHOMA TO SUBMIT THE SEMINOLE HEMP CULTIVATION
REGULATORY CODE TO THE UNITED STATES DEPARTMENT OF
AGRICULTURE**

BE IT RESOLVED BY THE GENERAL COUNCIL OF THE SEMINOLE NATION OF OKLAHOMA:

WHEREAS, the Seminole Nation of Oklahoma is federally recognized by the Secretary of the Interior as a Native American Tribe for the purpose of government to government relations, as evidenced by publication: Indian Entities Recognized and Eligible to Receive Services from the U.S. Bureau of Indian Affairs, 83 Fed. Reg. 4235 (Jan. 30, 2018); and

WHEREAS, Article V of the Constitution of the Seminole Nation of Oklahoma empowers the General Council to promote public health, education and such other services that may contribute to the social and economic advancement of the members of the Seminole Nation of Oklahoma; and

WHEREAS, the Seminole Hemp Cultivation Regulatory Code must be submitted to the United States Department of Agriculture for approval prior to its implementation.

NOW THEREFORE BE IT RESOLVED, that the Seminole Nation General Council hereby authorizes the Chief of the Seminole Nation of Oklahoma to submit the Seminole Hemp Cultivation Regulatory Code to the United States Department of Agriculture for approval.

CERTIFICATION

PASSED AND APPROVED by the General Council of the Seminole Nation of Oklahoma on this 5th, day of September, 2020, at Mekusukey Mission, South of Seminole, Oklahoma by a vote of 10 Yes, 9 No, 0 Abstaining, a quorum of Fifteen (15) Council members being present.



Greg P. Chilcoat, Chief
Seminole Nation of Oklahoma

ATTEST:



Valentina Tiger, General Council Secretary
General Council, Seminole Nation of Oklahoma



SEMINOLE NATION OF OKLAHOMA

TO 2020-11

**A TRIBAL ORDINANCE OF THE SEMINOLE NATION OF OKLAHOMA ENACTING
THE SEMINOLE HEMP CULTIVATION REGULATORY CODE**

BE IT ENACTED BY THE GENERAL COUNCIL OF THE SEMINOLE NATION OF OKLAHOMA:

**TITLE 35
SEMINOLE HEMP CULTIVATION REGULATORY CODE**

A law to authorize, license and regulate Hemp Cultivation within the jurisdiction of the Seminole Nation of Oklahoma

**CHAPTER ONE
GENERAL PROVISIONS**

Section 101. Findings

As provided in Section 297(B)(a)(1) of the Agriculture Improvement Act of 2018 (the “Farm Bill”), an “Indian tribe desiring to have primary regulatory authority over the production of hemp in the... territory of the Indian tribe shall submit to the Secretary [of Agriculture], through the... Tribal government... a plan under which the... Indian tribe monitors and regulates that production as described in paragraph (2). In that regard, the General Council of the Seminole Nation of Oklahoma (“Nation”), a federally-recognized Indian Tribe, the primary governing body of the Nation, finds:

- (a) the Nation desires to exercise primary regulatory authority over Hemp Cultivation within the Nation’s jurisdiction pursuant to Tribal law and applicable federal law;
- (b) the Nation desires to expedite the development of the Nation’s economy in order to improve the Nation’s economic self-sufficiency by enabling the Nation to better serve the social, economic, educational, and health and safety needs of its members and visitors;
- (c) Hemp Cultivation is a legitimate means of generating revenue to pursue the Nation’s goals of self-sufficiency and self-determination;
- (d) the Nation has the legal authority to license and regulate Hemp Cultivation within its jurisdiction; and
- (e) regulation and control of Hemp Cultivation within the jurisdiction of the Nation is essential for the protection of the public welfare.

Section 102. Intent

The General Council, on behalf of the Nation, declares the intent of Title 35 is to:

- (a) diversify and expedite the development of the economy of the Nation for the purposes described above; and
- (b) define general regulatory powers to be exercised by the Seminole Hemp Commission in relation to the regulation, control, and oversight of Hemp Cultivation.

Section 103. Definitions

“Acceptable Hemp THC Level” means when a laboratory tests a sample, it must report the delta-9 tetrahydrocannabinol content concentration level on a dry weight basis and the measurement of uncertainty. The Acceptable Hemp THC Level for the purpose of compliance with the requirements of this hemp plan is when the application of the measurement of uncertainty to the reported delta-9 tetrahydrocannabinol content concentration level on a dry weight basis produces a distribution or range that includes 0.3% or less. For example, if the reported delta-9 tetrahydrocannabinol content concentration level on a dry weight basis is 0.45% and the measurement of uncertainty is +/-0.06%, the measured delta-9 tetrahydrocannabinol content concentration level on a dry weight basis for this sample ranges from 0.29% to 0.41%. Because 0.3% is within the distribution or range, the sample is within the Acceptable Hemp THC Level for the purpose of compliance. This definition of Acceptable Hemp THC Level affects neither the statutory definition of hemp, 7 U.S.C. 1639o(1), in the 2018 Farm Bill nor the definition of “marihuana,” 21 U.S.C. 802(16), in the Controlled Substances Act.

“AMS” means the United States Department of Agriculture Agricultural Marketing Service.

“Applicant” means any person who has applied for a License under the provisions of this Code.

“Application” means the request for an issuance of a License under the provisions of this Code.

“Business day” means any calendar day except Saturday, Sunday, and any federal holiday.

“Chief” means the Chief of the Seminole Nation of Oklahoma.

“Commission” means the Seminole Hemp Commission, created and established by the General Council and charged with the implementation and enforcement of Title 35.

“Corrective Action Plan” means the plan set forth by the Commission to correct a negligent violation in accordance with Section 501 of Title 35.

“**DEA**” means the U.S. Drug Enforcement Administration.

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

“**FSA**” means the United States Department of Agriculture Farm Service Agency.

“**General Council**” means the General Council of the Seminole Nation of Oklahoma.

“**Hemp**” means the plant *Cannabis sativa* L. and any part of that plant, whether growing or not, 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 three-tenths of one percent (0.3%) on a dry weight basis.

“**Hemp Cultivation**” means planting and growing Hemp.

“**Key Participant**” is a person who has a direct or indirect financial interest in the entity producing Hemp, such as an owner or partner in a partnership. A Key Participant also includes persons in a corporate entity at executive levels including chief executive officer, chief operating officer and chief financial officer. This does not include management as farm, field or shift managers.

“**License**” means the official and legal privilege and authority, granted by the Commission to a Licensee to conduct Hemp Cultivation.

“**Licensee**” means any person licensed by the commission to cultivate Hemp.

“**Lot**” means a contiguous area in a field, greenhouse, or indoor growing structure containing the same variety or strain of cannabis throughout. In addition, “Lot” is a common term in agriculture that refers to the batch or contiguous, homogeneous whole of a product being sold to a single buyer at a single time. Under the terms of this plan, “Lot” is to be defined by the Licensee in terms of farm location, field acreage, and variety (i.e., cultivar) and to be reported as such to the FSA.

“**Nation**” means the Seminole Nation of Oklahoma.

“**Plant**” means all parts of the plant *Cannabis Sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin. Such term does not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination.

“Secretary” means the Secretary of Agriculture.

“USDA” means the United States Department of Agriculture.

Section 104. Compliance with Title 35 and Federal Law

Nothing in this Title 35 shall be construed as a waiver of the Nation’s sovereign immunity. Adoption of the Title 35 does not prohibit the General Council enacting additional regulations consistent with or more stringent than Title 35.

CHAPTER TWO SEMINOLE HEMP COMMISSION

Section 201. Establishment

The General Council hereby establishes the Commission as a governmental subdivision of the Nation, charged with implementation of Title 35 and regulation of Hemp Cultivation.

Section 202. Place of Business

The Commission may establish places of business in any location the Commission determines to be in the best interest of the Nation.

Section 203. Duration

The Commission shall have perpetual existence and succession in its own name, unless dissolved by the General Council.

Section 204. Commission Appointment

- (a) Commissioner Term of Office. The Commission shall be governed by a total of five (5) commissioners. Each commissioner shall be appointed by the Chief and confirmed by the General Council.
- (b) Term. The commissioner shall serve for three (3) years from the date confirmed by the General Council.
- (c) Compensation. The compensation of the commissioner shall be established from time to time by the General Council and may receive reimbursement for actual and necessary travel, per diem, and lodging expenses incurred in the performance of their official duties as commissioners.

Section 205. Commissioner Qualifications

To be qualified for appointment as a commissioner, a candidate shall meet the following qualifications:

- (a) the candidate shall be at least twenty-one (21) years of age and show proof of High School Diploma or equivalent;
- (b) the candidate shall have expertise, experience, education or a combination thereof in Hemp cultivation along with any other farming practices; and
- (c) no person may serve as commissioner if:
 - (1) the person's prior activities, criminal record, if any, or reputation, habits or associations: (i) pose a threat to the public interest; or (ii) threaten the effective regulation;
 - (2) the person has been convicted of or entered a plea of no contest to any crime involving breach of trust or dishonesty in any jurisdiction; or
 - (3) the person, or any member of his or her Immediate Family, has a partnership or other direct monetary or financial interest in the conduct of any Licensee or is in privity with a Licensee or one of its agents, contractors, or sub- contractors; or if the candidate has another personal or legal relationship that places him/her in a conflict of interest with any Licensee. For purposes of this subsection, "Immediate Family" includes spouse or significant other, parents, children, and siblings. A candidate must disclose any potential conflict caused through an Immediate Family member. After disclosure, a conflict may be waived by the General Council provided that appropriate safeguards are put in place to ensure impartiality.

Section 206. Removal of Commissioner; Vacancy

- (a) Removal. A commissioner may be removed by the General Council for the following reasons: serious inefficiency, neglect of duty, malfeasance, misfeasance, nonfeasance, misconduct in office, or for any conduct which threatens the honesty and integrity of Hemp Cultivation, the Commission or violates Title 35.
- (b) Vacancy. If there is a vacancy on the Commission, the Chief shall appoint another qualified person to fill the position and confirmed by the General Council. The term of office of the person appointed to fill the vacancy shall be for the balance of the unexpired term for the position.

Section 207. Powers of the Commission

- (a) Inspections. The Commission may conduct random inspections of Licensees and Lots to verify compliance with Title 35 and applicable federal laws. If the Commission conducts a random inspection, it must do so in accordance with 208(g) of Title 35.
- (b) Regulations. The Commission may promulgate regulations subject to General Council approval.

Section 208. Duties of the Commission

- (a) Applications. The Commission shall create Applications which at a minimum shall require the following information:
 - (1) Contact Information.
 - i. Applicant that is an individual shall include full name, business address, telephone number, and email address.
 - ii. Applicant that is an entity shall include full name of the entity, the principal business location address, and the full name, title, EIN number and email address of each Key Participant of the entity.
 - (2) Location.
 - i. Street address, legal description of land and geospatial location for each Lot where Hemp will be produced. Information shall be provided for all sites if an Applicant operates in more than one location.
 - ii. Acreage dedicated to the production of Hemp, or greenhouse or indoor square footage dedicated to the production of Hemp.
 - (3) Criminal History Report. If the Applicant is a business entity, a Criminal History Report shall be provided for each Key Participant.
 - i. Submission of current Federal Bureau of Investigation's Identity History Summary ("Criminal History Report").
 - ii. The Criminal History Report must be dated within sixty (60) days of submission of the Application.
 - iii. Any person convicted of a felony relating to a controlled substance within any jurisdiction of the United States of America before, on, or after the date of the enactment of this Title 35 shall be ineligible, during the ten (10) year period following the date of the conviction to

participate in Hemp Cultivation under Title 35 unless that person was lawfully growing hemp under the 2014 Farm Bill before December 20, 2018 and whose felony conviction occurred before December 20, 2018.

- iv. If the Licensees are entities, then only the Key Participants shall be subject felony conviction requirements described in Section 208(a)(3)(iii) of Title 35 if they participate in the business operations of the Licensee.
- v. The Applications shall require a signed statement from the Applicant agreeing to comply with License requirements.

(b) Licenses. The Commission shall assign all Licensees with a License or authorization identifier in a format prescribed by the USDA.

(c) Sampling.

- (1) Upon notification by Licensee, Commission shall have an approved official selected by the Commission collect samples from the flower material of such cannabis material for delta-9 tetrahydrocannabinol concentration level testing.
- (2) The Commission approved official collecting the samples shall provide a certificate to the Licensee and Commission certifying the method used for sampling the flower material of the cannabis plant was sufficient at a confidence level of 95% that no more than 1% of the plants in the Lot would exceed the Acceptable Hemp THC Level.
- (3) The Commission approved official shall certify that the method used for sampling ensured the collection represents a homogeneous composition of the Lot.
- (4) Upon providing sampling certification to the Licensee, the Commission approved official shall transport the sample to a DEA registered testing laboratory.

(d) Testing.

- (1) The Commission shall transport the sample to a testing laboratory that is registered by the DEA.
- (2) The Commission shall ensure the testing is completed by the laboratory using post-decarboxylation where the total THC concentration level reported accounts for the conversion of delta-9 tetrahydrocannabinol acid (“THCA”)

into THC. Testing methodologies meeting the requirements of this paragraph include, but are not limited to, gas or liquid chromatography with detection.

- (3) The Commission shall ensure the DEA registered testing laboratory reports the results of the test which converts the THCA to determine the THC content.
- (4) The Commission shall ensure the THC concentration levels are determined and reported by the DEA registered testing laboratory on a dry weight basis.
- (5) The Commission shall ensure all analytical testing shall meet the following standard:
 - i. laboratory quality assurance must ensure the validity and reliability of test results;
 - ii. analytical method selection, validation, and verification must ensure that the testing method used is appropriate (fit for purpose) and that the laboratory can successfully perform the testing;
 - iii. the demonstration of testing validity must ensure consistent, accurate analytical performance;
 - iv. method performance specifications must ensure analytical tests are sufficiently sensitive for the purposes of the detectability requirements of Title 15; and
 - v. measurement of uncertainty shall be estimated and reported with test results;
 - vi. laboratories shall appropriate, validated methods and procedures for all testing activities and evaluate measurement of uncertainty; and
 - vii. any laboratory used under this Title 35 must have an effective destruction procedure in accordance with 21 C.F.R. § 1317.15 for samples that exceed the Acceptable Hemp THC Level.

(e) Recordkeeping. The Commission shall:

- (1) maintain records of all information gathered by Applicants under Section 302 for at least three (3) years;
- (2) keep all findings under Section 208(f) for at least three (3) years; and

(3) retain all reports submitted by Licensee under Section 401(h) for a period of at least three (3) years.

(f) Inspections. The Commission shall conduct:

(1) an annual inspection of Licensees and all Lots to verify compliance with the Acceptable Hemp THC Level.

(i) Inspections shall be conducted on a Business Day at any time during regular business hours.

(ii) Samples collected become the property of the Nation and no compensation shall be owed to the Licensee.

(iii) Test results must be kept for a minimum of three (3) years.

(2) inspections of Licensees found to have negligently violated Title 35 according to Section 501(a) to ensure the Licensee's compliance with the Corrective Action Plan produced by the Commission according to Section 501(b).

(g) Reporting.

(1) Licensee Report. The Commission shall submit to USDA prior to the first Business Day of each month a report providing the contact information and the status of the license issued for each Licensee. The Licensee Report shall contain the following:

i. each new licensee who is an individual and is licensed by the Commission shall include full name of the individual, license number, business address, legal description of land where hemp is being produced, telephone number, and email address;

ii. each new Licensee that is an entity licensed by the Commission shall include full name of the entity, the principal business location address, license number, and the full name, title, EIN number and email address of each Key Producer who is required to submit a criminal history report;

iii. for each Licensee that was included in a previous report and whose reported information has changes, the report shall include the previously reported information and the new information;

iv. the status of each Licensee;

- v. the time period covered by the Licensee Report; and
 - vi. the Licensee Report shall include whether there were no changes during the current reporting cycle, if applicable.
- (2) Hemp Disposal Report. The Commission shall submit to USDA prior to the first Business Day of each month a report notifying USDA of non-conforming Plants. The Hemp Disposal Report Shall contain all the required information under Section 401(f)(2).
- (3) Test Results Report. Upon receiving the Test Results Report required under Section 401(d)(1), the Commission shall promptly notify the USDA by certified mail or electronically of any occurrence of Plants that do not meet the Acceptable Hemp THC Level and attach the records demonstrating the appropriate disposal of all of those plants and materials in the Lot which the representative samples were taken.
- (4) Annual Report. The Commission shall submit an Annual Report to USDA by December 15 of each year. The Annual Report shall contain the following:
- (i) total planted acreage;
 - (ii) total harvested acreage;
 - (iii) total acreage disposed; and
 - (iv) all Test Results Reports for the year.
- (h) Information Sharing. The Commission shall submit to the USDA the information received under Section 401(i) not more than thirty (30) days after it was received and in a format compatible with USDA’s information sharing system.

CHAPTER THREE

HEMP CULTIVATION LICENSE

Section 301. License Required

Any person producing or intending to produce Hemp within the Nation’s jurisdiction shall obtain a License from the Commission.

Section 302. Application

- (a) Any person may submit an application to the Commission. The Application will be used for both new Applicants and Licensees seeking renewal of their License.
- (b) Applicants shall submit Applications to the Commission.
- (c) Any Applicants who materially falsify any information in the Application shall be automatically deemed ineligible to participate as a Licensee.

Section 303. Issuance of License

- (a) Licenses shall be valid until December 31 of the year, three (3) years after the License was issued.
- (b) A License is a revocable privilege to conduct Hemp Cultivation from within the Nation’s jurisdiction.
- (c) A License issued pursuant to Title 35 is non-transferable or assignable unless approved in writing by the Commission.

**CHAPTER FOUR
HEMP CULTIVATION LICENSEES**

Section 401. Duties

- (a) Inspections. The Licensee shall grant the Commission unrestricted access during any inspections.
- (b) Compliance. Licensees shall conduct business in a manner consistent with this Title 35 and with all applicable federal law including but not limited to the Agriculture Improvement Act of 2018.
- (c) Sampling.
 - (1) Within fifteen (15) days prior to the anticipated harvest of Plants, Licensee shall schedule a Commission approved official to collect samples from the flower material of such cannabis material for delta-9 tetrahydrocannabinol concentration level testing.
 - (2) Licensee shall provide the Commission approved official and their agents complete and unrestricted access during business hours to all Plants, whether growing or harvested, and all land, buildings, and other structures used for the cultivation, handling and storage of all Hemp and other Plants, and all Licensee locations.

- (3) Licensee or an authorized representative of the Licensee shall be required to be present at the sampling.

(d) Testing.

- (1) For each sample tested pursuant to Section 208(d), the Licensee shall obtain from a laboratory a certification (“Test Results Report”) to provide to the Commission, which at a minimum, shall include the following:

- i. Licensee’s license number;
- ii. name of Licensee;
- iii. Licensee address;
- iv. legal description of land where Hemp is produced;
- v. Lot identification number for the sample;
- vi. name and DEA registration number of the laboratory;
- vii. general information identifying that the Hemp that is the subject of the certificate of analysis is the product of a sample tested by the DEA registered laboratory;
- viii. the date the Hemp was sampled, the date testing was performed, and methodology used to analyze the sample;
- ix. the THC concentration contained in the test sample; and
- x. a statement indicating whether the sample contained a THC concentration of not more than the Acceptable Hemp THC Level.

- (2) At the Licensees expense, any Licensee may request additional testing if it is believed that the original delta-9 tetrahydrocannabinol concentration level test results were in error.

(e) Harvesting.

- (1) Lots that meet the Acceptable Hemp THC Level may enter the stream of commerce.

- (2) Licensee shall harvest Plants within fifteen (15) days following the date of sample collection.
- (3) If Licensee 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.
- (4) Licensee may not commingle hemp from one Lot with hemp in another Lot absent receiving written permission from the USDA to commingle Lots.
- (5) A harvest of any cannabis may not occur prior to samples being taken.

(f) Destruction of Non-Compliant Plants.

- (1) Plants that test higher than the acceptable Hemp THC Level shall be considered non-compliant plants and be disposed of by the Licensee in compliance with Title 35 and in accordance with the Controlled Substances Act and DEA regulations found at 21 CFR 1317.15.
- (2) A Hemp Disposal Report must be submitted to the Commission no later than thirty (30) days after the date of completion of the disposal. The Hemp Disposal Report shall include:
 - i. name and address of Licensee;
 - ii. Licensee's license number;
 - iii. location information, such as Lot number, legal description, location type, and geospatial location or other valid land descriptor for the production area subject to disposal;
 - iv. total acreage;
 - v. information on the agent handling the disposal;
 - vi. date of the completion of the disposal;
 - vii. signature of the Licensee; and
 - viii. agent certification of the completion of the disposal.
- (3) All costs associated with destruction shall be the responsibility of the Licensee.

(g) Recordkeeping.

(1) Licensee Recordkeeping. Licensees shall maintain the following records and reports for at least three (3) years:

- i. records regarding the acquisition of Hemp plants;
- ii. records regarding production and handling of Hemp plants;
- iii. records regarding storage of Hemp plants;
- iv. Test Results Report; and
- v. Hemp Disposal Report.

(2) Records under Section 401(g)(1) shall be made available for inspection by the Commission.

(h) Reporting.

(1) Hemp Disposal Report. The Licensee shall promptly send the Hemp Disposal Report to the Commission pursuant to Section 401(f)(2).

(2) Test Results Report. Upon receiving the Test Results Report, the Licensee shall promptly send the Test Results Report to the Commission pursuant to Section 401(d)(1).

(i) Information Sharing. Licensees shall submit to the Commission and the FSA the following information:

- (1) all Hemp crop acreage information as required under Section 208(a)(2);
- (2) the license number issued to the Licensee by the Commission;
- (3) the total acreage of Hemp planted, harvested, and, if applicable, disposed by the Licensee.

CHAPTER FIVE VIOLATIONS

Section 501. Negligent Violations

- (a) A Licensee shall be subject to enforcement for negligently:
- (1) failing to provide a legal description of land on which the Licensee cultivates Hemp;
 - (2) failing to obtain a License or other required authorization from the Commission as applicable; or
 - (3) producing *Cannabis sativa* L. with a THC concentration of more than the Acceptable Hemp THC Level, unless the Licensee made a reasonable attempt to grow Hemp and the THC level did not exceed 0.5 percent on a dry weight basis.
- (b) For each negligent violation committed by a Licensee, the Commission shall require a Corrective Action Plan for the Licensee to cure the negligent violation. The Licensee shall comply with the Corrective Action Plan required by the Commission. At a minimum the Commission shall require the Corrective Action Plan to be in place for two (2) years. Until the Corrective Action Plan is terminated, a Licensee shall be subject to random inspections by the Commission to determine if corrective action has been implemented by the Licensee. The Commission's Corrective Action Plans shall:
- (1) provide a date by which the Licensee shall correct the negligent violation;
 - (2) include steps required by the Commission to correct each negligent violation; and
 - (3) require the Licensee to provide a description of procedures to the Commission to demonstrate compliance with the required Corrective Action Plan.
- (c) A Licensee that negligently violates this Corrective Action Plan according to Section 501(a) 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.

- (d) If a Licensee commits a subsequent violation while the Corrective Action Plan is in place, the Commission shall require the Licensee to maintain a heightened level of quality control, require staff training and take quantifiable action measures.
- (e) A Licensee that negligently violates Title 35 according to Section 501(a) three (3) times in a five (5)-year period shall be ineligible to produce Hemp within the territory of the Nation for a period of five (5) years beginning on the date of the third violation.

Section 502. Violations with Culpable Mental State Greater than Negligence

- (a) If the Commission determines that a Licensee has violated this Corrective Action Plan with a culpable mental state greater than negligence, the Commission shall immediately report the Licensee to:
 - (1) the United States Attorney General; and
 - (2) Seminole Nation of Oklahoma Lighthouse Police.
- (b) Sections 501(a) and 501(b) shall not apply to violations where the culpable mental state is greater than negligence.

CERTIFICATION

PASSED AND APPROVED by the General Council of the Seminole Nation of Oklahoma on this 5th, day of September, 2020, at Mekusukey Mission, South of Seminole, Oklahoma by a vote of 11 Yes, 9 No, 0 Abstaining, a quorum of Fifteen (15) Council members being present.



Greg P. Chilcoat, Chief
Seminole Nation of Oklahoma

ATTEST:



Valentina Tiger, General Council Secretary
General Council, Seminole Nation of Oklahoma



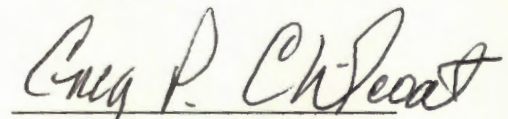
SEMINOLE NATION OF OKLAHOMA

HEMP PROGRAM CERTIFICATION

I hereby certify that the Seminole Hemp Commission a regulatory subdivision of the Seminole Nation of Oklahoma established to regulate hemp cultivation, has the resources and personnel necessary to carry out the practices and procedures described in the Seminole Hemp Cultivation Regulatory Code in accordance with Section 297(B)(a)(2) of the Agriculture Improvement Act of 2018 and regulations promulgated thereunder.

Date: 9/14/2020

Sincerely,



Greg P. Chilcoat, Chief
Seminole Nation of Oklahoma