

Sokaogon Chippewa Community Industrial Hemp Ordinance

PREAMBLE

The Sokaogon Chippewa Community is a Federally recognized Indian Tribe organized pursuant to 25 U.S.C. § 476 (“Tribe,” “Tribal” or “SCC”). The Tribe meets the definition of an Indian Tribe eligible to participate in the production of Hemp as defined in the 2018 Farm Bill codified at 17 U.S.C. § 1639o(2). The Tribe desires to have primary regulatory authority over the production of Hemp in the sovereign territory of the Tribe.

The Tribe’s administrative offices are located on the Sokaogon Chippewa Community Mole Lake Reservation Crandon, Wisconsin. All Hemp cultivators, processors, handlers, applicants, and agents within the jurisdiction of the Tribe are bound by all Tribal laws, including ordinances, codes, policies, and procedures. By receiving approval of the Tribe to commence activity for any Hemp related business, an applicant submits to the jurisdiction of the Tribe.

12-201. DECLARATION OF POLICY.

- A. It is the declared policy of the Tribe that Hemp is a valuable agricultural crop and commodity in the Territory of the Tribe.
- B. The purposes of this Hemp Ordinance are to:
 - 1. Establish and grant regulatory authority to the Hemp Commissioner (“Commissioner”) to serve as a governmental instrumentality and arm of the Tribe for the regulation of Hemp on lots within the jurisdiction of the Tribe;
 - 2. Allow persons to plant, produce , harvest, sample, test, process, transport, transfer, take possession of, sell, import, and export Hemp on lots within the jurisdiction of the Tribe to the greatest extent allowed under federal law and to comply with the 2018 Farm Bill;
 - 3. Treat the production and processing of Hemp on lots within the jurisdiction of the Tribe as an agricultural commodity under the laws of the Tribe; and,
 - 4. Provide an additional source of revenue and an economic opportunity for Tribe and its members.
- C. For the foregoing reasons, the Tribal Council has determined that this Tribal Industrial Hemp Ordinance (“Hemp Ordinance”) is in the best interests of the Tribe.
- D. The Tribal Council hereby authorizes submission of a certified copy of this Hemp Ordinance to the USDA for approval as it’s Hemp Regulatory Plan under the 2018 Farm

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Bill and certifies it has the resources, personnel, capacity and intent to fund, enforce, and staff the regulatory activities authorized and mandated by this ordinance.

12-202. FINDINGS AND PURPOSE.

- A. This Hemp Ordinance has been drafted by the SCC to assert its Tribal sovereignty and to regulate Hemp as an agricultural commodity in compliance with federal and Tribal laws. The SCC Tribal Council has signed a resolution authorizing this Hemp Ordinance to be submitted to the United States Department of Agriculture (“USDA”).
- B. The Agriculture Improvement Act of 2018 (the “2018 Farm Bill”) amended the Agricultural Marketing Act of 1946, 7 U.S.C. § 1621 *et seq.* by adding § 297, Subtitle G entitled “Hemp Production” which allows Tribe’s controlled cultivation of Hemp in accordance with that Act and a Tribal Plan approved by the U.S. Secretary of Agriculture. The 2018 Farm Bill also amended the Controlled Substances Act, 21 U.S.C. § 801 *et seq.* (“CSA”) by removing Hemp from the definition of a controlled substance.
- C. The SCC Hemp Ordinance meets all the requirements outlined in Subtitle G, Hemp Production, 7 U.S.C. § 1639p of the 2018 Farm Bill including:
 1. Maintain relevant information regarding land on which Hemp is produced in the territory of the Indian Tribe, including a legal description of the land for a period of not less than three (3) years;
 2. Adhere to a procedure for testing, using post-decarboxylation or other similarly reliable methods, delta-9 tetrahydrocannabinol concentration levels of Hemp produced in the territory of the Indian Tribe;
 3. Adhere to a procedure for the effective disposal of products that are produced in violation of this subtitle;
 4. Adhere to a procedure to comply with the enforcement procedures under § 12-2014: Enforcement Procedures; and
 5. Any other practice or procedure.

12-203. SOVEREIGN IMMUNITY.

Nothing in this Hemp Ordinance shall be construed to limit the jurisdiction of the Tribe, the Tribal Court or Tribal Police, and nothing herein shall limit or constitute a waiver of the sovereign immunity of the Tribe or its officers, instrumentalities, employees, elected officials, and agents, or authorize any form a prospective waiver of such sovereign immunity.

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12-204. EFFECTIVE DATE.

Except as otherwise provided in specific sections, the provisions of this ordinance shall be effective on the date adopted by the Tribal Council.

12-205. SEVERABILITY AND NON-LIABILITY.

If any section, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

12-206. AMENDMENT.

This Tribal Hemp Ordinance may be amended upon an affirmative vote of a majority of the Tribal Council and approval by the Secretary of the United States Department of Agriculture (“U.S.D.A.”) or their designee.

12-207. REPEAL OF INCONSISTENT TRIBAL ORDINANCES.

- A. All ordinances and resolutions inconsistent with this ordinance are hereby repealed.
- B. To the extent that this ordinance imposes greater restrictions than those contained in any other tribal law, code, ordinance or regulation, the provisions of this ordinance shall govern.

12-208. DEFINITIONS.

- A. The Tribal Hemp Ordinance applies the following definitions:
 - 1. **“Acceptable Hemp THC Level”** means when a laboratory tests a sample, it must report the total 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 state, tribal, or USDA Hemp plans is when the application of the measurement of uncertainty to the reported total 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 total delta-9 tetrahydrocannabinol content concentration level on a dry weight basis is 0.35% 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 plan compliance. This definition of “acceptable Hemp THC level”

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- 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 CSA.
2. **“Applicant”** means a Person who submits an application to participate in the SCC Hemp Ordinance.
 3. **“Application”** means a formal request to the Tribe to plant Hemp.
 4. **“Approved Seed”** means seed for which a certificate or other instrument has been issued by a review board or certifying agency authorized under the laws of the Tribe, a state, federal law, any other federally recognized Indian Tribe, or U.S. territory or possession to certify Hemp seed varieties if cultivated to maturity would test at or below 0.3% delta-9-THC concentration on a dry weight basis.
 5. **“Business Entity”** means any Person other than a natural person.
 6. **“Cannabis”** means a genus of flowering plants in the family Cannabaceae.
 7. **“CSA”** means Controlled Substances Act.
 8. **“Culpable Mental State greater than negligence”** means to act intentionally, knowingly, willfully, or recklessly.
 9. **“Cultivate”** means to plant, water, grow, or harvest a plant or crop.
 10. **“DEA”** means Drug Enforcement Administration.
 11. **“FSA”** means the Farm Service Agency.
 12. **“GPS”** means Global Positioning System.
 13. **“Growing site”** has the same meaning as “Registered land area” as that term is defined in this section.
 14. **“Hemp”** means all parts and varieties of the plant *Cannabis sativa* L. containing no greater than 0.3% total tetrahydrocannabinol on a dry weight basis. Under the USDA Final Rule, all hemp lots must be sampled and tested for THC compliance to ensure they do not exceed the 0.3% THC threshold.
 15. **“Hemp Cultivator”** means a Person licensed by the SCC to cultivate Hemp within the Mole Lake Reservation of the SCC.
 16. **“Hemp Processor”** means a Person licensed by the SCC to process, handle, store, and market Hemp under the terms of this Hemp Ordinance.
 17. **“Industrial Hemp”** has the same meaning as **“Hemp”** as that term is defined herein.
 18. **“Key Participant”** means a sole proprietor, a partner in 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.

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19. **“Licensee”** is a Person who holds a SCC license under this Hemp Ordinance.
20. **“Lot” or “Lots”** refers to a contiguous area in a field, greenhouse, or indoor growing structure containing the same variety or strain of Cannabis throughout. Under the terms of this part, “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.
21. **“Marijuana”** as defined in the CSA, “marihuana” 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. The term “marihuana” does not include Hemp, as defined in Subsection G of the Agricultural Marketing Act of 1946, and 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. 7 U.S.C. § 1639o. “Marihuana” means all Cannabis that tests as having a concentration level of THC on a dry weight basis of higher than 0.3%. Under the USDA Final Rule, all hemp lots must be sampled and tested for THC compliance.
22. **“Negligence”** means the failure to exercise the level of care that a reasonably prudent person would exercise in complying with the rules set forth under the Hemp Ordinance.
23. **“Non-retrievable”** means the process utilized to render a substance “non-retrievable” shall permanently alter the substance’s physical or chemical condition or state through irreversible means and thereby render the substance unavailable and unusable for all practical purposes. A substance is considered “non-retrievable” when it cannot be transformed to a physical or chemical condition or state as a controlled substance or controlled substance analogue.
24. **“Person”** means a natural person, corporation, foundation, organization, business trust, estate, limited liability company, licensed corporation, trust, partnership, limited liability partnership, association, or other form of legal business entity, as well as a tribal, state, or local government entity.
25. **“Process”** means to convert any portion of a Hemp crop into a Hemp ingredient, Hemp product, or other marketable form.

26. **“Registered land area”** means a contiguous lot, parcel, or tract of land registered with the Tribe on which a Licensee may cultivate Hemp. A Registered land area may include land and buildings that are not used to cultivate Hemp.
27. **“Mole Lake Reservation”** means all territory within the exterior boundaries of the SCC Mole Lake Reservation and all other territory: (1) which is or in the future may be located outside of said boundaries; and (2) to which it is possible to extend the Tribe’s jurisdiction or authority, including, without limitation, territory within the exterior boundaries of Indian country of the Tribe or of its members and all property held by the United States in trust for the Tribe or for a member of the Tribe. Not to limit the application of the foregoing, Mole Lake Reservation includes to the greatest extent possible all lands within the definition of *Territory of the Indian Tribe* found in 7 U.S.C § 991.1
28. **“THC”** means tetrahydrocannabinol and has the same meaning as delta-9 THC, measured post- decarboxylation.
29. **“Tribe” or “Tribal”** means the Sokaogon Chippewa Community.
30. **“Volunteer Plant”** refers to any Cannabis plant that grows of its own accord in a field in the year(s) after a Cannabis crop was intentionally planted.

12-209. EXEMPTION FROM PROSECUTION FOR CERTAIN ACTS.

- A. The possession, production, cultivation, processing, manufacturing production, handling, transportation and/or distribution of Hemp within the jurisdiction of the Tribe is fully authorized pursuant to the terms and conditions set forward in this Hemp Ordinance.
- B. No Person, Key Participant or Licensee shall be subject to criminal penalties for activities in compliance with this Hemp Ordinance.
- C. No employee or Key Participant of any Hemp business or Licensee or Processor shall be subject to prosecution or civil penalty in the Tribal Court or the cultivation, production or distribution of Hemp when acting in accordance with this Hemp Ordinance and with applicable Tribal and federal law.

12-2010. CONTROL OF HEMP.

- A. This title shall govern the production and processing of Hemp on lots under the jurisdiction of the Tribe and will be the basis of the tribal plan described in the 2018 Farm Bill.
- B. Tribal regulation of the production and processing of Hemp on the Lots under the jurisdiction of the Tribe is necessary to protect the health, security, and general welfare of the Tribal community. In order to further these goals, the Tribe has adopted this Hemp

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Ordinance, which shall be liberally construed to fulfill the purposes for which it has been adopted.

- C. Nothing in this title shall be deemed to be in conflict with the CSA.

12-2011. COMPLIANCE WITH FEDERAL LAW.

- A. To the extent that the USDA imposes any regulatory requirements for tribal production, processing, handling, transporting, or regulation of Hemp that are inconsistent with the provisions of this ordinance, federal law shall apply, and this ordinance will be amended as necessary to comply with any present or future requirements imposed by federal law related to Hemp.

12-2012. HEMP REGULATORY AUTHORITY.

- A. The SCC hereby establishes and authorizes the Hemp Commissioner (Commissioner) to act as the Hemp regulatory authority for the Tribe to enforce the provisions of this Hemp Ordinance and federal Hemp Regulations within the Mole Lake Reservation.
- B. Any person engaging in activities related to Hemp within the territory of the Tribe, including without limitation, growing, processing, handling, transporting, or storing Hemp, shall only do so pursuant to a valid license issued under this Hemp Ordinance or proper authorization from another jurisdiction. The regulations and penalties imposed by this Hemp Ordinance extend to any person engaged in activities related in any way, directly or indirectly, to Hemp within the Territory of the SCC, whether licensed or not; with the exception that nothing herein prohibits the lawful transportation or shipment of Hemp or Hemp products produced in accordance with Subtitle G of the Agricultural Marketing Act of 1946 throughout the SCC Mole Lake Reservation.

12-2013. HEMP COMMISSIONER

- A. The Commissioner shall be vested with the authority to license and manage the possession, cultivation, transportation, production, and use of Hemp and Hemp products within the territory of the Tribe, consistent with this Hemp Ordinance and Federal Hemp Regulations. The Tribe will provide or arrange for the Commissioner to have adequate training, equipment, staff, and compensation to fully perform the duties described in this Hemp Ordinance.
- B. Term of Office and Vacancies.
1. The Commissioner shall be appointed by the Tribal Council and serve as the Hemp regulatory officer for the Tribe until removed by the Tribal Council or the position is abolished by the Tribal Council.

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2. The Tribal Council may remove the Commissioner for cause upon a majority vote. Conviction of a felony or drug related crime shall automatically cause removal of the Commissioner.
 - a) The Tribal Council's decision to remove the Commissioner, pursuant to this section, is not subject to appeal.
 3. The Tribal Council shall appoint a new Commissioner when the position becomes vacant.
- C. Qualifications. The Commissioner must meet the following criteria and qualifications:
1. Not have been found guilty of or entered a plea of nolo contendere or guilty to any felony or drug related misdemeanor under Tribal, federal, or state law within the previous ten (10) years.
 2. Be free from any financial interests or financial ties with any persons, companies, or businesses involved in the Hemp industry, or from circumstances that will create or appear to create a conflict of interest or adversely affect their performance as the Commissioner.
 3. May not be an employee or associate of any Hemp operation or business.
 4. May not be a Hemp contractor (including any principal of a management or other contracting company).
- D. Duties and Authority of the Hemp Commissioner.
1. The Tribal Council delegates limited authority to the Commissioner as a regulatory officer of the Tribe and shall have the power and responsibility necessary and proper to carry out the purposes set forth in this Hemp Ordinance and to enforce the provisions of this Hemp Ordinance and applicable federal Hemp Regulations. This limited authority shall not regulate the Tribal Council or any Tribal entities except with respect to their activities involving Hemp-related operations and activities.
 2. The duties and limited authority vested to the Commissioner include, but are not limited to:
 - a) Providing applicants with information necessary to submit a complete application.
 - b) Approving or denying license applications, issuing or suspending licenses, enforcing license requirements and conditions in a manner consistent with this Hemp Ordinance.
 - c) Assessing and evaluating the potential environmental impacts of applicants' proposed operations.

- d) Inspecting, examining, and monitoring all Hemp imports (including the import of seeds, plants, and Propagules), cultivation, handling, transportation, storage, and all other Hemp-related operations and activities including performing testing and inspections.
- e) Maintaining a list of sampling agents that are trained using USDA, State, or Tribal training procedures and providing such lists to producers upon request.
- f) Obtaining the assistance of the SCC Tribal Police Department, DEA-approved laboratories as of December 31, 2023, agricultural or environmental consultants or other third parties as necessary to properly regulate Hemp production under this Hemp Ordinance.
- g) Insuring, at a minimum, annual inspections of a random sample of Licensees to verify that Hemp is not being produced in violation of this Tribal Hemp Ordinance.
- h) Collecting, developing, maintaining, and filing all appropriate or required records related to Hemp activities within the Mole Lake Reservation and submitting all required reports to the Tribal Council, law enforcement, and the USDA.
- i) Ensuring compliance with all Tribal and Federal laws, rules and regulations regarding Hemp.
 - (1) This includes working cooperatively with USDA, the FSA, and federal and Tribal law enforcement, developing and maintaining all required records and filing all required federal and Tribal reports, and cooperating fully with all federal inspections and audits of Hemp activities within the Tribe's Territory.
- j) Investigating any suspicion of wrongdoing associated with any Hemp activities and reporting any potential criminal violations to the U.S. Attorney General, and applicable law enforcement.
- k) Supervise the destruction of all Hemp crops that are to be destroyed pursuant to the provisions of this Hemp Ordinance or federal law.
- l) Providing written notice of adverse decisions to applicants and Licensees.
- m) Imposing and collecting necessary relevant fees and/or penalties.
- n) Developing policies, procedures, protocols, and forms necessary to fulfill the requirements and intent of this Hemp Ordinance. Subject to section 12-206: Amendment of this Hemp Ordinance, these policies, procedures,

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protocols, and forms shall be incorporated into the Hemp Ordinance regulations.

- o) Complying with all mandatory reporting, recordkeeping, and USDA audit requirements provided under this Hemp Ordinance and outlined under the 2018 Farm Bill, the Final Rule, and other applicable federal laws.
- p) Ensuring that the Tribe prepares for and cooperates fully with all federal inspections and USDA auditors.
- q) Providing written quarterly reports to the Tribal Council on Hemp production occurring pursuant to this Hemp Ordinance, including the amount of land under cultivation, a profile of licensees, revenue generated by Hemp production, any violations of applicable laws related to Hemp productions currently, including violations under investigation, and any resources necessary to expand Hemp production and to improve the Tribe's regulation of Hemp.

12-2014. ENFORCEMENT PROCEDURES.

- A. The SCC has the authority through its Tribal Constitution and inherent Tribal Sovereignty to adopt and enforce its own Tribal laws. The Tribe has the ability by Tribal law to enforce existing and additional rules governing its Hemp production and commercialization.
 - 1. All Licensees engaging in activities related to Hemp within the Tribe's jurisdiction shall abide by the license requirements provided for under the Tribe's Hemp Ordinances.
 - 2. In addition, Licensees are required to obtain all licenses required by applicable law to operate a business on territory of the Tribe, including but not limited to compliance with the Tribe's:
 - a) Building and Safety ordinances;
 - b) Health and Safety ordinances;
 - c) Leasing and Land Use laws;
 - d) Environmental laws; and
 - e) THPO regulations.
 - 3. It is the sole responsibility of the Licensee under this Hemp Ordinance to comply with other applicable laws and regulations.
- B. The Commissioner will enforce the Tribe's regulations and perform the duties of the Tribe under this Hemp Ordinance.
 - 1. The forms collected and all information entered on the forms will be used to maintain records and enforce procedures.

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2. Non-compliance with any of the established regulations will result in immediate action depending on violation and corrective action plan.
- C. The Tribe will conduct audits of Licensees and issue corrective action plans for negligent violations.
 1. Negligent violations by a Hemp Cultivator may lead to suspension or revocation of the Hemp Cultivator's license.
 - a) Three negligent violations in a 5 year period will lead to revocation and the inability to participate for 5 years.
 2. The Tribe will conduct both desk audits and site visit audits. When the Tribe visits a Licensee's site, the Licensee must provide access to any fields, greenhouses, storage facilities or other locations where the Licensee cultivates Hemp.
 3. The Tribe may also request records from the Licensee to include production and planting data, testing results, and other information as determined by the Tribe.
- D. Reporting. Licensees must report any changes of their contact information to the Tribe in writing within fourteen (14) calendar days of the change. The Tribe requires the following to be reported by the Licensee:
 1. Pre-Planting Report.
 - a) A Licensee must submit a pre-planting report to the Tribe no less than seven (7) days prior to the planting of any Hemp, which includes information on estimated dates of planting, Hemp seed variety name, Hemp seed Certificate of Analysis (COA), and/or the name of any pesticides intended for use.
 2. Planting Report.
 - a) Within fourteen (14) calendar days after the completed planting of any Hemp crop, each Licensee shall submit a planting report that includes the GPS coordinates and a map showing the location and actual acreage or square feet of Hemp planted.
 3. Pre-Harvest Notification.
 - a) At least thirty-five (35) calendar days prior to harvest, each Licensee shall submit a pre-harvest notification on a form provided by the Tribe. This will initiate the sampling process.
 - b) A Licensee must notify the Tribe immediately of any changes in the reported harvest dates in excess of seven (7) calendar days.
 4. Post-Harvest Report.
 - a) Within fourteen (14) calendar days post-harvest, each Licensee shall submit a post-harvest report for plants that test within the acceptable limit on a form provided by the Tribe.

- (1) A Licensee is not required to document the removal of male Hemp plants on a post-harvest report if the male Hemp plants are destroyed or utilized on the Registered land area and are not transferred or sold.
- E. Collection Of Information. The Tribe will collect relevant data and information needed to ensure reports are submitted to the USDA, as required by 7 C.F.R. § 990.7 and 7 §C.F.R. 990.70, in the appropriate manner and on time.
1. The USDA reports will include:
 - a) Crop Acreage Report (FSA 578) to the FSA – annual.
 - b) Laboratory Tests Results Report to USDA – thirty (30) days after the information is received.
 - c) State and Tribal Hemp Disposal Report to USDA – thirty (30) days after the information is received.
 - d) State and Tribal Hemp Remediation Report to USDA – thirty (30) days after the information is received.
 - e) State and Tribal Hemp Annual Report to USDA – Dec 15th.
 2. The following information will be included:
 - a) Hemp crop acreage;
 - b) Reporting total acreage of Hemp planted, harvested, disposed, and remediated;
 - c) License number;
 - d) Street address;
 - e) GPS location of lot or greenhouse where Hemp is produced; and
 - f) Acreage of greenhouse or indoor square footage dedicated to the production of Hemp.
 3. Information sharing will be accomplished by submitting these reports with correct and updated information. The Tribe is aware of the real-time information sharing efforts on behalf of the USDA and law enforcement. The Tribe supports the industry and the need for up-to-date information, specifically for transporting. The Tribe will share the required information on the USDA forms provided within the USDA timelines.
 - a) The Commissioner will provide this data to the USDA through their information sharing system called HeMP on the 1st of each month.
 - b) The Commissioner will complete an annual report to the USDA through their information sharing system called HeMP on December 15th of each year.

F. Negligent Violations.

1. A negligent violation of the Hemp Ordinance includes:
 - a) Failure to provide a legal description of the land on which the Hemp is produced.
 - b) Failure to obtain a license before engaging in production; or
 - c) Hemp lots that exceed Hemp THC concentration levels of 1.0% or more.
2. The Tribe will not consider a Licensee as committing a negligent violation if the Licensee makes reasonable efforts to grow Hemp and the Hemp crop tests between the legal Hemp THC concentration level of 0.3% and 1.0% on a dry weight basis.
3. The Tribe will issue one (1) negligent violation at most for sampling and testing violations for an entire harvest from a distinct lot for plants that exceed the acceptable Hemp THC levels but remain under the 1.0% threshold for negligent violations.
 - a) In addition, the Tribe will not subject Licensees to more than one negligent violation per calendar year if multiple violations are found on different lots operated by the Licensee.
4. When the Tribe determines that a negligent violation has occurred, the Tribe will issue a Notice of Violation.
 - a) This Notice of Violation will include a corrective action plan.
 - (1) The Tribe will establish and review a corrective action plan with the Licensee and its implementation will be verified during a future audit or site visit.
 - (2) The corrective action plan will include:
 - (a) A reasonable date by which the Licensee will correct the negligent violation(s).
 - (b) A requirement that the Licensee semi-annually report to Tribe on its compliance with the plan for a period of not less than the next two (2) calendar years.
5. A Licensee who has had three negligent violations in a five (5) year period is ineligible to produce Hemp for a period of five (5) years from the date of the third violation.
 - a) Negligent violations are not subject to federal, state, tribal or local government criminal enforcement action. Hemp found to be produced in violation of this part, such as Hemp cultivated on a property not disclosed by the Licensee, would be subject to the same disposal provisions as for plants testing above the acceptable Hemp THC level. Further, if it is

determined a violation was committed with a culpable mental state greater than negligence, the Tribe will report the violation to the Tribe's law enforcement and to the U.S. Attorney General and the Tribal Police Chief or state law enforcement.

6. If a Person produces Hemp without a license, this will be reported to the Tribe's law enforcement.
7. The 2018 Farm Bill limited the participation of certain convicted felons in Hemp production.
 - a) A person with a Tribal, State or Federal felony conviction relating to a controlled substance is subject to a ten (10) year ineligibility restriction from the date of the conviction of producing Hemp under the Act.
 - b) An exception applies to a person who was lawfully growing Hemp under the Farm Bill of 2014 before December 20, 2018, and whose conviction also occurred before that date.

G. Site Inspections.

1. The Tribe will conduct site visits to all Registered land area(s) associated with its Licensees to ensure compliance with the Hemp Ordinance and verify Hemp is not produced with any violations.
2. Inspections will be completed no less than once annually and can be completed randomly and without notice, including for random inspection, risk assessment, and performance-based criteria.
3. All Licensees shall grant the Tribe unrestricted access to the Registered land area(s) and accompanying facilities, as well as to all books and records related to hemp operations.
4. Scope of inspections may include, but are not limited to:
 - a) Site visits to farms, fields, greenhouses, storage facilities, and any other locations related to hemp cultivation and storage.
 - b) Review of operational procedures, regulatory compliance, documentation, record keeping, and reporting.
 - c) Inspection of premises, machinery, equipment, and facilities.
 - d) Sampling and analysis of hemp crops at any growth phase or post-harvest.
 - e) Examination of all required reports, records, and documentation for accuracy and completeness
5. Licenses found to be in violation of any requirements as a result of inspection or failure to permit or cooperate with an inspection, including refusal of access or

failure to respond, may result in enforcement actions as outlined in the Violations section of this plan.

12-2015. LICENSES.

- A. The Hemp Ordinance will outline the issuance of licenses to those who meet all requirements as set forth in this Hemp Ordinance. The Tribe will collect, maintain, and provide the USDA with contact information required by 7 C.F.R. 990.3(a)(1) of each Licensee through the information sharing system called HeMP. Licensees must report where hemp is being grown to their local FSA office at planting. The Tribe will ensure its Licensees submit the annual crop report with the information required in 7 C.F.R. 990.7 to the Commissioner by December 1st, for the Commissioner's submission of the annual report to the USDA, through HeMP, on Dec 15 each year. The Tribe will maintain and report to the USDA the status of Licensees and any changes to the application packet of the Licensee or authorization numbers.
 - 1. The Commissioner will assign License numbers that are compatible with the USDA's tracking methods.
- B. Licenses Required to Cultivate or Process Hemp. Any Person cultivating or processing Hemp is required to apply to the SCC for a license and must submit all required forms in the Tribe's license application packet.
 - 1. Cultivator license.
 - a) The cultivator license allows a person to possess, cultivate, grow and harvest Hemp under Tribal law.
 - b) No person may operate as a cultivator without a cultivator license from the Tribe.
 - 2. Processor license.
 - a) The processor license allows a person to store, handle and convert Hemp into a marketable form under Tribal law.
 - b) No person may operate as an Hemp processor without a processor license from the Tribe.
- C. License Duration & Renewal.
 - 1. License applications shall be reviewed on a rolling basis.
 - a) Each license application will require applicants to submit a background check.
 - 2. Licenses are good up to one (1) year from the date of issuance by the Tribe.
 - a) Licenses are non-transferable and not permitted for re-sale.

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3. Licenses that are compliant with the Hemp Ordinance are eligible for renewal for an additional term of one (1) year.
 - a) The Licensee is responsible for any renewal fee assigned by the Tribe.
 - (1) If the Licensee does not pay the renewal fee within thirty (30) days after the license expiration date, the license is forfeit.
 - (a) The Licensee may restore the forfeited license upon paying the renewal fee in full plus an additional penalty fee of 15% of the unpaid fee amount.
 - (b) The Tribe may waive the penalty fee upon appeal if the Licensee meets certain criteria.
 - b) For every renewal application, a new background check is required.
 - (1) Background checks will be conducted by the tribe through an approved background check platform. Applicants will authorize the Tribe to conduct background checks, in which case the Licensee applicant shall pay the applicable background check fee to the Tribe.
 - (2) All background check documentation must be submitted as part of the renewal application. Failure to provide satisfactory background check results will result in denial of the renewal application.
 - (3) If a new conviction comes about, please report it. Failure to report may result in penalties.
 - c) There are no limits on the number of renewals.
 4. The Tribe requires that Licensees report crop acreage and any other information required in 7 C.F.R. 990.7 to the FSA.
- D. Operating Without a License. Any person found to be cultivating or processing Hemp without a cultivator license or processor license shall be prohibited from obtaining a license during that growing year and the crop shall be destroyed. A person may also be subject to enforcement and penalties under this code.
- E. Denying a License.
1. The Tribe shall deny a cultivator or processor license to any applicant if the applicant does any of the following:
 - a) Fails to provide all required information or the initial application fee. A license may be issued at the Tribe's discretion if the applicant provides the required information and fees.
 - b) Fails the state and federal criminal background check required under this Hemp Ordinance, as determined by the Tribe.
- F. Amending a License.

1. If any of the information included in the Licensee's application changes, the Licensee must submit a request to amend the cultivator or processor license on a form provided by the Tribe and pay a fee of \$50 for each amendment form submitted.
2. A Licensee seeking to grow additional acres beyond what the cultivator license authorizes is not required to pay an amendment fee if the change is made during the annual registration process.
3. A Licensee seeking to grow additional acres beyond what the cultivator license authorizes will pay \$5 per acre, not to exceed a maximum of \$850.
4. A Licensee shall not utilize field locations or additional acreage prior to receiving an amended license.
5. If a Licensee that is a business entity changes the individual who will be primarily responsible for participation in the Hemp program, the Licensee must pay the actual cost for a background check for the new contact.

G. Suspending a License.

1. The Tribe may suspend a cultivator or processor license or if the Licensee does any of the following:
 - a) Fails to submit a complete final production report by December 15 of each year.
 - b) Fails to pay invoiced fees for the current growing year or the registration fee for the following growing year by December 31.
2. A person whose cultivator or processor license is suspended shall not grow, process, or remove Hemp or other cannabis from the premises where it was located at the time the Tribe issued the notice of suspension, except as authorized in writing by the Tribe.
3. A suspended cultivator or processor license can be restored at the Tribe's discretion.

H. Revoking a License.

1. The Tribe may revoke a cultivator or processor license if a Licensee does any of the following:
 - a) Is convicted of a criminal violation of the federal Controlled Substances Act under 21 USC 801 to 971, ch. 961, Stats. or any controlled substances law of another state.
 - b) Engages in any activities prohibited under this code, tribal regulation or a research agreement.
 - c) Makes any false statement related to the licensee's participation in the Hemp program to the Tribe or its representative.

- d) Fails to comply with any requirement of this code, tribal regulation, or a research agreement.
- e) Fails to comply with any instruction or order related to the licensee's participation in the Hemp program from the Tribe or any law enforcement officer.

12-2016. APPLICATION PROCESS.

A. Applicants must submit a completed application packet along with any fees assigned by the Tribe.

- 1. All new or renewal applications require a background check.
 - a) Background checks will be conducted by the tribe through an approved background check platform. Applicants will authorize the Tribe to conduct background checks, in which case the Licensee applicant shall pay the applicable background check fee to the Tribe.
 - b) Background checks will verify that the applicant has not been convicted of a felony relating to a controlled substance under state or federal law within the preceding ten (10) years. Failure to provide satisfactory background check results will result in denial of the application.
- 2. Applicants must consent to providing a background check and fingerprints to determine eligibility with the Hemp Ordinance.
- 3. The applicant is responsible for any fees associated with the background check or fingerprints. Applicants must submit a separate application for each non-contiguous location in which the applicant intends to grow Hemp.
- 4. The Tribe will retain all information submitted by applicants for a period no less than three (3) years.

B. Eligible Applicants.

- 1. Applicants that are eligible for cultivator or processor licenses include:
 - a) Natural Persons aged eighteen (18) and over
 - (1) Such Applicants may not have felony convictions relating to controlled substances within the past ten (10) years.
 - b) Business Entity
 - (1) The Applicants' Key Participants may not have felony convictions relating to controlled substances within the past ten (10) years.

C. Ineligible Applicants.

- 1. Applicants that are ineligible for Hemp Cultivator or Processor Licenses include:

- a) A Licensee that commits a negligent violation three (3) times in a five (5) year calendar period shall be ineligible to produce Hemp for a period of five (5) calendar years beginning on the date of the third violation; or
- b) Any person convicted of a felony relating to controlled substance under Tribal, state, or federal law in the ten (10) year calendar period prior to the application date; or
- c) Any Business Entity with Key Participants convicted of a felony relating to a controlled substance under Tribal, state, or federal law in the 10-year calendar period prior to the application date; or
- d) Any person who materially falsifies any information contained in an application.

D. Hemp Cultivator Application. Applications for cultivator license will include:

- 1. The applicant's legal name, address, telephone number, email address and any other name under which the application does business.
- 2. If the applicant is a business entity, the full name of the business, the principal Wisconsin business location address, the full name and title of the Key Participants, an email address, and EIN number of business entity, and the name and title of the individual who is authorized to sign on behalf of the business entity including phone number, and email address.
 - a) The name, title, and email address of the individual who will be primarily responsible for the Hemp operations of the business entity and who will be the subject of the federal and state criminal background check.
- 3. Informed consent form authorizing the Tribe to conduct a federal and state criminal background check.
- 4. The GPS coordinates for each field, greenhouse, building, or site where Hemp will be planted, grown, or cultivated and the legal description of land.
- 5. Maps depicting each field and facility where Hemp will be grown or processed with appropriate designation for entrances, field boundaries, and specific locations corresponding to the GPS coordinates or street address.
- 6. Number of acres or greenhouse square footage to be planted. The number of acres or square footage should be the maximum the applicant intends to plant. Any increase in acres or square footage requires a change to the license and additional fees.
- 7. A description of the research, if any, being conducted under the registration.
- 8. A signed research agreement, if research is conducted.
- 9. Other information reasonably required by the Tribe.

E. Hemp Processor Application. Applications for processor license will include:

1. The applicant's legal name, address, telephone number, and any other name under which the application does business.
2. If the applicant is a business entity, the full name of the business, the principal Wisconsin business location address, the full name and title of the Key Participants, an email address, and EIN number of business entity, and the name and title of the individual who is authorized to sign on behalf of the business entity, phone number, and email address.
 - a) The name, title, and email address of the individual who will be primarily responsible for the Hemp operations of the business entity and who will be the subject of the federal and state criminal background check.
3. Informed consent form authorizing the Tribe to conduct a federal and state criminal background check.
4. The GPS coordinates and maps for each building or site where Hemp will be processed, handled, or stored and the legal description of land.
5. Planned source of Hemp.
6. A description of the research, if any, being conducted under the registration.
7. A signed research agreement, if any.
8. Other information reasonably required by the Tribe for licensing purposes.

12-2017. CULTIVATION AND PROCESSING PRACTICE OR PROCEDURE.

- A. Handling. A Licensee shall ensure that all equipment used in the growing or processing of Hemp is cleaned to avoid inadvertent dissemination of Hemp. All Hemp seed shall be secured during transport to avoid inadvertent dissemination of Hemp.
- B. Pesticide Usage. The Commissioner will only allow Licensees to use pesticide products that are registered for use on Hemp by the U.S. Environmental Protection Agency ("U.S. EPA").
 1. The U.S. EPA provides a list of approved pesticides on its website and will continue to register more pesticides for use on Hemp on an ongoing basis.
 - a) The Licensee may not apply pesticides to Hemp unless they hold any required pesticide license and apply pesticides in accordance with Tribal or Federal regulations. The Licensee shall comply with the longest of any planting restriction interval on the product label prior to planting the Hemp. The Licensee may not use any pesticide in violation of the product label.
 - (1) The Tribe may perform pesticide testing on a random basis if representatives of the Commissioner have reason to believe that a

pesticide may have been applied to Hemp in violation of the product label.

- (2) Any Hemp seeds, plants, and materials bearing pesticide in violation of the label shall be subject to destruction without compensation from the Tribe.

C. Seed Certification.

1. The Commissioner requires that all Hemp seed or propagules cultivated on lands within the jurisdiction of the Tribe to be obtained from the following sources:
 - a) Sellers or distributors of seed approved by an approved seed program of a state, Federally Recognized Indian Tribe, or the USDA.
 - b) Other domestic sources approved by the Commissioner in writing for research purposes and/or commercial development.
 - c) Other international sources consistent with USDA requirements on seed importation regulations and all other applicable federal law.
2. Licensees may not acquire or cultivate Hemp or Cannabis sativa L. seeds or propagules of wild, landrace, or unknown origin without first obtaining written approval from the Commissioner.

D. Taxation.

1. The Commissioner, in accordance with applicable Tribal law, shall enforce all applicable Tribe taxes upon the growing, manufacturing, and selling of Hemp and Hemp products, subject to Tribal Council approval.

E. Transportation.

1. The Tribe requires that the Licensee or other persons delegated responsibility for the transportation of the Hemp crop or Hemp product carries the following documentation with the Hemp cargo during transport:
 - a) Copy of the Hemp cultivator's License;
 - b) Copy of the laboratory test results showing the Hemp crops or products are within acceptable Hemp THC concentration levels of the corresponding harvest lot in transit;
 - c) Copy of an invoice/bill of lading with buyer and seller information;
 - d) The transportation logs; and
 - e) Any other documentation that may be required by Tribe regulation.
2. A Licensee may not transport live Hemp plants, viable seeds, leaf materials or floral materials not intended for resale to unlicensed or unapproved locations including trade shows, county fairs, educational or other events or to any other address not listed on that specific Hemp cultivator's current approved growing license

agreement without the prior written approval of the Tribe's Sokaogon Chippewa Community Hemp Commission.

F. Volunteer Plants.

1. The Commissioner will require Licensees to monitor and destroy all volunteer plant growth in lots or fields not meant for harvest up to (3) years past the last date of planting reported to the Commissioner.

12-2018. PERFORMANCE-BASED SAMPLING AND SAMPLING FOR HEMP THC.

- A. The Tribe shall follow a Performance-Based Sampling method that conforms to eligible criteria described in the 7 C.F.R. § 990.3 (A)(2)(iii)(B).
 1. The Performance-Based Sampling method, when supplemented with the Seed Certification requirement, will ensure at a confidence level of ninety-five (95%) percent that all sampled plants are representative of a homogenous composition of the lot and do not exceed the acceptable Hemp THC level.
- B. Performance-Based Sampling will include different sampling and frequency criteria based upon the following:
 1. The Licensee's previous experience growing hemp with less than 0.3% of THC and compliance with approved seed varieties;
 2. The type of Hemp planted, which will consist of Hemp generally compliant in the area. Type of Hemp planted will be consistent with data from regional and Wisconsin-based research programs, including the University of Wisconsin Madison, and other accredited seed suppliers;
 3. The maturity of the Hemp planted, which is determined by the state of the flower. Samplings must be tested no greater than 30-days from harvest, to ensure compliance with less than 0.3% of THC; and
 4. Whether the Hemp is intended to be entered into a stream of commerce.
 5. All Licensees remain eligible for random and "for cause" inspection or sampling. Compliance rates will be evaluated annually and sampling frequencies will be increased if rates fall below threshold.
- C. The Tribe reserves the right to conduct sampling and testing methods on any licensee material Hemp crop at any time to evaluate Tribal protocols for research and quality assurance. The Tribe has established these following general requirements for Performance-Based Sampling:
 1. Floral Hemp Varieties.

Legislative History: Passed by Tribal Council Resolution 03 - ____ - 2024 on March ____, 2024.

- a) Floral Hemp varieties are Hemp plants grown to maximize flower growth and cannabinoid production:
 - (1) CBD, Hemp flower.
 - b) Floral Hemp varieties may be exempt from sampling and testing methods, provided:
 - (1) The Licensee has produced Floral Hemp for three (3) consecutive growth cycles, with the same Hemp variety and has successfully been sampled and tested below the Hemp 0.3% THC concentration.
 - (a) Licensees that do not meet the above criteria will remain subject to standard sampling and testing methods, which includes testing all lots of hemp within 30 days of harvest.
 - c) In addition to the sampling methodology described elsewhere in this plan, the Tribe will, at a minimum, randomly subject twenty (20%) percent of all Licensees to sampling and testing methodology on an annual basis. All Licensees are subject to random sampling and testing to meet this quota.
2. Industrial Hemp Varieties. Industrial Hemp varieties are Hemp plants grown for fiber, grain, seeds, and dual or multipurpose production:
- (1) Fiber, grain, seeds;
 - (2) Dual purpose, multipurpose.
- b) Industrial Hemp grown for fiber, grains, and/or seeds may be exempt from sampling and testing methods, provided:
 - (1) The Licensee has previously produced Industrial Hemp for three (3) growth cycles, with the same Hemp seed variety, and has successfully been sampled and tested below the Hemp THC concentration levels.
 - (a) Licensees that do not meet the above criteria will continue to be subject to standard sampling and testing methods.
3. Immature Hemp Plants.
- a) Immature Hemp plants are subject to specific oversight distinctions. See below for compliance testing exemptions and audit triggers applicable to salad greens, microgreens, and transplants.
 - b) Immature Hemp plants are Hemp plants that have not yet entered the flowering stage and do not have buds:
 - (1) Hemp propagative material and Hemp clones;
 - (2) Hemp mother plants;
 - (3) Hemp greens;

- (4) Hemp microgreens.
 - c) Hemp propagative materials and Hemp clones will be exempt from all sampling and testing methods.
 - (1) The Commissioner will subject the mature Hemp crop produced from these Hemp propagative materials and/or Hemp clones to Performance Based Sampling methodology described elsewhere in this section.
 - d) Hemp Mother Plants, which Licensees use for the purposes of Hemp cloning, may be subjected to sampling and testing at random at any time. Records of propagation (dates, plant IDs, and intended use) must be kept and made available for inspection on request. Any propagation beyond pre-flowering, or use for non-compliant purposes, will trigger immediate standard compliance testing to ensure compliance with the 95% compliance threshold.
 - e) Hemp Greens will be exempt from all sampling and testing methods, provided:
 - (1) The Licensee harvests the Hemp crop before the Hemp plants enter the flowering stage and the Hemp plants are no more than ten (10) inches tall.
 - f) Hemp Microgreens will be exempt from all sampling and testing methods, provided:
 - (1) The Licensee harvests the Hemp crop before the Hemp plants enter the flowering stage and no more than fourteen (14) days have passed since germination.
4. Hemp Varieties Not Intended for Harvest.
- a) Hemp plants that will not enter a stream of commerce include Hemp varieties that are used for research and development purposes and various government land practices:
 - (1) Research and development Hemp varieties;
 - (2) Government programs.
 - b) Hemp varieties that Licensees plant for research and development purposes will be exempt from the commercial grower sampling protocol and testing methods and but may be subject to separate performance based sampling protocols, provided:
 - (1) The Licensee adheres to Reporting requirements listed in section 12-2014: Enforcement Procedures.

- (2) The Licensee provides verification of disposal with pictures, videos, or other proof of disposal after completion.
- c) Government programs that plant Hemp for research and development purposes and/or to assist in the management and stewardship of the Tribe's territories will be exempt from the commercial grower sampling and testing protocol, provided:
 - (1) The government programs apply to become a Licensee and adhere to all licensing requirements listed in section 12-2016: Application Process.
 - (2) The Licensee adheres to Reporting requirements listed in section 12-2014: Enforcement Procedures.
 - (3) The Licensee provides verification of disposal of Hemp with pictures, videos, or other proof of disposal after completion.
- d) Hemp varieties that Licenses plant for research and development purposes, must follow the following protocol:
 - (1) Licensees must submit a detailed research proposal to the Tribe for approval. The proposal must include the type of Hemp variety, research objectives, methodologies, and expected outcomes. The Tribe will review and approve the proposal based on its alignment with Tribal and USDA regulations.
 - (2) Licensees must maintain detailed records of all research activities, including planting, growth stages, and disposal of Hemp plants.
 - (3) The Tribe may request periodic updates and documentation to monitor the progress of the research project. The Tribe may conduct site inspections to verify compliance with the approved research proposal. Inspections will include verification of GPS coordinates, plant maturity, and general site conditions.
 - (4) Upon completion of the research project, Licensees must provide proof of disposal of the Hemp crop. Verification must include pictures, videos, or other documentation demonstrating that the Hemp has been disposed of in accordance with Tribal protocols.
- e) If the Licensee intends to enter any Hemp that results from research and development or government programs into a stream of commerce, the Commissioner will subject the Hemp crop to sampling and testing methodology described elsewhere in this section.

Legislative History: Passed by Tribal Council Resolution 03 - ____ - 2024 on March ____, 2024.

D. Pre-sample Preparation. The Tribe establishes the following sampling guidelines prior to sample collection and laboratory testing:

1. Approved Sampler.

- a) The Commissioner shall be the approved sampler under this Hemp Ordinance. The Commissioner may designate an employee or third-party vendor to serve as an approved sampler that will collect all Hemp samples eligible under the Hemp Ordinance.

- (1) Licensees are responsible for any fees associated with Hemp sampling.

- b) Samplers must be compliant with applicable Tribe sampling guidelines.

- (1) The Tribe will maintain and provide information on all approved samplers to its Licensees upon request.

- c) The Tribe requires the approved sampler to have complete and unrestricted access to any lot, Registered land area, or facility used for Hemp production and handling during normal business hours.

- d) Samplers must have the necessary supplies and equipment to carry out proper sampling techniques.

2. Time of Sampling.

- a) Within thirty (30) days prior to the anticipated harvest of Hemp plants, the sampler shall collect representative samples from the lot to test for compliance.

- b) Licensees may not harvest any Hemp prior to the sampler adequately sampling the lot. Failure to adhere to this regulation can result in ineligibility for renewal for one (1) year.

- (1) Licensees may voluntarily collect and test Hemp and Hemp product samples for quality assurance and/or research and development purposes prior to official sampling by the sampler.

- (a) The Tribe will not count these self-test results toward compliance with the acceptable Hemp THC levels requirement.

- c) Licensees have thirty (30) days from the date of sampling to complete their entire harvest.

- (1) If the Licensee is unable to complete their harvest within thirty (30) days, the sampler may collect additional samples from unharvested Hemp and the Licensee may resume their harvest for an additional thirty (30) days.

- (a) Licensees may extend their harvest window up to thirty (30) days with each additional sampling, as many times as necessary to complete their harvest.

3. Number of Hemp Samples.

- a) To determine the number of Hemp samples to collect, the sampler will consider the size of the growing site.
- b) For lots less than ten (10) acres, the sampler will collect at a minimum one (1) Hemp sample per acre of the Registered land area.
 - (1) For example, if the lot comprises six (6) acres, the sampler will collect six (6) samples and combine them into a composite sample, commonly known as a representative sample.
- c) For lots greater than ten (10) acres, the sampler will collect at a minimum ten (10) Hemp samples to be representative of the Registered land area.
- d) The Tribe developed the minimum number of samples per acre size based upon Codex Alimentarius Recommended Methods of Sampling for the Determination of Pesticide Residues for Compliance with MRLS CAC/GL 33-1999.
 - (1) Using the Tribe's program data, the Tribe used the proportion of Hemp plants having Hemp THC content above the acceptable threshold and the number of acres under cultivation to calculate the minimum number of samples needed per lot.
 - (2) The Tribe will continue to monitor the program data to determine if the minimum number of samples needs to be updated.

4. Site Preparation.

- a) The Licensee, or an authorized representative of the Licensee, must be present at the growing site during sample collection.
- b) The sampler shall document the methods used during the collection process and provide that to the Tribe.
- c) The sampler shall document general surveillance of the growing site.
 - (1) The sampler shall verify the GPS coordinates of the growing site as compared with the GPS coordinates submitted by the Licensee to USDA.
 - (2) The sampler shall estimate the average height, appearance, approximate density, condition of the plants, and degree of maturity of the flowering material, meaning inflorescences (flowers/buds).

- (3) The sampler shall visually inspect and grind samples to establish the homogeneity of the plant material and demonstrate that the growing site is of like variety prior to testing.
- E. Sample Collection. The Tribe establishes guidelines to ensure its approved samplers adequately sample Hemp lots eligible under the Hemp Ordinance.
 1. The sampler shall not commingle Hemp samples from one lot with samples from another lot.
 - a) The sampler shall utilize a paper sample bag for collecting all Hemp samples and seal each bag with tamper resistant tape before moving onto the next lot.
 - b) The Hemp sample shall be identified with the following information:
 - (1) Sampler Contact Information
 - (2) Name and Contact Information of the Licensee
 - (3) Hemp License or Authorization Number
 - (4) Date of Sample
 - (5) Lot ID
 - (6) Any other information required by the Tribe
 2. The sampler shall collect Hemp samples five (5) to eight (8) inches from the main stem, terminal bud, or central cola of the flowering top of the plant.
 3. The sampler shall collect samples at random, but convenient distances.
 4. The sampler shall walk at right angles to the rows of plants, beginning at one point of the lot and walking towards another point on the opposite side of the lot.
 5. The sampler shall avoid collecting too many samples from the borders of the Registered land area.
- F. Testing. The Tribe will use an approved lab to perform the specimen testing for measurement of tetrahydrocannabinol (THC).
 1. The sampling will be done within thirty (30) days prior to the anticipated harvest date. The Hemp Ordinance outlines the procedures the Tribe will take to provide an approved lab with samples. The lab used will report the test data in accordance with 7 CFR Part 990. The lab will submit test results to the USDA using the Hemp eManagement Platform (HeMP).
 - a) A Hemp lot that does not test compliant for THC concentration as directed in the Hemp Ordinance will adhere to the guidance for negligent violations, corrective action plans, disposal, and/or remediation.
 - b) The testing method for THC concentration will use:

- (1) Analytical testing of samples for delta-9 tetrahydrocannabinol concentration levels, which must use post-decarboxylation or other similarly reliable methods approved by the USDA and the Tribe.
 - (2) Measurement of THC and THC acid (THCA) and the consideration of conversion of THCA into THC and report on a dry weight basis.
 - (3) High-performance liquid chromatography is the chromatography testing method we have selected.
- c) The lab must meet the AOAC International Standard Method Performance Requirements for selecting the methods used for testing.
- d) The lab will identify the measurement of uncertainty (MU), repeatability, and reproducibility for each validated method. The lab will use the measurement of uncertainty to determine the confidence interval around the THC threshold level of 0.3%. The MU and the percentage of THC in each test will be reported on the USDA Laboratory Test Results Page.
2. The Tribe will exclusively use DEA-registered labs to conduct testing as required by 7 C.F.R. 990.25(g)(3).
 - a) The Lab will issue a laboratory test result report for each sample.
 - b) The laboratory test report shall include the:
 - (1) Laboratory Name / City / State / DEA Registration #
 - (2) Licensee ID
 - (3) Licensee name / Street / City / State
 - (4) Sample Lot ID
 - (5) Testing Date
 - (6) Results Reported Date
 - (7) Test: Initial or Re-test
 - (8) Result % THC
 - (9) Measurement of uncertainty
 - (10) Pass or Fail

12-2019. DISPOSAL AND REMEDIATION.

- A. All remediation activities require sampling and testing of the final material to ensure compliance with the 0.3% THC threshold. Documentation of remediation and compliance testing must be submitted to the Tribe prior to any sale or transfer.
- B. The Tribe has established the following disposal and remediation protocol for Hemp plants testing out of compliance above the acceptable delta-9 tetrahydrocannabinol concentration levels on a dry weight basis and the measurement of uncertainty:

Legislative History: Passed by Tribal Council Resolution 03 - ____ - 2024 on March ____, 2024.

1. Any sample test result that exceeds the acceptable Hemp THC level according to laboratory results obtained through Tribe sampling and testing protocols shall be conclusive evidence that the lot represented by the sample is not in compliance.
 - a) A Licensee who believes the test results were in error may request retesting of the lot. Such retesting shall be performed in the same way and to the same standards as the original sampling and testing.
 2. Lots shall be subject to disposal or remediation; all plants in the lot shall either be remediated to bring the lot under the acceptable Hemp THC concentration level, or all plants shall be disposed of in a manner that renders it non-retrievable.
 - a) Additional sampling and testing of the post-remediated crop must occur to determine THC concentration levels before it is deemed compliant and can be entered into a stream of commerce.
 3. It is the sole responsibility of the Licensee to pay any fees associated with resampling, remediation, and/or disposal without compensation from the Tribe.
 4. Licensees will notify the Tribe and the USDA of their intent to dispose or remediate noncompliant Hemp materials by submitting documentation in accordance with Tribe regulations and 990.3(a)(6). Test results must be included. As follow up, the Licensee will provide verification of disposal or remediation documentation to the Tribe and the USDA.
 - a) The Tribe may require verification of disposal or remediation by requiring pictures, videos, or other proof of disposal or remediation.
 - b) The Tribe may require in-person verification of disposal or remediation by assigned personnel, Tribe law enforcement, or an approved reverse distributor during or after the process.
 5. The Commissioner will notify the USDA of noncompliant plants on the 1st of each month through the information sharing system called HeMP.
- C. Disposal. Disposal means destroying noncompliant Hemp by performing any one or combination of the following on-farm activities: plowing under, mulching/composting, disking, bush mowing, deep burial, and burning.
- D. Remediation. Remediation refers to the following processes by which noncompliant Hemp is rendered compliant:
1. Blending or shredding the entire plant into biomass plant material.
 - a) The entire lot containing noncompliant Hemp must be shredded to create a homogenous, uniform biomass using shredders, composters, or specialty mechanical equipment.

- b) All biomass plant material created in this process must be kept separate from any compliant Hemp stored in the area and clearly labeled as “Hemp for remediation purposes” before its removal to enter a stream of commerce.
 - c) All biomass plant material that does not meet acceptable Hemp THC concentration levels must be disposed of, rendering the entire lot non-retrievable.
 - d) Any biomass plant material that does not meet acceptable Hemp THC concentration levels must be disposed of in accordance with the Tribe’s disposal procedures, rendering the entire lot non-retrievable.
2. Disposing of floral materials and salvaging the remainder of the plant, retaining stalks, leaves, and seeds.
- a) Licensees may remove floral materials by hand or by mechanical means and are subject to the approved disposal methods provided in this Hemp Ordinance.
 - b) All remaining Hemp materials salvaged using this process must be kept separate and clearly labeled as “Hemp for remediation purposes” until the floral materials can be properly disposed of.
 - c) Salvaged materials must be sampled and tested to confirm THC concentration is at or below 0.3% before entering commerce.
 - d) If testing confirms compliance, salvaged materials may be sold or transferred. If not, all remaining materials must be disposed of according to approved procedures.
3. **Documentation and Oversight:**
- a. Licensees must maintain documentation of all remediation activities and testing results, and submit these records to the Tribe prior to any sale, transfer, or disposal of remediated materials.
 - b. The Tribe reserves the right to inspect, sample, and verify all remediation activities and compliance testing.

Legislative History: Passed by Tribal Council Resolution 03 - ____ - 2024 on March ____, 2024.