

THE BIG VALLEY BAND OF POMO INDIANS OF THE BIG VALLEY RANCHERIA
TRIBAL CANNABIS ORDINANCE

I. FINDING, INTENT AND POLICY

A. Findings. The Tribal Business Committee of the Big Valley Band of Pomo Indians of the Big Valley Rancheria, the Tribe's governing body, finds that:

1. The Tribe desires to expedite the development of the economy of the Tribe in order to improve the Tribe's economic self-sufficiency, to enable the Tribe to better serve the social, economic, educational, and health and safety needs of its Tribal Members and visitors, and to provide its Tribal Members with opportunities to improve their own economic circumstances.
2. The Tribal operation and licensing of one (1) or more cannabis businesses (including but not limited to, cultivation, manufacture, or on-reservation sales of the same) is a legitimate means of generating revenue to address the aforementioned needs and pursuing the Tribe's goal of self-sufficiency and selfdetermination.
3. The Tribe has the legal authority to license and regulate cannabis businesses within its jurisdiction.
4. Tribal regulation and control of cannabis businesses within the Tribe's jurisdiction is essential for the protection of the public welfare.
5. It is essential that the Tribal Business Committee regulate cannabis businesses in a manner commensurate with Tribal law for the protection of the public welfare.
6. It is essential that public confidence in Tribe's cannabis business occurring within the Tribe's jurisdiction be maintained.
7. Adoption of a Tribal Cannabis Ordinance by the Tribal Business Committee is a necessary condition for the legal operation of cannabis businesses within the Tribe's Rancheria and is in the best interest of the Tribe.
8. Establishment of a Tribal Cannabis Regulatory Authority to implement the purpose and intent of the Tribal Cannabis Ordinance within the Tribe's Rancheria is in the best interests of the Tribe.

9. The Tribe wishes any such operation:
- a) Prevent the distribution of cannabis to minors;
 - b) Prevent revenue from the sale of cannabis from going to criminal enterprises, gangs and cartels;
 - c) Prevent diversion of cannabis from the Tribe’s jurisdiction, where it is legal under Tribal law, to other Tribal jurisdictions or states where it may be illegal;
 - d) Prevent Tribal-authorized cannabis activity from being used as a cover or pretext for trafficking of illegal drugs or other illegal activity;
 - e) Prevent violence and the use of firearms in the cultivation and distribution of cannabis;
 - f) Prevent impaired driving and other adverse public health consequences associated with cannabis use;
 - g) Prevent the growing of cannabis on public lands and the attendant public safety and environmental dangers posed by cannabis on public lands; and
 - h) Prevent cannabis possession or use on federal property inconsistent with Tribal law.

B. Intent. The Tribal Business Committee, on behalf of the Tribe, declares that the intent of this Ordinance is to:

- 1. Diversify and expedite the economic development of the Tribe for the purposes described in Article I, Section A above.
- 2. Define general regulatory powers to be exercised by a Tribal Cannabis Regulatory Authority (“Authority” or “Regulatory Authority”) in relation to the regulation, control, and oversight of cannabis businesses.
- 3. Ensure that all cannabis business profits are used for the benefit of the Tribe and the Tribal Membership.
- 4. Ensure that Licensees and buyers conduct cannabis business appropriately and that it remains free from corrupt, incompetent, unconscionable, and dishonest practices.

5. Ensure that cannabis business is conducted appropriately by Licensees and buyers and that:
 - a) Cannabis will not be distributed to minors;
 - b) Revenue from the sale of cannabis will not go to criminal enterprises, gangs, or cartels;
 - c) Cannabis from the Tribe will not be diverted to other Tribal jurisdictions or states where possession, sale, or distribution of cannabis is illegal;
 - d) Tribal-authorized cannabis activity will not be used as a cover or pretext for the trafficking of illegal drugs or other illegal activity;
 - e) Violence and the use of firearms will not occur in the cultivation, manufacture, or distribution of cannabis;
 - f) Impaired driving and other adverse public health consequences associated with cannabis will be prevented;
 - g) Other than on Tribal Lands, the growing of cannabis by Licensees will not occur on public lands in acknowledgment of the attendant public safety and environmental dangers posed by cannabis production on public lands; and,
 - h) Other than on Tribal Lands, cannabis will not be possessed by Licensees or used on federal property.
6. Protect the public interest in offering of cannabis.
7. Ensure the maintenance of public confidence in cannabis regulation and the safety of cannabis commercially produced and sold on Tribal lands.
8. Ensure that the Tribe provides a forum for the fair and orderly resolution of regulatory disputes related to Licensees' cannabis business activities consistent with the Tribe's preservation of sovereign immunity.
9. Ensure that cannabis business laws are enforced by the Tribe upon Persons involved in the cannabis cultivation, manufacture, distribution, and sales.
10. Ensure that an appropriate Environmental Assessment has been completed and approved.

C. Policy.

1. Tribal Policy of Self-Government. The Tribe is firmly committed to the principle of Tribal self-government. Profits from the Tribe’s cannabis businesses shall be utilized and expended only for the following purposes:
 - a) To fund the Tribe’s government operations or programs.
 - b) To provide for the public health and general welfare of the Tribe and its Tribal Members and visitors to the Tribal Lands.
 - c) To promote Tribal economic development and self-sufficiency.
 - d) To donate to charitable organizations.
2. Tribal Cannabis Policy. The establishment, promotion, and operation of cannabis businesses are in the Tribe’s best interest, provided that such businesses are regulated, taxed, and subject to the jurisdiction of the Tribe pursuant to this Ordinance and the profits from such Tribally-owned businesses are used exclusively for the benefit of the Tribe.
3. Cannabis Businesses Authorized. Cannabis businesses that are subject to licensing under this Ordinance are authorized and permitted only as described in this Ordinance and any regulations of the Authority adopted under this Ordinance.

D. Limitations. This Ordinance in no way displaces or supersedes any applicable federal law, including but not limited to the Controlled Substances Act, labor and employment laws and grant programs administered through the Department of the Interior. To the extent that this Ordinance conflicts with any such federal law or grant program, that law or the requirements of that program control.

II. DEFINITIONS.

- A. “Agent” or “Regulatory Agent” means a Regulatory Agent of the Tribal Cannabis Regulatory Authority.
- B. “Applicant” means any Person who has applied for a License under the provisions of this Ordinance.
- C. “Application” means a request for the issuance of a License under the provisions of this Ordinance along with all information, reports, completed forms, documents, disclosures, and written authorizations required by this Ordinance or any rules or regulations promulgated under this Ordinance.

- D. “Authority Employee” means any person working for the Authority who is not an appointed Regulatory Agent.
- E. “Authority” means the Tribal Cannabis Regulatory Authority.
- F. “Buyer” means either a Qualified Consumer eighteen (18) years of age or older who purchases Cannabis, Cannabis Products, or Cannabis Accessories for Medical Use and not for resale to others; or any person twenty-one (21) years of age or older who purchases Cannabis, Cannabis Products, or Cannabis Accessories. *See also*, Qualified Consumer.
- G. “Cannabinoid” means a chemical compound that is unique to and derived from Cannabis.
- H. “Cannabis” means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds, or its resin, including cannabis concentrate. “Cannabis” does not include Industrial Hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with Cannabis to prepare topical or oral administrations, food, drink, or other product.
- I. “Cannabis Accessories” means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing Cannabis, or for ingesting, inhaling, or otherwise introducing cannabis into the human body.
- J. “Cannabis Business” means a Cultivator, Manufacturer, Distributor, Testing Facility, or Dispensary within the Tribe’s jurisdiction, licensed under this Ordinance.
- K. “Cannabis Business Licensee” means any person with a Cultivator, Manufacturer, Distributor, or Dispensary License.
- L. “Cannabis Cultivation Facility” means any Person licensed to cultivate, prepare, package and sell Cannabis to any of the following: a Cannabis Business; a Dispensary, whether state or Tribally-licensed; or a Cannabis collective or cooperative; but not directly to consumers.
- M. “Cannabis Manufacturing Facility” means any Person licensed to purchase Cannabis; manufacture, prepare, or package Cannabis Products; and sell Cannabis Products to other Cannabis Businesses, but not directly to consumers.

- N. “Cannabis Products” means concentrated Cannabis products and products that are comprised of Cannabis and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, topical products, ointments, tinctures, liquids or concentrates intended for use in vaporizers, and soluble products.
- O. “Cannabis Testing Facility” means an entity licensed by the Authority to analyze and certify the safety and potency of Cannabis and Cannabis Products.
- P. “Cannabis Testing Facility License” means a revocable License issued by the Authority to a Cannabis Testing Facility.
- Q. “Cultivation” means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of Cannabis.
- R. “Cultivator License” means a revocable License held by a Person that is licensed by the Authority to engage in the cultivation of Cannabis.
- S. “Dispensary” means a facility where Cannabis, Cannabis Products, or Cannabis Accessories are offered, either individually or in combination, for retail sale to consumers at an on-reservation retail sales point.
- T. “Dispensary License” means a revocable License held by a Person that is licensed by the Authority to engage in the commercial, retail dispensing of Cannabis, Cannabis Products, and/or Cannabis Accessories within the Tribe’s jurisdiction.
- U. “Distribution” means the procurement, sale, and transport of Cannabis and Cannabis Products between entities licensed by the Authority pursuant to this Ordinance. Packaging is also an act of “Distribution” if the Cannabis or Cannabis Products have not already been packaged by a Cannabis Manufacturing Facility.
- V. “Distributor License” means a revocable License issued by the Authority to a Person to engage in the business of procurement, purchasing, or transporting Cannabis from a Cultivation Licensee, or a Cannabis Testing Facility, or Cannabis Products from a licensed Cannabis Manufacturing Facility, for sale to a licensed Dispensary, but not directly to consumers.
- W. “Dried Flower” means all dead Cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.
- X. “Drug-Related Criminal Activity” means illegal or other dangerous activity that endangers the public interest, the Tribe, or its Tribal Membership whether under federal

or state law, with possession, sale, use, manufacture, or distribution of controlled substances.

- Y. “Employee License” means a revocable license issued by the Authority to a person authorizing employment of that person by a Cannabis Business Licensee under this Ordinance.
- Z. “Executive Director” means the executive director of the Authority as appointed by the Tribal Business Committee in accordance with this Ordinance.
- AA. “Gross Revenues” means any and all Cannabis Business revenues collected or received by a Licensee.
- BB. “Immature Plant” means a nonflowering cannabis plant that is no taller than eight inches (8”) and no wider than eight inches (8”), is produced from a cutting, clipping, or seedling, and is in a cultivating container.
- CC. “Immediate Family” means a spouse or domestic partner, children, parents, in-laws or siblings of a person.
- DD. “Industrial Hemp” means the plant of the genus cannabis and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed three-tenths percent (0.3%) on a dry weight basis.
- EE. “License” means an official, legal and revocable Cultivator License, Dispensary License, Distributor License, Employee License, Vendor License, or any other License contemplated by this Ordinance and issued by the Authority. A License relating to any of the aforementioned is a revocable privilege based on the sole and absolute discretion of the Authority.
- FF. “Licensee” means any Person holding a License issued by the Authority under this Ordinance.
- GG. “Licensed Premises” means the on-reservation premises specified in an application for a License under this Ordinance, which is owned or in possession of the applicable Licensee and within which the applicable Licensee is authorized to cultivate, manufacture, distribute, sell, or test Cannabis or Cannabis Products in conformity with this Ordinance.
- HH. “Manufacture” means the production, preparation, propagation or compounding of Cannabis or Cannabis Products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages Cannabis or Cannabis Products. “Manufacture” does not include Cultivation.

- II. “Manufacturer License” means a revocable license issued by the Authority to a Person to engage in the Manufacture of Cannabis or Cannabis Products.
- JJ. “Medical Cannabis Identification Card” means a document issued by any state or Tribe that identifies a person authorized to engage in the Medical Use of Cannabis.
- KK. “Medical Use” means the acquisition, possession, production, use, or transportation of Cannabis or Cannabis Accessories a related to the administration of such Cannabis to address the symptoms or effects of a Qualified Consumer’s serious medical condition, which may be authorized only after a diagnosis of the Qualified Consumer’s serious medical condition by a physician or physicians, as provided in this Ordinance.
- LL. “Ordinance” means this Tribal Cannabis Ordinance.
- MM. “Parent” means a custodial mother or father of a Qualified Consumer under the age of eighteen (18) years, any person having custody of a Qualified Consumer under the age of eighteen years (18), or any person serving as a legal guardian for a Qualified Consumer under the age of eighteen (18) years, so long as the Parent is over the age of eighteen (18) years of age.
- NN. “Person” means any natural person, partnership, joint venture, association, trust, firm, estate, club, society, receiver, assignee, trustee in bankruptcy, political entity, company, corporation, or other group, however organized, and any owner, director, officer, or employee of any such entity or group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, the government of the Tribe, any governmental entity of the Tribe, or any of the above listed forms of business entities that are wholly owned or operated by the Tribe, or any other entity whatsoever; provided, that the term does not include the federal government or any agency thereof.
- OO. “Qualified Consumer” means a natural person who is at least eighteen (18) years of age and who possesses a valid Medical Cannabis Identification Card issued pursuant to the laws and regulations of the State of California and an additional valid government-issued photo identification card at the time of purchase.
- PP. “Qualified Expert” means a Person who is qualified by experience or education to perform inspections of buildings or building mechanical systems or the plans for a building or building mechanical system and issue permits or other formal approval related to such inspection. If a certification or license is required or recommended by industry standards or the laws of the State of California to perform such inspection such Person must have such certification or license.
- QQ. “Rancheria” or “Reservation” means the Big Valley Rancheria’s real property.
- RR. “Regulatory Agent” means an Agent of the Tribal Cannabis Regulatory Authority. *See also, Agent.*

- SS. “Tribal Business Committee” or “Business Committee” means the Big Valley Band of Pomo Indians of the Big Valley Rancheria Tribal Business Committee that received certain delegated authority from the Tribal Community Council as defined and described in Article III, Section 1 of the Tribe’s Constitution and with said delegated powers of the Tribal Business Committee defined in Article IV of the Tribe’s Constitution.
- TT. “Tribal Community Council” means Big Valley Band of Pomo Indians of the Big Valley Rancheria Tribal Community Council, the governing body of the Tribe, to which certain authority has been delegated by said Tribal Community Council to the Tribal Business Committee as defined and described in Article III, Section 1 of the Tribe’s Constitution.
- UU. “Tribal Lands” means any land or interests in land owned by the Tribe, whether or not legal title is held in trust by the United States federal government.
- VV. “Tribe” means the Big Valley Band of Pomo Indians of the Big Valley Rancheria, a federally recognized tribe.
- WW. “Unreasonably Impracticable” means that the measures necessary to comply with applicable laws and regulations involve a prohibitive degree of risk or require a prohibitively high investment of money, time, or any other resource such that that the operation of Cannabis Business is not worthy of being carried out in practice by a reasonably prudent businessperson.
- XX. “Usable Form of Cannabis” means the seeds, leaves, buds, and flowers of the plant (genus) cannabis, whether crude or purified, extracted from any part of the plant, which is appropriate for human use as provided in this Ordinance, but excludes the plant’s stalks, stems, and roots.
- YY. “Vendor” means a Person engaged in commercial enterprise providing products or services to a Cannabis Business.
- ZZ. “Vendor License” means a revocable License issued by the Authority to a Vendor.
- AAA. “Written Documentation” means accurate reproductions of those portions of a Qualified Consumer’s medical records that have been created by the attending physician, that contain the information required by Article II, Section PP and that the Qualified Consumer may submit to a county health department or the county’s designee as part of an application for a Medical Cannabis Identification Card.

III. GENERAL PROVISIONS

- A. Authority. This Ordinance is enacted pursuant to the inherent sovereign powers of the Big Valley Band of Pomo Indians of the Big Valley Rancheria and in accordance with Article IV, Section 1 of the Tribe’s Constitution.
- B. Construction. In construing provisions of the Ordinance, the following shall apply:

1. The provisions of this Ordinance, being necessary for the benefit of the Tribe and its Tribal Members, shall be liberally construed to effectuate its purpose and to promote substantial justice.
 2. The Findings, Intents, Policies stated in Section 1 constitute the standards to be observed by the Authority in the exercise of its discretionary powers under the Ordinance, in the adoption of implementing regulations, in the issuance of orders and declaratory statements, in the examination and supervision of Licensees, and in all matters of construction and application of the Ordinance required for any determination or action by the Authority.
 3. No Person acting, or who has acted, in good faith reliance upon a rule, order, or declaratory statement issued by the Authority shall be subject to any criminal, civil, or administrative liability for such action, notwithstanding a subsequent decision by a court of competent jurisdiction invalidating the rule, order, or declaratory statement. In the case of an order or a declaratory statement that is not of general application, no Person other than the Person to whom the order or declaratory statement was issued is entitled to rely upon it, except upon material facts or circumstances that are substantially the same as those upon which the order or declaratory statement was based.
 4. Words of the masculine gender or neuter include masculine and feminine genders and or the neuter.
 5. Words in the present tense include the future and past tenses.
 6. Words in the singular number include the plural, and words in the plural number include the singular.
- C. Severability. If any section of this Ordinance is invalidated by a court of competent jurisdiction, the remaining sections shall not be affected thereby.
- D. Effective Date. This Ordinance shall take effect and be in full force and effect from and after the date of its final passage and approval by the Tribal Business Committee.

IV. TRIBAL CANNABIS REGULATORY AUTHORITY

- A. Establishment. The Tribal Business Committee hereby charters, creates and establishes the Tribal Cannabis Regulatory Authority as a governmental subdivision of the Tribe. The Authority has charge and implementation of the Ordinance and regulations of the Tribe relating to cannabis business activities and associated licensing requirements governed by this Ordinance.

- B. Location and Place of Business. The Authority may maintain its headquarters, principal place of business and office within the Tribal offices. The Authority may, however, with a majority vote from the Tribal Business Committee, establish other places of business in such other locations as the Authority may from time to time determine to be in the best interests of the Tribe.
- C. Duration. The Authority shall have perpetual existence and succession in its own name, unless dissolved by the Tribal Business Committee pursuant to Tribal law.
- D. Authority. As a governmental subdivision of the tribe, the Authority is under the direction and control of the Tribal Business Committee, and it is the purpose and intent of the Tribal Business Committee that the operations of the Authority be conducted on behalf of the Tribe for the sole benefit and interests of the Tribe, its Tribal Members and residents of or visitors to the Tribe's reservation.
- E. Arm of the Tribe. In carrying out its purpose under this Ordinance, the Authority shall function as an arm of the Tribe.
- F. Tribal Actions. Notwithstanding any authority delegated to the Authority under this Ordinance, the Tribe reserves to itself the right to bring any suit against any Person in its own right, on behalf of the Tribe or on behalf of the Authority whenever the Tribe deems it necessary to protect the sovereignty, rights, and interests of the Tribe or the Authority.
- G. Sovereign Immunity of the Authority.
1. Immunity from Suit. The Authority, as an arm of the Tribe, enjoys all the privileges and immunities of the Tribe, except as specifically limited by this Ordinance, including sovereign immunity from suit in any tribal, federal, state, or local court. It is the Tribe's express intent to extend such privileges and immunities to the Authority.
 2. No Waiver. Nothing in this Ordinance shall be deemed or construed to be a waiver of sovereign immunity of the Authority from suit, which shall only be waived pursuant to Section IV(H) of this Ordinance.
 3. No Consent to Jurisdiction. Nothing in this Ordinance shall be deemed or construed to be consent of the Authority to the jurisdiction of the United States, or of any state, or of any other tribe, or any other governmental agency with regard to the business or affairs of the Authority.
- H. Sovereign Immunity of the Tribe. With respect to the existence and activities of the Authority, all inherent sovereign rights of the Tribe, as a federally-recognized Indian Tribe, are hereby expressly reserved, including sovereign immunity from suit in any tribal, federal, state, or local court. Nothing in this Ordinance nor any action of the Authority shall be deemed or construed to be a waiver of sovereign immunity from suit

or counterclaim of the Tribe, a consent of the Tribe to the jurisdiction of the United States, any state, or other tribe with regard to the business or affairs of the Authority or the Tribe, a consent of the Tribe to any cause of action, counterclaim, case or controversy, or to the levy of any judgment, lien, or attachment upon any property of the Tribe, consent to suit or counterclaim with respect to any land within the exterior boundaries of the Reservation or to be a consent to the alienation, attachment, or encumbrance of any such land.

- I. Assets of the Authority. The Authority shall have only those assets specifically assigned to it by the Tribal Business Committee, acquired in its name by the Tribe, or acquired by the Authority on its own behalf. No activity of the Authority or any indebtedness incurred by it shall implicate or in any way involve any assets of Tribal Members or the Tribe not assigned in writing to the Authority. J. Executive Director; Compensation; Duties.
1. Executive Director; Term of Office. The day-to-day operations of the Authority shall be managed by an Executive Director appointed by the Tribal Business Committee. The Tribal Business Committee shall determine the term of office for the Executive Director.
 2. Compensation. The compensation of the Executive Director shall be established from time-to-time by the Tribal Business Committee.
 3. Duties. The Executive Director shall:
 - a) Oversee and manage the day-to-day operations of the Authority;
 - b) Serve as the agent for service of process for the Authority;
 - c) Assisting the Regulatory Agent with review of Applicant and Licensee records;
 - d) Conduct and oversee the conduct of any meetings or hearings held by the Authority in accordance with this Ordinance or further directive of the Tribal Business Committee; and
 - e) Hire staff, not including Regulatory Agents, as necessary and appropriate with the prior written approval of the Tribal Business Committee.
 4. Executive Director Qualifications. No person shall be appointed as Executive Director unless he or she meets the following qualifications:
 - a) The Executive Director shall have expertise, experience, education, or a combination thereof in the following areas: medical cannabis, management, business, governmental regulation, law, and/or Tribal policy.

- b) The Executive Director shall be at least twenty-one (21) years of age and show proof of a High School Diploma or the equivalent.
- c) The Executive Director may be, but is not required to be, an enrolled Tribal Member.
- d) No person shall serve as a the Executive Director if:
 - (i) His or her prior activities, criminal record, if any, or reputation, habits or associations:
 - (1) Pose a threat to the public interest;
 - (2) Threaten the effective regulation and control of Cannabis Businesses; or,
 - (3) Enhance the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the conduct of Cannabis Businesses;
 - (ii) He or she has been convicted of or entered a plea of no contest to any felony or to a misdemeanor involving breach of trust or dishonesty, violence, or conspiracy in any jurisdiction; or
 - (iii) He or she or any member of his or her Immediate Family has an ownership stake in, is in partnership with, or has any other direct monetary or financial interest in the conduct of any Licensee or is in privity with any Cannabis Business licensed under this Ordinance or one of its agents, contractors, or sub-contractors; or if

he or she has any other personal or legal relationship that places him or her in a conflict of interest with respect to any Licensee. Notwithstanding the foregoing, a Person’s status as a Tribal Member shall not constitute an ownership stake in a Licensee owned and operated by the Tribe. K. Regulatory Agent; Compensation; Duties.

1. Regulatory Agent; Term of Office. The Tribal Business Committee shall initially appoint one (1) Regulatory Agent to carry out the official duties of the Authority. The Tribal Business Committee may increase the number of Regulatory Agents by Resolution as it deems necessary to for the conduct of the Authority’s duties. The Tribal Business Committee shall determine the term of office for the Regulatory Agent(s).
2. Compensation. The compensation of the Regulatory Agent shall be established from time-to-time by the Tribal Business Committee.
3. Duties. The Regulatory Agent shall have the following responsibilities:

- a) Hearing and deciding appeals from enforcement actions as provided in the Ordinance.
 - b) Conducting inspections and examinations of Licensee operations and records;
 - c) Approving License Applications and Applications for renewals of Licenses;
 - d) Issuing fines, penalties, and notices in accordance with this Ordinance, or delegated pursuant to this Ordinance or regulation; and
 - e) Developing and approving rules and regulations in accordance with this Ordinance.
4. Regulatory Agent Qualifications. No person shall be appointed as a Regulatory Agent unless he or she meets the following qualifications:
- a) The Regulatory Agent shall have expertise, experience, education, or a combination thereof in the following areas: medical cannabis, management, business, governmental regulation, law, and/or Tribal policy.
 - b) The Regulatory Agent shall be at least twenty-one (21) years of age and show proof of a High School Diploma or the equivalent.
 - c) The Regulatory Agent may be, but is not required to be, an enrolled Tribal Member.
 - d) No person shall serve as a Regulatory Agent if:
 - (i) His or her prior activities, criminal record, if any, or reputation, habits or associations:
 - (1) Pose a threat to the public interest;
 - (2) Threaten the effective regulation and control of Cannabis Businesses; or,
 - (3) Enhance the dangers of unsuitable, unfair, or illegal practices, methods, or activities in the conduct of Cannabis Businesses;
 - (ii) He or she has been convicted of or entered a plea of no contest to any felony or to a misdemeanor involving breach of trust or dishonesty, violence, or conspiracy in any jurisdiction; or

- (iii) He or she or any member of his or her Immediate Family has an ownership stake in, is in partnership with, or has any other direct monetary or financial interest in the conduct of any Licensee or is in privity with any Cannabis Business licensed under this Ordinance or one of its agents, contractors, or sub-contractors; or if he or she has any other personal or legal relationship that places him or her in a conflict of interest with respect to any Licensee. Notwithstanding the foregoing, a Person's status as a Tribal Member shall not constitute an ownership stake in a Licensee owned and operated by the Tribe

L. Meetings. The Authority shall hold or participate in such meetings with the Tribal Business Committee as are necessary and appropriate.

M. Prohibited Acts. The Executive Director, a Regulatory Agent, or other Authority Employee shall not do any of the following with respect to any Licensee under the jurisdiction of the Authority:

1. Be indebted, either directly or indirectly as a borrower, accommodation endorser, surety, or guarantor of any Licensee, unless such indebtedness was contracted before becoming employed by or appointed to the Authority and is fully disclosed to the Authority. Notwithstanding the foregoing, an Authority Employee other than the Executive Director or a Regulatory Agent may become so indebted; provided that, while the debt is outstanding, that employee shall not participate in any matter related to that Licensee conducted by the Authority and the indebtedness is:
 - a) Incurred on terms no more favorable than those available to the general public; and,
 - b) Fully disclosed to and approved by the Tribal Business Committee with the consent of the Authority before funding and said disclosure includes the following information:
 - (i) The date of the indebtedness;
 - (ii) The amount;
 - (iii) The interest rate; and, (iv) Security.
2. Be an officer, director, or employee of any Licensee.
3. Own or deal in, directly or indirectly, the shares or obligations of any Licensee, other than pro-rata share of revenue that has been generated by a Licensee and is

distributed to all eligible Tribal Members solely by virtue of their membership in the Tribe.

4. Be interested in, directly or indirectly, or receive from any Licensee or any officer, director, employee of any Licensee any salary, fee, compensation or other valuable thing by way of gift, donation, credit, or compensation for services or otherwise, except that the Executive Director, a Regulatory Agent, or other Authority Employee is permitted to receive his or her pro-rata share of revenue share of revenue that has been generated by a Licensee and is distributed to all eligible Tribal members solely by virtue of their membership in the Tribe. N. Removal of Executive Director or Regulatory Agent; Vacancy.
1. Removal. The Tribal Business Committee may remove the Executive Director or a Regulatory Agent for the following reasons: serious inefficiency, neglect of duty, malfeasance, misfeasance, nonfeasance, misconduct in office, criminal conduct, or for any conduct which threatens the honesty or integrity of Tribal Cannabis activities or violates the letter or intent of this Ordinance. The decision of the Tribal Business Committee concerning removal of the Executive Director or a Regulatory Agent shall be final and not subject to judicial review.
 2. Vacancy. If the Executive Director or a Regulatory Agent dies, resigns, or is removed from office, or for any other reason is unable to serve, the Tribal Business Committee shall declare the position vacant and shall appoint another qualified person to fill the position within thirty (30) days of the vacancy. The term of office of the person appointed to replace the Executive Director or Agent shall be for the balance of the unexpired term for that position.
- O. Powers of Authority. The Authority has the authority and responsibility for discharge of all duties imposed by Tribal law and this Ordinance. In furtherance, but not in limitation of, the Authority's purposes and responsibilities, and subject to any restrictions contained in this Ordinance or other applicable law, the Authority shall have, and is authorized to exercise the following powers and responsibilities in addition to all powers conferred elsewhere in this Ordinance:
1. To promulgate, adopt, and enforce regulations and rules furthering the purpose and provisions of this Ordinance; provided that such regulations shall take effect only upon written approval of the Tribal Business Committee.
 2. To examine or inspect or cause to be examined or inspected the operations of each Licensee annually and more frequently if the Authority considers it necessary.
 3. To make or cause to be made reasonable investigations of any Licensee or Person as it deems necessary to ensure compliance with this Ordinance or any order of the Authority; to determine whether any Licensee or Person has engaged in, is engaging in, or is about to engage in any act, practice or transaction that

constitutes an unsafe or unsound practice or violation of this Ordinance or any order of the Authority; or to aid in the development of rules or regulations pursuant to this Ordinance.

4. To establish procedures designed to detect any noncompliance, fraud, misconduct, or the like.
5. Upon prior explicit written approval of the Tribal Business Committee, to employ such advisors as it may deem necessary. Advisors may include, but are not limited to, lawyers, accountants, law enforcement specialists, and medical business professionals.
6. To accept, review, approve or disapprove any Application for a License, and to take any action necessary or appropriate to inform the determination of whether to approve or disapprove Applications including, but not limited to, conducting or arranging for background investigations of all Applicants.
7. To examine under oath, either orally or in writing, in hearings or otherwise, any Licensee or other Person, or agent, officer or employee of any Licensee or other Person, or any other witness with respect to any matters related to this Ordinance and to compel by subpoena the attendance of witnesses and the production of any books, records, and papers with respect thereto. Upon refusal to appear or produce, the Authority may, through its Executive Director as the initial factfinder, suspend, revoke, or deny a License of the Licensee or Applicant at issue. Any adverse action taken by the Authority as a result of a Licensee's or other Person's failure to appear or produce can be cured or appealed pursuant to the procedures set forth in Article IV, Section T.
8. To make, or cause to be made by its Regulatory Agents or other Authority Employees, an examination or investigation of the place of business, equipment, facilities, tangible personal property and the books, records, papers, vouchers, accounts, documents and financial statements of any Licensee or Person engaging or participating in, or suspected to be engaging or participating in, any Cannabis Business.
9. To discipline any Licensee or other Person engaging in or participating in Cannabis Business in violation of this Ordinance by ordering immediate compliance, issuing fines and sanctions, and suspending or revoking any License pursuant to the process required by Article IV, Section T of this Ordinance.
10. To sue or be sued in courts of competent jurisdiction within the United States and Canada, subject to Article IV, Section Hof this Ordinance; provided, that no suit shall be brought by the Authority without the prior explicit written approval of the Tribal Business Committee.

11. To arbitrate, compromise, negotiate or settle any dispute to which it is a party relating to the Authority's authorized activities, subject to written approval of the Tribal Business Committee.
12. To adopt a schedule of fees to be charged for the processing, issuance and renewal of Licensees, including fees or charges associated with conducting background checks, for reasonable examinations of Licensees and for services rendered relating to transcripts and the furnishing or certifying of copies of transcripts, files, and records; and to impose the foregoing fees as applicable.
13. To establish and maintain such bank accounts as may be necessary or convenient.
14. To make such findings as may be necessary to implement the Authority's duties and powers, with such findings to be given deference as the legally binding findings of a governmental entity.
15. To assess fines for non-compliance with this Ordinance and any subsequently adopted rules and regulations. P. Investigations; Right of Entrance.

1. Investigations. The Authority, upon complaint or its own initiative or whenever it may deem necessary in the performance of its duties or the exercise of its powers, may investigate and examine the operation and premises of any Licensee or unlicensed Person engaging or suspected to be engaging in Cannabis Business within the jurisdiction of the Authority in accordance with the following:
 - a) In undertaking such investigations, the Authority may request the assistance of Tribal, federal, or local law enforcement officials, legal counsel, and/or other third parties.
 - b) In conducting such investigation, the Authority shall make no order or final decisions without first affording any affected party notice and a hearing pursuant to Article V, Section T of this Ordinance.
 - c) This power to investigate does not authorize the Authority to manage the day-to-day operations of a Licensee.
2. Right of Entrance. The Authority and duly authorized Authority Employees or Regulatory Agents, during regular business hours, may reasonably enter upon any premises of any Licensee or unlicensed Person engaging in or suspected to be engaging in Cannabis Business for the purpose of making inspections and examining the accounts, books, papers, and documents relating to the Cannabis Business of any such Licensee or Person.
3. Aid to Entry. The staff of the Licensee or unlicensed Person engaging in or suspected of engaging in Cannabis Business shall facilitate such inspection or

examination by giving every reasonable aid to the Authority and to any properly authorized Regulatory Agent or Authority Employee.

Q. Annual Budget. The Authority shall prepare an annual operating budget for all Authority activities and present it to the Tribal Business Committee no less than forty-five (45) days prior to the commencement of each calendar operating year or part thereof, as applicable. R. Authority Regulations.

1. Within 180 days of the effective date of this Ordinance, the Authority shall promulgate rules and regulations necessary to carry out the implementation and orderly performance of the Authority's duties and powers, including, but not limited to, the following:
 - a) Findings and development and publication of other information required by or necessary to implement this Ordinance;
 - b) Interpretations of this Ordinance, as may be necessary to enforce the Authority's duties and exercise its powers;
 - c) Standards for the business practices of Licensees, including, but not limited to, standards for accounting, contracting, management, and supervision;
 - d) Standards for the conduct of inspections, investigations, hearings, appeals, enforcement actions, and other powers of the Authority under this Ordinance;
 - e) Specification of the amount and schedule of applicable Licensing and other fees imposed by the Authority.
 - f) Standards for the preparation of reports to the Tribal Business Committee as required by Article IV, Section S of this Ordinance and the schedule for submission of such reports;
 - g) Specification of penalties and fines for violations of this Ordinance and rules and regulations promulgated under this Ordinance, and standards for determining whether a violation has occurred;
 - h) Standards for Cannabis sales delivery services provided by a Dispensary, including, but not limited to, hours of operation, qualifications for delivery drivers, insurance requirements, and permissible amounts to be delivered;
 - i) Amounts, rates, and manner of assessment and collection of taxes on Cannabis Business activities permitted under this Ordinance;

2. No Hearing, Voluntary Resolution. Whenever it appears to the satisfaction of the Authority that all of the interested parties to any dispute, violation, or potential violation have agreed concerning the matter at hand, the Authority may dismiss or approve resolution of the issue, as appropriate, without a hearing.
3. Notice of Hearing. If the violation or potential violation remains uncured at the expiration of the cure period, within ten (10) days after the expiration of the cure period, the Authority shall, provide a written notice of the hearing to all interested parties setting forth with specificity the issues to be resolved, with citation to the Sections of this Ordinance or any rules or regulations promulgated under this Ordinance alleged to have been violated, if applicable, the date and time of the hearing, and the location of the hearing. The notice shall be sent certified mail via United States Postal Service.
4. Hearing. Absent exigent circumstances or other good cause as determined by the Executive Director, the hearing shall be schedule to take place no less than ten (10) and no more than thirty (30) business days after the notice of hearing is delivered. At the hearing, the interested parties shall be provided the opportunity to present oral or written testimony and any other relevant evidence. .
5. Examiner. The Executive Director may act as examiner for the purposes of any hearing, or the Executive Director may appoint an examiner qualified in law or possessing knowledge or expertise in the subject matter of the hearing for the purposes of any hearing.
6. Decision. The Authority shall issue a written decision to all interested parties within thirty (30) days after the hearing. The written decision shall, at a minimum:
 - a) Describe the factual findings supporting the decision;
 - b) Cite the Sections of this Ordinance or any rules or regulations promulgated under this Ordinance violated or alleged to have been violated, as applicable;
 - c) Specify any fines or penalties assessed for any violation(s) and parties responsible for such fees or penalties, as applicable; and
 - d) Inform any party adversely affected by the decision of its right to appeal the decision as provided in this Ordinance.
7. Appeals. Any party subject to a fine, License denial, suspension, or revocation, or other formal Authority enforcement action may appeal such action to a Regulatory Agent in accordance with standards and procedures to be established by regulation of the Authority. U. Penalties.

1. Civil Penalties. If a Licensee or other Person violates this Ordinance or any rule or regulation promulgated under this Ordinance, the Authority may:
 - a) Suspend, deny, or revoke any License held or sought by that Licensee or other Person;
 - b) Assess a fine in accordance with the rules and regulations of the Authority; and/or
 - c) Exclude that Licensee or other Person from any Licensed Premises.
2. Criminal Penalties. The Authority has an obligation to prevent criminal cannabis-related activity within its jurisdiction. As such, the Authority will report any cannabis-related violations of law within its jurisdiction to proper law enforcement officials. The Authority will work cooperatively with law enforcement to ensure the intent and purpose of this Ordinance is carried out.

V. LICENSES

A. License Required for Cannabis Businesses. Any Person must obtain the appropriate License before engaging in any Cannabis Business activities. In addition to the requirements of Article V of this Ordinance, an Applicant may be subject to additional licensing requirements imposed elsewhere in this Ordinance. B. Eligibility for Licenses.

1. The Tribe or any entity, agency, or other subdivision thereof is eligible for any Cannabis Business License provided by this Ordinance.
2. Dispensaries. Only the Tribe or a wholly-owned entity thereof is eligible for a Dispensary License.
3. Manufacturing. Only the Tribe or a wholly-owned entity thereof is eligible for a Manufacturing License.
4. Cultivation. In addition to the Tribe or a wholly-owned entity thereof, only Rancheria residents at least 21 years of age or older Persons wholly owned and controlled by one or more Rancheria resident at least 21 years of age or older are eligible for a Cultivation License, and only Tribal trust land is eligible to be used as a licensed cultivation site.
5. Others Licenses. Any Person, at least 21 years of age, if a natural person, regardless of Tribal membership or, residency within the Rancheria, is eligible for the following :
 - a) Cannabis Testing Facility License;
 - b) Distributor License;

- c) Vendor License; and
- d) Employee License.

C. Requirements for Cannabis Business License. The Authority may issue a Cannabis Business License only if the following criteria, as applicable, are met:

1. The Applicant is eligible to apply for that specific class of Cannabis Business License under Article V, Section B of this Ordinance;
2. No officer, director, or principal management employee of the Applicant has been, in any jurisdiction, charged with a felony or any misdemeanor crime involving a breach of trust or dishonesty; been convicted of or entered a plea of no contest or any other crime involving a breach of trust or dishonesty; had an order entered against him or her by an administrative agency based on conduct that involved fraud, deceit or misrepresentation; or has had a financial judgment ordered against him or her in a civil action based on fraud, deceit, or misrepresentation;
3. No, officer, and/or director; or principal management employee of the Applicant has been, in any jurisdiction, charged with any crime involving Drug-Related Criminal Activity, whether a felony or a misdemeanor; been convicted of or entered a plea of no contest for any crime involving Drug-Related Criminal Activity; had an order entered against him or her by an administrative agency based on Drug-Related Criminal Activity; or has had a financial judgment ordered against him or her in a civil action based on Drug-Related Criminal Activity;
4. The proposed Cannabis Business is authorized by Tribal Business Committee resolution, if applicable; and
5. The Applicant complied with the additional licensing requirement provisions, if any, as provided by this Ordinance for:
 - a) Cultivation at Article VII;
 - b) Manufacturing at Article VIII;
 - c) Distribution at Article IX;
 - d) Cannabis Testing Facilities at Article X; and
 - e) Dispensaries at Article XI. D. Vendor and Employee Licenses.

2. License Required. Subject to the exemptions set forth in this Article V, Section D (2), any Vendor to or employee of a Cannabis Business must obtain a License

prior to serving as Vendor to or employee of a Cannabis Business, subject to the following:

- a) If a Vendor that receives or is likely to receive at least twenty-five thousand dollars (\$25,000) in any twelve (12) month period from a Cannabis Business in exchange for directly providing cultivation, manufacturing, distribution, transportation, or sales services and is not otherwise subject to exemption in Section V(D)(2) below; or
 - b) If an employee, that employee holds a position which involves substantive interaction with the Cannabis Business' management, finances, or significant customer-facing interaction, is required to have a current and valid Employee License.
3. Exemptions. The following Persons are not required to obtain a License to aid in a Cannabis Business, provided the following describes such Persons' only relationship with the Cannabis Business:
- a) A Person who sells construction supplies or building materials used to construct a facility or building of any sort;
 - b) A Person who sells fertilizer, or soil, or similar materials;
 - c) A Person who sells paper, plastic, twine, ropes, or other items used for packaging;
 - d) A Person who provides a Cannabis Business with non-Cannabis derived products or non-Cannabis Accessory products for sale such as magnets, coffee cups, or tee-shirts;
 - e) Any national or state chartered bank that is insured by the Federal Deposit Insurance Corporation or any subsidiary thereof;
 - f) Any Person who provides payment processing, money transmission, tax preparation, or legal services to a Cannabis Business; and
 - g) Any other federal insured financial institution and any of their subsidiaries; and,
 - h) Any employee of the above.
4. Due Diligence. In issuing Vendor Licenses, the Authority has broad discretion to perform due diligence in assessing the suitability of off-reservation, state-licensed Persons.

- E. Authority Discretion. The Authority shall review an Applicant’s prior activities, criminal record, reputation, habits, and associations to make a finding concerning the eligibility of an Applicant to hold a License under this Ordinance. If the Authority determines that the granting of a License to an Applicant poses a threat to the public interest or the effective regulation of the Tribe’s Cannabis industry, or creates or enhances dangers of unsuitable, unfair, or illegal practices, methods, or activities in the conduct of Cannabis Businesses, then the Authority, in its sole discretion, may deny the Applicant’s request for a License.
- F. Issuance. Upon completion of any necessary background investigation, the Authority may issue a License on a conditional or unconditional basis. Nothing herein creates property right in the License. The Regulatory Authority may in its discretion grant a temporary License for no longer than sixty (60) days after submission of a completed Application and a preliminary determination of suitability by the Authority.
- G. Denial. The Authority, when it denies an Applicant’s request for a License, shall notify the Applicant in writing of the denial and provide the basis for the denial of the License. The Applicant shall be entitled to a hearing regarding the denial, in accordance with Article IV, Section T of this Ordinance, as applicable, upon written request for such a hearing to the Authority within ten (10) days of the Applicant’s receipt of the notification of denial. Such a hearing shall occur within thirty (30) days of the Authority’s receipt of the Applicant’s request for a hearing.
- H. Term. Any License issued pursuant to this Ordinance shall be effective for a period of two (2) years from the date of issuance. A temporary or conditional License may be issued for such period of time as determined by the Regulatory Authority, but not to exceed sixty (60) days, with a possible sixty (60) day extension of the temporary or conditional for cause.
- I. Application Procedure.
1. Submission to Regulatory Authority. An Applicant seeking a License shall submit an Application to the Authority on such form as the Authority may require.
 2. Application Contents. At a minimum, the Application shall contain the following information, as applicable:
 - a) For Applicants that are other than natural persons, the identify of each of the Applicant’s owners, partners, officers, directors, and principal management employees, including any chief executive officer, chief financial officer, chief operating officer, and general manager, as applicable;
 - b) If the Applicant is a corporation, the identity of each of its shareholders who own more than ten (10) percent of the shares of the corporation;

- c) For Applicants who are natural persons, the Applicant's identify;
- d) For each person listed in Article V, Section I(2)(a), (b), & (c): ,
 - (i) that person's criminal record, if any;
 - (ii) a list of civil matters to which that person was or is a party in any jurisdiction, if any;
 - (iii) an explanation of the circumstances of any crimes for which he or she has been convicted or pled no contest to and civil suits in which a judgment has been entered against him or her, as applicable;
 - (iv) a complete disclosure of any pending or anticipated civil or criminal action in any jurisdiction; and,
 - (v) written authorization for the Authority or its designees the right to obtain documents related to that person's background, including his or her criminal record;
- e) An Applicant for an Employee License shall provide all necessary information and written authorization for the Authority or its designee to obtain the Applicant's credit history and/or credit score;
- f) A list of all Cannabis Business-related Licenses the Applicant has ever sought from the Authority or any other authority, whether or not such Licenses were issued, regardless of the jurisdiction or whether the current Application with the Authority is for a different aspect of the Cannabis Business;
- g) The disclosure of whether there is a current or previous contractual relationship with an Indian tribe;
- h) A sworn statement that if the License applied for is issued, the Applicant will submit to the jurisdiction of the Tribe; the Applicant will abide by all applicable Tribal laws, regulations, and policies; and a signed certification that the information contained in the Application is true and correct to the best of the Applicant's knowledge, under the penalty of perjury;
- i) If required for the class of License sought, an operating plan that satisfies all the requirements of Article VI of this Ordinance;
- j) All information required for the class of License sought under other provisions of this Ordinance; and

- k) Any other information the Authority deems necessary to determine suitability of an Applicant, as set forth in a regulation duly promulgated by the Authority.
- J. Fee. Each Application shall be accompanied by an application fee, the amount of which shall be set by the Authority and received into an account maintained by the Authority.
- K. License Substance and Classification. The License shall bear on its face, the name of the Licensee, the Tribal logo, the issuance date, the license number, and the applicable classification of the License. The License shall clearly state that the Licensee is entitled to act within the Tribe's jurisdiction and pursuant to the Ordinance, and that the Tribe and Authority disclaim possible violations of federal law. Subject to this Ordinance, the Authority may issue Licenses that authorize a Licensee to engage in multiple types of Cannabis Businesses under this Ordinance or a limited purpose License that only authorizes a certain type of Cannabis Business under this Ordinance. Each License shall specify its scope.
- L. Record Retention. The Authority shall maintain the Applicant's file, including Applications, background investigation reports, and eligibility determination reports for no less than three (3) years from the date of termination of the Applicant's License.. M. License Denial; Suspension or Revocation of License.
 - 1. Revocable Privilege. A License is a revocable privilege to do business within the jurisdiction of the Tribe.
 - 2. Denial; Temporary Suspension or Revocation. The Authority shall not unreasonably withhold issuance or renewal of a License. The Authority may deny a License or suspend or revoke a License, after notice and an opportunity for a hearing pursuant to Article V, Section T of this Ordinance, if the Regulatory Authority finds that an Applicant or Licensee:
 - a) Failed to pay initial Application or renewal fees;
 - b) Made a material misrepresentation or omission on the Application or on any document required to be filed with the Regulatory Authority;
 - c) Withheld or provided incomplete or insufficient pertinent information;
 - d) Is not a Person of honesty, truthfulness, or good character;
 - e) Violated or aided, abetted, or conspired with another Licensee or Person or knowingly caused any Licensee or Person to violate or otherwise participated in violation of this Ordinance or the rules and regulations of the Authority;

- f) Participated in Medical or Recreation Cannabis Business that was not authorized by the laws of the jurisdiction in which that business was located;
- g) Knowingly falsified books or records that relate to a transaction connected with the operation of a Cannabis Business;
- h) Failed to keep sufficient books or records to substantiate receipts, disbursements, and expenses incurred or paid to allow the Authority to verify compliance with this Ordinance;
- i) Failed to take reasonable measures to ensure that a sale to a Qualified Consumer is not in violation of this Ordinance;
- j) Is insolvent;
- k) Is charged in any jurisdiction with a felony or any other crime involving breach of trust or dishonesty, violence, conspiracy or Drug-Related Criminal Activity, so long as any temporary suspension is removed or the revocation is nullified if the charges are subsequently dismissed;
- l) Has been convicted or has entered a plea of no contest in any jurisdiction of any felony or any other crime involving breach of trust or dishonesty, violence, conspiracy or Drug-Related Criminal Activity;
- m) Has had an order entered against it by an administrative agency of any jurisdiction and the order is based on conduct that involved fraud, deceit or misrepresentation or Drug-Related Criminal Activity by the Applicant or Licensee and it was entered after notice and an opportunity to be cured;
- n) When the Licensee is a Licensee or Licensee Applicant, has had a financial judgment ordered against it in a civil action based on fraud, deceit or misrepresentation or Drug-Related Criminal Activity;
- o) Employed any Person in a Cannabis Business whom the Licensee knew or should have known was convicted of fraud, theft, embezzlement or Drug-Related Criminal activity;
- p) Refused to comply with any lawful order, inquiry or directive of the Authority, the Tribal Business Committee, or any other political or administrative body of the Tribe;
- q) Attempted to bribe or offer something of value to any Person, Tribal Business Committee Member, or Authority personnel in an attempt to avoid or circumvent Tribal law;

- r) Stole or attempted to steal funds or other items of value from the Authority or the Tribe;
 - s) Poses a threat to the public interest or the effective regulation of Tribal Cannabis Business;
 - t) Creates or enhances the danger of unsuitable, unfair or illegal practices and methods and activities in the conduct of Tribal Cannabis Business;
 - u) Was a former Licensee pursuant to this Ordinance whose License was suspended or revoked and not subsequently reinstated; or
 - v) Has demonstrated an inability to prudently manage personal or business finances or demonstrates a sufficient indebtedness in relation to income so as to cause concern for the Applicant's ability to fulfill its responsibilities under this Ordinance.
3. Acts of Controlling Persons. It is sufficient cause for denial, suspension, or revocation of a License if an officer, director, partner, owner, employee or controlling person of the Licensee or Applicant acted or failed to act in a manner such that if the Licensee or Applicant acted or failed to act in the same manner it would be cause for denial, suspension or revocation of the License. For purposes of this Subsection, "controlling person" means a person who owns more than twenty-five percent (25%) equity interest in the Licensee or Applicant or who has the ability to affect one or more significant business decisions of the Licensee or Applicant, and includes executive management of the Licensee.
4. Procedures for Suspension or Revocation.
- a) Upon reasonable basis for belief that a violation of this Ordinance has occurred, the Authority or its designee may either undertake an investigation of the Licensee, or serve upon any such Licensee an order to show cause why the Licensee's License should not be suspended or revoked, or why the Licensee should not be enjoined from conducting a Medical Cannabis Business under this Ordinance.
 - b) Such notice shall state the reason for the order, and the time and place for the hearing before the Regulatory Authority pursuant to Article V, Section T herein. Such notice may also contain a temporary suspension pending the order to show cause hearing.
 - c) At such hearing, the Licensee shall have an opportunity to present testimony and cross-examine opposing witnesses, and to present any other evidence as to why a suspension, revocation order or injunction should not be issued.

d) The hearing shall be governed in all respects in accordance with Tribal law and Authority regulations. Any suspension or revocation decision of the Authority after a hearing may be appealed with the provisions of Article V, Section T herein. N. Renewal.

1. Renewals. A Licensee shall petition to have the License renewed by applying to the Authority for a renewal at least thirty (30) days prior to the License expiration date. Renewal Applicants may be required to provide updated materials as requested.

2. Non-Renewal. The Regulatory Authority may deny renewal of a License or suspend or revoke a License with written notice to the Licensee if the Authority finds the existence of any circumstance listed in Article V, Section L.2 of this Ordinance, or that any other fact or condition exists that, if it had existed at the time of the original Application, would have warranted the denial of the Application. .

O. Voluntary Surrender of License. Any Licensee may voluntarily surrender its License at any time by giving written notice of the surrender to the Authority.

P. Assignment or Transfer. A License is not salable, lendable, transferable, or assignable and control of a License shall not be transferred or acquired through any stock purchase or other devise without the prior written consent of the Authority. The Regulatory Authority shall not give consent for such any such transfer if the Authority finds that the acquiring Person does not meet the qualifications for a License. For purposes of this Subsection “control” means the power to vote more than twenty-five percent (25%) of the outstanding voting shares of a licensed corporation, partnership, limited liability company, association, or trust.

Q. Deposits of Fees and Assessments. Application fees, renewal fees, late payment penalties, civil penalties, administrative fines and other fees or penalties provided for in this Ordinance shall in all cases be paid directly to the Authority. The Authority shall deposit such proceeds into an account or fund designated by the Tribal Business Committee.

VI. LICENSEES

A. Compliance. Licensees shall at all times comply with the provisions of this Ordinance, rules and regulations promulgated pursuant to this Ordinance, and all other applicable Tribal Laws. The Authority makes no representation and expressly disclaims Licensee’s compliance with federal law, compliance with which is the responsibility of each Licensee. Licensees shall not rely upon issuance of a License by the Authority to demonstrate or support a claim that Licensee is compliance with federal law. B. Prohibited Acts by Licensees.

1. No Person shall engage in conduct which requires a License under this Ordinance without first obtaining a License pursuant to this Ordinance, except as provided in Article VII, Section H. A separate License is not required for each location that the Cannabis Business operates, but each location must be approved in advance by the Regulatory Authority. A separate License is required when separate locations are engaged in distinct aspects of the Cannabis Business, as dictated by the appropriate scope of the License issued. A Cannabis Business Licensee shall post its License issued pursuant to this Ordinance at each Cannabis Business location.
 2. A Licensee shall not:
 - a) Engage in Cannabis Business other than as allowed under this Ordinance.
 - b) Assess any interest, fee, or charge that is greater than any applicable limitation, if any, prescribed under this Ordinance.
 - c) Use or cause to be published or disseminated any advertisement that contains false, misleading, or deceptive statements or representations.
 - d) Engage in unfair, deceptive, or fraudulent practices or engage in DrugRelated Criminal Activity.
- C. Minimum Internal Control Systems. Each Cannabis Business Licensee and Vendor Licensee shall maintain a system of minimum internal control systems as specified by regulation promulgated by the Authority.
- D. Books, Accounts, and Records; Examinations and Costs.
1. Books, Accounts and Records. Any Cannabis Business Licensee and Vendor Licensee shall maintain all books, accounts, and records that the Authority reasonably requires. Each Cannabis Business Licensee and Vendor Licensee shall:
 - a) Ensure the books, accounts, and records are sufficiently detailed to demonstrate compliance with this Ordinance and all applicable Tribal laws, rules and regulations promulgated pursuant to this Ordinance.
 - b) Maintain books, accounts, and records separately from any other business in which the Licensee is engaged and shall retain the books, accounts and records for at least three (3) years.
 2. Examinations and Costs. The Authority may examine or cause to be examined each Cannabis Business Licensee and Vendor Licensee annually and more frequently if the Authority considers it necessary. In conducting such

examination, the Authority or its agent may examine the books, accounts, and records to determine if the Licensee has complied with this Ordinance and rules and regulations promulgated pursuant to this Ordinance. The Licensee shall pay the cost of the examination as may be required by the Regulatory Authority in accordance with its rules and regulations.

E. Reports.

1. Initial & Annual Reports. Every Cannabis Business and Vendor Licensee shall file an initial report with the Authority in a time and manner specified by the Regulatory Authority and thereafter annually at the end of each calendar year if changes are made to with respect to the required information. Each report shall contain information specified by the Authority as sufficient to verify compliance with this Ordinance including at a minimum, the following:
 - a) The name, address and telephone number of a Licensee;
 - b) The name, address and title of the employee(s) or other agent of the Licensee primarily responsible for the Licensee's day-to-day operations;
 - c) A sworn statement that the Licensee has complied with and will continue to comply with all applicable Tribal, state, and local laws, rules, and regulations applicable to its Cannabis Business;
 - d) The name, address and signature of the agent who will accept service of process on behalf of the Licensee; and
 - e) The number of full-time equivalent employees, on an annualized basis, employed by the operation during the past twelve (12) months, together with a projection of the number of full-time equivalent employees who are expected to be employed during the next license period; and
 - f) Any other information required by rule or regulation of the Authority.
2. Quarterly Reports. Every Cannabis Business Licensee shall file a report at the end of each fiscal quarter, no later than the date specified by the Authority. Each report shall contain information specified by the Authority as sufficient to verify compliance with this Ordinance including at a minimum, the following:
 - a) The name, address and telephone number of the Licensee;
 - b) The name, address and titles of all of the current managers or other supervisory employees of the Licensee;
 - c) A description of the Cannabis Business conducted, its Gross Revenue from the Cannabis Business, the number of other Licensees served

including transfer and volume of cannabis transferred to other Licensees to document the complete chain of custody from the point of seed cultivation to the end user sales, whether said sale is for Medical Uses or recreational use, and a description of any substantive changes in management personnel or practices related to Cannabis Business.

- d) A sworn statement that the Licensee, to the best of its knowledge, has complied with and will continue to comply with all applicable Tribal, state, and local laws, rules, and regulations applicable to its Cannabis Business;;
- e) The name, address and signature of the agent who will accept service of process on behalf of the Licensee;
- f) The name and address of the individual appointed by the Cannabis Business Licensee to perform or oversee the Cannabis Business Licensee's compliance function; and
- g) Any other information required by rule or regulation of the Authority.

- F. Audit Requirements. Each Cannabis Business and Vendor Licensee, shall provide to the Authority annually a copy of an independent audit designed to reflect compliance with applicable law, including such information and in a format required by the Regulatory Authority.
- G. Public Notice. Each Licensee shall have a copy of this Ordinance and any implementing regulations readily available for inspection by any person at each authorized Licensee site.
- H. Operating Plan Each Cannabis Business Applicant and Cannabis Business Licensee shall develop and implement an operating plan that includes, at a minimum, the following aspects, as applicable:
 - 1. Location; Right to Use. A Cannabis Business Applicant or Licensee must indicate the location where Cannabis Business activities are to occur. Such location must be at least 600 feet from any school providing instruction in kindergarten or any grades 1-12, day care center, or youth center in existence when the Application is filed. A copy of a lease, land assignment, or other agreement or instrument authorizing the Applicant's or Licensee's possession of and use of the location for the contemplated Cannabis Business activities must be attached to the operating plan.

2. Floor Plan or Site Map. A Cannabis Business Applicant or Licensee must provide a detailed floor plan or site map, if Cannabis Business activities are to occur outdoors. The floor plan for a Dispensary, specifically, shall have a lobby waiting area at the entrance, from which no Cannabis, Cannabis Product, or Cannabis Accessory is immediately accessible, where the Licensee must verify that each person entering the Dispensary is either 21 years of age or older or, if under 21 years of age, a Qualified Consumer. All Licensees' main entrances shall be maintained clear of barriers, landscaping, and similar obstructions and located so that they are clearly visible from public streets or sidewalks.
3. Storage. A Licensee shall have adequate locked storage on the premises, identified and approved as a part of the security plan, for storage of Cannabis and Cannabis Products. All finished Cannabis and Cannabis Products shall be stored in locked, secured rooms that are completely enclosed or in a safe that is bolted to the floor, and in a manner as to prevent diversions, theft, and loss, except that a Dispensary may keep limited amounts of cannabis for display, samples, or immediate sale in an area accessible by consumers.
4. Odor Control. A Licensee, except for a Licensee solely engaged in outdoor Cultivation, shall have an air treatment system that prevents odors generated from the storage of Cannabis and Cannabis Products on the Licensee's property from being detected by any reasonable person of normal sensitivity outside the Licensee's property.
5. Security Plans. A Licensee shall comply with a security plan that is approved by the Authority that includes, but is not limited to, building or outdoor area security specifications, adequate lighting to allow for night-time visibility in the area immediately surrounding the site of the Licensee's Cannabis Business, alarms, and adequate licensed security personnel to patrol the immediately surrounding the site of the Licensee's Cannabis Business in order to preserve the safety of persons and to protect the Cannabis Business from theft.
6. Security Cameras. If a Dispensary Licensee, security surveillance cameras and a video recording system shall be installed to monitor the interior, main entrance, and exterior dispensary area to discourage loitering, crime, and illegal or nuisance activities. The camera and recording system must be of adequate quality, color rendition, and resolution to allow the identification of any individual present in the Dispensary area.
7. Security Video Retention. Video from the security surveillance cameras shall be maintained for a period of not less than fourteen (14) days and shall be made available to the Authority upon request.

8. Alarm System. A Licensees, except for a Licensee solely engaged in outdoor Cultivation, shall install and maintain professionally and centrally-monitored fire, robbery, and burglar alarm systems in good working condition.
 9. Concealed. No Licensee shall allow Cannabis or Cannabis Products to be visible from the exterior of the site of the Cannabis Business.
 10. Emergency Contact. A Licensee shall provide the Regulatory Authority with the current name and primary and secondary telephone numbers of at least one 24hour on-call management member to address and resolve complaints and to respond to operating problems or concerns associated with the Licensee's Cannabis Business. The Licensee shall make good faith efforts to encourage neighborhood residents to call this person to solve operating problems, if any, before any calls or complaints are made to the Authority.
- I. Severability. If any section, subdivision, sentence, clause, phrase, or portion of this Article V is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision, and that holding shall not affect the validity of the remaining portion hereof.

VII. CULTIVATION

- A. Cultivation of Cannabis Allowed. Notwithstanding any other provision of Tribal Law, the following acts shall not be an offense under Tribal Law if committed by a Cultivation Licensee:
1. Possession or purchase of Cannabis, Cannabis Products, or Cannabis Accessories, or Cannabis seeds for the purpose of Cultivation of Cannabis;
 2. Cultivation of Cannabis in compliance with the requirements of this Article VII;
 3. Transportation of Cannabis or Cannabis Accessories from the site of a Cultivation Licensee's operations to a Cannabis Testing Facility;
 4. Sale of Cannabis to a Manufacturing Facility;
 5. Sale of Cannabis to a Distributor; and
 6. Sale of Cannabis to a Dispensary.
- B. [Reserved for Prohibitions]
- C. Applicability; Time for Compliance. This Article applies to any Person engaged in the Cultivation of Cannabis within the Rancheria, including Persons engaged in Cultivation

of Cannabis prior to the effect date of this Ordinance. For Persons engaged in Cultivation of Cannabis prior to the effect date of this Ordinance, the following apply:

- a) Any such Person who is required to obtain a Cultivation License under this Ordinance must bring Cultivation activities into compliance with Ordinance within 90 days of the effective date hereof.
 - b) Any such Person who is required to seek a Cultivation License under this Ordinance shall apply for a conditional Cultivation License for the period during which they will bring their operation into compliance with this Ordinance. D. Indoor Cultivation.
1. Applicability. The requirements of this Article VII, Section (C) apply to all the indoor Cultivation of Cannabis. This Section does not apply to the outdoor Cultivation of Cannabis.
 2. Allowable Structures; Specifications. A Cultivation Licensee may only engage in the indoor Cultivation of Cannabis in accordance with the following requirements:
 - a) Any structure used for the indoor Cultivation of Cannabis shall have ventilation and filtration systems installed that prevent Cannabis odors from exiting the interior of the structure. The ventilation and filtration system shall be approved by Qualified Expert and installed prior to commencing Cultivation.
 - b) The Licensee must certify in writing to the Authority that a Qualified Expert has authorized building plans for any structure intended to be used for the indoor Cultivation of Cannabis and that the structure is of sound construction.
 - c) Indoor Cultivation of Cannabis shall only be conducted within a detached, fully-enclosed, and secure structure(s) no greater than fifteen hundred (1,500) square feet, in the aggregate without regard to number of structures, in size. Any structure used for the indoor Cultivation of Cannabis must comply with any applicable building standards or permit requirements.
 - d) Indoor grow lights shall not exceed one thousand two hundred (1,200 W) watts.
 - e) Gas products (including, but not limited to products using CO₂, butane, propane, and natural gas) or generators shall not be used within any detached structure used for the Cultivation of Cannabis.

- f) Any structure used for the indoor Cultivation of Cannabis shall be located in the rear yard area of a legal parcel or premises, maintain a minimum ten (10) foot setback from any property line, and the area surrounding the structure must be enclosed by a solid fence at least six (6) feet in height.
3. Security; Protection of Public Interest. A Cultivation Licensee who engages in the indoor Cultivation of Cannabis shall:
- a) Install adequate mechanical or electronic security systems, approved by a qualified expert, in and around any structure used for the indoor Cultivation of Cannabis prior to the commencement of cultivation.
 - b) Conceal from public view at all Cultivation activities such that there is no visible sign of Cultivation activities from adjacent parcels or public rightsof-way.
 - c) Prohibit persons under twenty-one (21) years of age from accessing Cultivation areas at all times. E. Outdoor Cultivation.
1. Applicability. The requirements of this Article VII, Section (D) apply to the outdoor Cultivation of Cannabis. This Section does not apply to the indoor Cultivation of Cannabis.
2. Restriction on Area. The total area, on a single parcel, on which a Cultivation Licensee may grow cannabis plants may not exceed 3,000 square feet. Use of more than 3,000 square feet on a single parcel to grow cannabis plants shall be unlawful and a public nuisance.
3. A Cultivation Licensee may only engage in the outdoor Cultivation of Cannabis in accordance with the following requirements:
- a) All areas used for Cultivation must be secured in a full perimeter fence..
 - b) Areas used for Cultivation shall be setback from all such fences by at least 10 feet.
 - c) All Cultivation activities shall be concealed from public view, such that there is no visible sign of Cultivation activities from adjacent parcels or public rights-of-way.
 - d) The Cultivation Licensee shall prohibit persons under twenty-one (21) years of age from accessing Cultivation areas at any time.
 - e) Cultivation activities shall not adversely affect the health or safety of nearby residents by creating dust, glare, heat, smoke, traffic, vibration, or

other impacts, and such activities shall not be hazardous or harmful due to use or storage of materials, processes, products or wastes.

F. Additional Cultivation Licensing and Reporting Requirements. In addition to the requirements of Articles V and VI, all Cultivation License Applicants and Cultivation Licensees shall describe in their Application and quarterly and annual reports:

1. The Cultivation process(es) the Applicant or Licensee intends to use or is using, specifying, at a minimum, the amount of and source of water required for Cultivation; the use of hydroponics or aeroponics; a list of nutrients and fertilizers; the use of artificial or natural light; harvesting methods; drying and curing methods; grading methodology; and trimming practices.
2. Disposal methods for damaged or otherwise unmarketable crops;
3. Security methods to ensure the areas where Cultivation takes place are free from theft, breaking and entering, trespass or other unauthorized entrance, and access by persons under eighteen (18) years of age.
4. Methods for ensuring compliance with applicable health and safety standards required by any Authority regulations.
5. [Reserved for additional items]

G. Cultivation Area Exceptions for Tribally Owned Entities. Tribally owned entities, operating as economic and commercial arms of the Tribe, may be permitted to cultivate additional square feet of medical cannabis for both indoor and outdoor cultivation. The Authority shall determine the amount of additional square feet for Tribally owned cultivation sites in forthcoming rules and regulations. H. Exceptions for Cultivation for Personal Use.

1. Qualified Consumer; Medical Use. Any natural person who meets the definition of Qualified Consumer as provided in this Ordinance may cultivate Cannabis for personal Medical Use, provided that a Qualified Consumer shall possess no more than six (6) mature cannabis plants or twelve (12) immature cannabis plants at any time.
2. Recreational Use. Any natural person 21 years of age or older may cultivate Cannabis for personal recreational use, provided that such person shall possess no more than six (6) living cannabis plants.
3. Violations.

- (i) It is a violation for any Person, whether a Qualified Consumer or not, to sell or distribute Cannabis in any way without first obtaining the appropriate License(s) under this Ordinance.
- (ii) It is a violation for any Qualified Consumer to Cultivate or possess more than the number of permitted personal use plants noted in Article VII, Section H(1).
- (iii) It is a violation for any natural person 21 years of age or older to Cultivate or possess more than the number of permitted personal use plants noted in Article VII, Section H(2).

I. No Modification of State or Federal Laws. Nothing in this Ordinance authorizes Cultivation outside of Tribal Lands.

J. Severability. If any section, subdivision, sentence, clause, phrase, or portion of this Article IX is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision, and that holding shall not affect the validity of the remaining portion hereof.

VIII. MANUFACTURING

A. Manufacture of Cannabis Allowed. Notwithstanding any other provision of Tribal Law, the following acts shall not be an offense under Tribal Law if committed by a Manufacturer Licensee:

- 1. Possession of or purchase of Cannabis, Cannabis Products, or Cannabis Accessories from a Cultivation Licensee for the purpose of Manufacturing Cannabis;
- 2. Transport of Cannabis, Cannabis Products, or Cannabis Accessories to a Cannabis Testing Facility;
- 3. Sale of Manufactured Cannabis to a Distributor; or
- 4. Sale of Manufactured Cannabis to a Dispensary. B. [Reserved for prohibitions].

C. Indoor Manufacture Required & Allowable Structures. All Manufacture of Cannabis or Cannabis Products must be conducted indoors within a detached, fully enclosed, structure conforming with following minimum standards:

- 1. Any structure used for the Manufacture of Cannabis shall have ventilation and filtration systems installed that prevent Cannabis odors from exiting the interior of the structure. The ventilation and filtration system shall be approved by a Qualified Expert and installed prior to commencing Manufacture.

2. Any structure used for the Manufacture of Cannabis must have a valid building permit duly issued by a Qualified Expert. The Qualified Expert shall consult with Tribal planning officials when considering whether to approve any building permit application for the construction or alteration of any structure to be used for Cannabis Manufacture.
3. Any structure used for the Manufacture of Cannabis shall be located in the rear yard area of a legal parcel or premises, maintain a minimum ten (10) foot setback from any property line, and the area surrounding the structure must be enclosed by a solid fence at least six (6) feet in height.
4. Adequate mechanical or electronic security systems approved by a qualified expert must be installed in and around the allowable structure prior to the commencement of Cannabis Manufacture. All Cannabis Manufacturing activities shall be concealed from public view, such that there is no visible sign of Cultivation activities from adjacent parcels or public rights-of-way.
5. The Manufacture Licensee shall prohibit persons under twenty-one (21) years of age from accessing Cannabis Manufacture areas at any time.

D. Additional Manufacture Licensing and Reporting Requirements. In addition to Licensing Requirements of Articles V and VI, all Manufacturing Licensees shall describe in their Application and quarterly and annual Reports:

1. The Manufacturing process(es) the Licensee will use including the products it intends to produce;
2. The labeling standards to be used in Manufacturing Cannabis, including all products used with specific regard to whether the manufacturing process uses any known allergens such as peanuts, in addition to the concentration of tetrahydrocannabinol (THC) and other Cannabinoid content in both milligrams per serving and in milligrams for the package total found within the Cannabis or Cannabis product.
3. Disposal methods used for damaged or otherwise unmarketable Cannabis or Cannabis Products;
4. Security methods to ensure the areas where Manufacture takes place are free from theft, breaking and entering, trespass or other unauthorized entrance, and access by persons under eighteen (18) years of age.
5. Methods for ensuring compliance with applicable health and safety standards required by any Authority regulations [Reserved for additional items]

- E. Packaging. Prior to delivery or sale at a Dispensary, a Cannabis Manufacturer shall label and package all Cannabis and Cannabis Products in a tamper-evident and child-resistant package. Labels and packages of Cannabis and Cannabis Products shall meet the following requirements:
1. Cannabis packaging and labels shall not be made to be attractive to children.
 2. All Cannabis and Cannabis Product labels shall include the following information, prominently displayed and in a clear and legible font:
 - a) Manufacture date and source.
 - b) The following statements, in bold print:
 - (i) For Cannabis: “GOVERNMENT WARNING: THIS PACKAGE CONTAINS MARIJUANA, A SCHEDULE I CONTROLLED SUBSTANCE. KEEP OUT OF REACH OF CHILDREN AND ANIMALS. MARIJUANA MAY ONLY BE POSSESSED OR CONSUMED BY PERSONS 21 YEARS OF AGE OR OLDER UNLESS THE PERSON IS A QUALIFIED PATIENT. MARIJUANA USE WHILE PREGNANT OR BREASTFEEDING MAY BE HARMFUL. CONSUMPTION OF MARIJUANA IMPAIRS YOUR ABILITY TO DRIVE AND OPERATE MACHINERY. PLEASE USE EXTREME CAUTION.”
 - (ii) For Cannabis Products: “GOVERNMENT WARNING: THIS PRODUCT CONTAINS MARIJUANA, A SCHEDULE I CONTROLLED SUBSTANCE. KEEP OUT OF REACH OF CHILDREN AND ANIMALS. MARIJUANA MAY ONLY BE POSSESSED OR CONSUMED BY PERSONS 21 YEARS OF AGE OR OLDER UNLESS THE PERSON IS A QUALIFIED PATIENT. MARIJUANA USE WHILE PREGNANT OR BREASTFEEDING MAY BE HARMFUL. CONSUMPTION OF MARIJUANA IMPAIRS YOUR ABILITY TO DRIVE AND OPERATE MACHINERY. PLEASE USE EXTREME CAUTION.”
 - c) For packages containing only Dried Flower, the net weight of Cannabis in the package.
 - d) Identification of the source and date of cultivation, the type of Cannabis or Cannabis Product and the date of manufacturing and packaging.
 - e) The appellation of origin, if any.

- f) List of pharmacologically active ingredients, including, but not limited to, tetrahydrocannabinol (THC), cannabidiol (CBD), and other Cannabinoid content, the THC and other Cannabinoid amount in milligrams per serving, servings per package, and the THC and other Cannabinoid amount in milligrams for the package total, and the potency of the Cannabis or Cannabis Product by reference to the amount of tetrahydrocannabinol and cannabidiol in each serving.
- g) For Cannabis Products, a list of all ingredients and disclosure of nutritional information in the same manner as the federal nutritional labeling requirements in Section 101.9 of Title 21 of the Code of Federal Regulations.
- h) A list of any solvents, nonorganic pesticides, herbicides, and fertilizers that were used in the cultivation, production, and manufacture of such Cannabis or Cannabis Product.
- i) A warning if nuts or other known allergens are used.
- j) Any other labeling or packaging requirements subsequently adopted by rule or regulation of the Authority.

F. Standards for Manufacture of Cannabis Products. All Cannabis Products Manufactured by a Licensee shall be:

1. Not designed to be appealing to children or easily confused with commercially sold candy or foods that do not contain Cannabis.
2. Produced and sold with a standardized dosage of Cannabinoids not to exceed ten (10) milligrams tetrahydrocannabinol (THC) per serving.
3. Delineated or scored into standardized serving sizes if the Cannabis Product contains more than one serving and is an edible Cannabis Product in solid form.
4. Homogenized to ensure uniform disbursement of Cannabinoids throughout the product.
5. Manufactured under sanitation standards that meet or exceed those established by the California State Department of Public Health for preparation, storage, handling and sale of food products.
6. Provided to consumers with sufficient information to enable the informed consumption of such product including the potential effects of the Cannabis Product and directions as to how to consumer the Cannabis Product, as necessary.

- G. No Modification of State or Federal Laws. Nothing in this Ordinance authorizes Cannabis Manufacturing that may be prohibited by state and federal government outside of Tribal lands.
- H. Severability. If any section, subdivision, sentence, clause, phrase, or portion of this Article VIII is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision, and that holding shall not affect the validity of the remaining portion hereof.

IX. DISTRIBUTION

- A. Applicability. This Article IX applies to the Distribution, including transportation, of all Cannabis in whatever form between a Licensed Cultivator, Licensed Distributor, Licensed Manufacturer, Licensed Cannabis Testing Facility, or Licensed Dispensary.
- B. Distribution and Transportation Allowed. Notwithstanding any other provision of Tribal Law, the following acts shall not be an offense under Tribal Law if committed by a Distribution Licensee:
 - 1. Receipt, possession, Distribution, or transport of Cannabis or Cannabis Products from a Cultivation Licensee or any other Licensee for the purpose of Distribution to a Licensed Cannabis Testing Facility, Licensed Manufacturer, or a Licensed Dispensary.
 - 2. Sale or purchase of Cannabis or Cannabis Products from a Cultivation Licensee or any other Licensee for the purpose of Distribution to a Licensed Cannabis Testing Facility, Licensed Manufacturer, or a Licensed Dispensary.
 - 3. [RESERVED]
- C. Packaging. If packaging has not been completed by the Manufacturer, then the Distributor must package Cannabis and Cannabis Products according to the same standards set forth for Manufacture Licensees in this Ordinance.
- D. Persons Required to be Licensed. All Persons engaged in any aspect of Cannabis or Cannabis Product Distribution occurring within the Tribe’s jurisdiction must be independently licensed by the Authority, including all employees of a Licensee. This includes Persons who only engage in transportation of Cannabis or Cannabis Products and not any other distribution activity.
- E. Persons Authorized to Transport. Only Distribution Licensees are authorized to transport Cannabis or Cannabis Products to or from the site of Cannabis Businesses, except for a Buyer transporting Cannabis or Cannabis Products after purchase from a Dispensary. A Person does not possess a current and valid Distribution License may not transport more

than 28.5 grams of Cannabis or more than eight grams of concentrated Cannabis, including as contained in Cannabis Products, across or within any Tribal lands.

- F. Transport Between Licensed Premises. An amount of Cannabis in excess of 28.5 grams or an amount of concentrated Cannabis in excess of eight grams, including as contained in Cannabis Products, may only be transported directly between the sites of Cannabis Businesses, whether licensed by the Tribe or the State.
- G. Transport Manifest Required. A Licensee or Licensed employee may only transport Cannabis or Cannabis Products if it has in its possession a hard copy of a transport manifest that contains all of the information required by this rule and in the format set forth by the Authority at the time of transport. A Licensee may transport Cannabis or Cannabis Products from an originating location to multiple destination locations so long as the transport manifest accurately reflects the specific inventory destined for each destination.
- H. Motor Vehicle Required. Transport of Cannabis or Cannabis Products shall be conducted by a motor vehicle that is properly registered in the State of California, but need not be registered in the name of the Licensee.
- I. Documents Required During Transport. Transport of Cannabis or Cannabis Products shall be accompanied by a copy of the originating Cannabis Business's License, the driver's valid Employee License, the Distributor License for the driver's employer, all required transport records set forth in this Ordinance or any others set forth in duly promulgated rules and regulations, the driver's valid motor vehicle operator's license, and all required vehicle registration information under applicable law.
- J. Creation of Records and Inventory Tracking.
 - 1. Use of Transport Manifest. Licensees who transport Cannabis or Cannabis Products shall create a transport manifest meeting the requirements provided in Subsection (3) of this Article IX, Section (J). The transport manifest may either reflect all deliveries for multiple locations within a single trip, or separate transport manifests may be created for each single delivery. In order to maintain transaction confidentiality, the originating Licensee may require the Distribution Licensee prepare a separate transport manifest for each receiving cannabis establishment.
 - 2. Copy of Transport Manifest to Receiver. A Licensee shall provide a copy of the transport manifest to each originating Cannabis Business and each Cannabis Business receiving inventory described in the transport manifest.

3. Manifest Requirements. The transport manifest shall include the following:
- a) A unique transport manifest identification code or number;
 - b) Departure date and approximate time of departure;
 - c) Name, location address, and License number of the originating Cannabis Business;
 - d) Name, location address, and License number of the destination Cannabis Business(es);
 - e) Amount and kind of Cannabis and Cannabis Products (by weight or unit) to be delivered to each specific destination location;
 - f) Arrival date and estimated time of arrival;
 - g) Delivery vehicle make and model and license plate number; and
 - h) Name, Distributor License number, Employee License number(s), if applicable, and signature of the Licensee or Employee Licensee effectuating the transport.

K. Inventory Tracking. A Cannabis Business shall be responsible for all procedures associated with the tracking of inventory that is transported between it and another Cannabis Business, in accordance with the following:.

- 1. Responsibilities of Originating Licensee. Prior to transport, the originating Cannabis Business shall adjust its records to reflect the removal of Cannabis or Cannabis Products. Entries to the records shall note the transport manifest identification code or number and shall be easily reconciled, by product name and quantity, with the corresponding transport manifest.
- 2. Responsibilities of Receiving Licensee. Upon receipt, the receiving Licensee shall inspect the delivery and ensure that the Cannabis or Cannabis Products received are as described in kind and amount as provided in the transport manifest and shall immediately adjust its records to reflect the receipt of inventory. Entries to the inventory records shall note the transport manifest identification code or number and shall be easily reconciled, by product name and quantity, with the corresponding transport manifest.
- 3. Discrepancies. A receiving Licensee shall separately document any differences between the quantity or kind of Cannabis or Cannabis Products specified in the

transport manifest and the quantities or kinds of Cannabis or Cannabis actually received. Such documentation shall be made in any relevant business records and immediately reported to the Authority. In addition, a summary of all discrepancies occurring in that quarter shall be attached to or otherwise included in the next quarterly report.

- L. Adequate Care of Perishable Cannabis Product. A Distribution Licensee must provide adequate storage for perishable Cannabis Products during transport.
- M. No Modification of State or Federal Laws. Nothing in this Ordinance authorizes Cannabis Distribution that may be prohibited by state and federal government outside of Tribal lands.
- N. Severability. If any section, subdivision, sentence, clause, phrase, or portion of this Article IX is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision, and that holding shall not affect the validity of the remaining portion hereof.

X. TESTING FACILITIES

- A. Applicability; Testing Requirement. All Cannabis and Cannabis Products shall tested and certified by a Cannabis Testing Facility prior to being sold or otherwise transferred to any Buyer.
- B. Testing of Cannabis Allowed. Notwithstanding any other provision of Tribal Law, possession of Cannabis or Cannabis Products by a Cannabis Testing Facility Licensee for the purposes of testing such Cannabis or Cannabis Products in accordance with this Article X shall not be an offense under Tribal Law.
- C. Testing. A representative sample of each batch of Cannabis or Cannabis Products Cultivated or Manufactured pursuant to this Ordinance shall be tested to determine:
 - 1. Whether the chemical profile of the sample conforms to the labeled or putatively labeled content of the compounds, including, but limited to, all of the following:
 - a) Tetrahydrocannabinol (THC).
 - b) Tetrahydrocannabinolic Acid (THCA).
 - c) Cannabidiol (CBD).
 - d) Cannabidiolic Acid (CBDA).

- e) The terpenes described in the most current version of the cannabis inflorescence monograph published by the American Herbal Pharmacopeia.
 - f) Cannabigerol (CBG).
 - g) Cannabinol (CBN).
2. That the presence of contaminants does not exceed the levels in the most current version of the America Herbal Pharmacopoeia monograph. Such contaminants include, but are not limited to, the following:
- a) Residual solvent or processing chemicals, including explosive gases, such as Butane, propane, O₂ or H₂, and poisons, toxins, or carcinogens, such as Methanol, Isopropyl Alcohol, Methylene Chloride, Acetone, Benzene, Toluene, and Tri-chloro-ethylene.
 - b) Foreign material, including, but not limited to, hair, insects, or similar or related adulterant.
 - c) Microbiological impurity, including total aerobic microbial count, total yeast mold count, *P. aeruginosa*, *aspergillus* spp., *s. aureus*, aflatoxin B1, B2, G1, or B2, or ochratoxin A.
3. That residual levels of volatile organic compounds satisfy standards of the cannabis inflorescence monograph set by the United States Pharmacopeia (U.S.P. Chapter 467).
- D. Testing Procedures. A Cannabis Testing Facility shall perform all testing in a manner consistent with general requirements for the competence of testing and calibration activities, including sampling, using standard methods established by the International Organization for Standardization, specifically ISO/IEC 17020 and ISO/IEC 17025 to test Cannabis and Cannabis Products that are approved by an accrediting body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement.
- E. Testing Certification; Dispensary's Acceptance.
1. Upon completion of testing, the Cannabis Testing Facility shall issue a written testing certification specifying, with respect to the batch tested:
- a) The name of the person(s) who tested the Cannabis or Cannabis Products;
 - b) The time and date testing concluded;
 - c) The quantity of Cannabis or Cannabis Product tested;

- d) A description of the Cannabis or Cannabis Product tested;
 - e) The transport manifest number or code associated with the Cannabis or Cannabis Product tested;
 - f) Whether the Cannabis or Cannabis Product tested conforms to each standard provided in Article X, Section B; and
 - g) If the Cannabis or Cannabis Product does not conform any such standard, that the Cannabis or Cannabis Product is not fit for sale or human use.
2. A copy of the testing certification shall be attached to any transport manifest for the transportation of that batch of Cannabis or Cannabis Product.
 3. A Dispensary shall not accept delivery of any Cannabis or Cannabis Product which does have a testing certification attached which provides all the information required by Article X, Section D(1).
 4. A Dispensary shall not accept delivery of any Cannabis or Cannabis Product for which the testing certification indicates the Cannabis or Cannabis Product is not fit for sale or human use.
- F. Independence. A Cannabis Testing Facility shall be independent from all Persons with any ownership stake in, control over, or who are employed by any other Cannabis Business.
- G. Handling Test Samples. A Cannabis Testing Facility shall establish standard operating procedures that provide for adequate chain of custody controls for samples and destruction of any remains of sample upon completion of testing.
- H. Additional Cultivation Licensing and Reporting Requirements. In addition to the requirements of Articles V and VI, all Cannabis Testing Facility License Applicants and Cannabis Testing Facility Licensees shall provide in their Application and quarterly and annual reports:
1. A copy of the Licensee's operating procedures for ensuring adequate chain of custody controls for samples and destruction of remains of samples after testing;
 2. A copy of the Licensee's testing procedures;
 3. A list of equipment the Licensee uses for testing;
 4. Copies of the Licensee's and any licensed employees' current testing certifications.

- I. No Modification of State or Federal Laws. Nothing in this Ordinance authorizes Cannabis Testing that may be prohibited by state and federal government outside of Tribal lands.
- J. Severability. If any section, subdivision, sentence, clause, phrase, or portion of this Article X is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision, and that holding shall not affect the validity of the remaining portion hereof.

XI. DISPENSARIES

- A. Dispensaries Allowed. Notwithstanding any other provision of Tribal Law, the following acts shall not be an offense under Tribal Law if committed by a Dispensary Licensee:
 - 1. Possession of Cannabis, Cannabis Products, or Cannabis Accessories for sale to a Buyer.
 - 2. Purchase, or receipt, of Cannabis or Cannabis Products from a Cannabis Business Licensee for sale to a Buyer.
 - 3. Sale of Cannabis, Cannabis Products, or Cannabis Accessories to a Buyer in amounts and forms permitted under this Ordinance.
 - 4. Restricting or allowing the use of Cannabis, Cannabis Products, or Cannabis Accessories on the premise of the Dispensary as permitted under this Ordinance.
- B. [Reserved for Prohibitions]
- C. Cannabis Dispensary License Required. No Person shall operate a Cannabis Dispensary without valid Dispensary License issued pursuant to this Ordinance.
- D. Operating Requirements.
 - 1. Minors.
 - a) A Dispensary Licensee shall not employ, retain, or contract with a natural person who is less than twenty-one (21) years of age.
 - b) A Dispensary Licensee shall not allow any person who is less than twentyone (21) years of age on the Dispensary premises, except a Dispensary Licensee may allow a Qualified Consumer at least eighteen (18) years of age on the Dispensary premises.
 - 2. Operating Hours. A Dispensary shall open to the public no earlier than 7:00 a.m.

and close to the public no later than 9:00 p.m. The Authority may impose more restrictive hours as a condition of the License.

E. Dispensary Access.

1. Only licensed Dispensary employees may access non-public areas of a Dispensary.
2. All entrances into a Dispensary shall be locked at all times with entry controlled by Dispensary employees.
3. A Dispensary shall ensure that only persons with bona fide purposes for being in the dispensary are allowed to enter the Dispensary. Buyers shall be escorted by a management employee at all times while in the Dispensary.
4. A Dispensary Licensee shall require Buyers to promptly leave the Dispensary after their purchases are complete.

F. Dispensing Operations. Dispensary operations shall not result in the diversion of Cannabis or Cannabis Products for purposes that violates Tribal law. At a minimum, a Dispensary Licensee shall comply with the following:

1. A Dispensary Licensee shall only sell Cannabis, Cannabis Products, or Cannabis Accessories to natural persons who or at least twenty-one (21) years of age or to Qualified Consumers who are at least eighteen (18) years of age.
2. Up to one thousand five hundred (1,500) square feet of a Dispensary may be used for display and retail sale of Cannabis Accessories.
3. A dispensary may engage only in the commercial sale of Cannabis, Cannabis Products, and Cannabis Accessories. The term "commercial sale" does not include the provision of services that are incidental to the use of Cannabis, such as yoga, meditation, or substance abuse counseling.
4. A Dispensary Licensee shall not knowingly sell Cannabis, Cannabis Products, or Cannabis Accessories to any person who intends to resell such Cannabis, Cannabis Products, or Cannabis Accessories, or transport such Cannabis, Cannabis Products, or Cannabis Accessories beyond the borders of the State of California.

5. Dispensaries may provide sales delivery services to Rancheria residents, provided no such delivery may be made beyond the boundaries of the Rancheria and any such delivery is in accordance with the rules and regulations of the Authority.
6. A Dispensary shall only obtain Cannabis and Cannabis Products from Manufacturers or Distributors licensed pursuant to this Ordinance.

G. Signage.

1. A Dispensary Licensee shall post signs, not less than eight by ten inches in size, in a conspicuous location inside the Dispensary where they will be visible to Buyers in the normal course of a transaction, stating:
 - a) "Smoking, ingesting, or consuming cannabis on this property or within 20 feet of the dispensary is prohibited."
 - b) "Tribal law prohibits anyone under 21, except Qualified Patients with a valid California medical marijuana card who are at least 18, from entering this Dispensary."
 - c) "The sale of cannabis and the diversion of cannabis for illegal purposes are violations of Tribal law."
2. A Dispensary Licensee shall post the Dispensary's License in a conspicuous location where it will be visible to persons entering the Dispensary.
3. Signs on the Dispensary shall not obstruct entrances or windows..

H. Maintenance of Records.

1. A Dispensary Licensee shall maintain the following records on the Dispensary property:
 - a) The name, address, and telephone number(s) of the owner and/or landlord of the property where the Dispensary is located.
 - b) A written accounting of all compensation and earnings from the Dispensary to the equity owners and key management employees of the Dispensary, and all expenditures and costs incurred by the Dispensary.
 - c) A copy of the Dispensary's commercial general liability insurance policy and all other insurance policies related to the operation of the Dispensary.

- d) An inventory record documenting the dates and amounts of Cannabis and Cannabis Products received at the Dispensary, the daily amounts and kinds of Cannabis and Cannabis Products stored on the Dispensary property, and the daily amounts and kinds of Cannabis and Cannabis Products sold to Buyers.
 - e) Proof of a valid and current Dispensary License issued by the Authority in accordance with this Ordinance.
2. The foregoing records shall be maintained by the Dispensary Licensee in hard copy for a period of not less than three (3) years and shall be produced to the Authority within twenty-four (24) hours after receipt of the Authority's request.
 3. Any loss, damage or destruction of these records shall be reported to the Authority within 24 hours of the loss, damage, or destruction.
 4. Failure to maintain or provide required records by any licensee will result in a fine or penalty, including, but not limited to, suspension or revocation of the License.
- I. Site Management. The Dispensary Licensee shall prevent and eliminate conditions in the dispensary area that constitute a nuisance. J. Trash, Litter, Graffiti.
1. The Dispensary Licensee shall maintain the sidewalks, if any, within 20 feet of the Dispensary property as well as any parking lots under the control of the Dispensary Licensee, free of litter, debris, and trash.
 2. The Dispensary Licensee shall remove all graffiti from the Dispensary property and parking lots under the control of the Dispensary Licensee within 72 hours of its application.
- K. Alcoholic Beverages. A Dispensary Licensee shall not permit the sale, distribution, possession, or consumption of alcoholic beverages on the Dispensary property. No alcoholic beverages shall be allowed or stored on the Dispensary property.
- L. Tobacco. A Dispensary Licensee shall not permit the sale or distribution of any tobacco product on the Dispensary property.
- M. No Modification of State or Federal Laws. Nothing in this Ordinance authorizes the sale of Cannabis or Cannabis Products that may be prohibited by state and federal government outside of Tribal lands.

- N. Severability. If any section, subdivision, sentence, clause, phrase, or portion of this Article XI is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision, and that holding shall not affect the validity of the remaining portion hereof.

XII. TAXATION

- A. The Tribe may impose a tax on the privilege of cultivating, dispensing, producing, processing, manufacturing, preparing, storing, providing, donating, selling, or distributing Cannabis or Cannabis Products pursuant to this Ordinance.
- B. The Authority shall specify in implementing rules and regulations the applicable rate or rates and the manner of collection of the tax. The tax may be imposed for general governmental purposes or for purposes specified in regulations issued by the Authority or in a separate ordinance or resolution duly passed by the Business Committee, consistent with Tribal Law.
- C. In addition to any other method of collection authorized by Tribal Law, the Business Committee may provide for the collection of the tax imposed pursuant to this section in the same manner, and subject to the same penalties and priority of lien, as other charges and taxes fixed and collected by the Tribe.
- D. The tax authorized by this section may be imposed on any activity, whether taking place wholly within the confines of the Rancheria or whether the activity merely originates or ends on Tribal Land.
- E. This section does not limit or prohibit the levy or collection of any other fee, charge, or tax, or a license or service fee or charge on, or related to, the activities set forth in this Ordinance.
- F. Severability. If any section, subdivision, sentence, clause, phrase, or portion of this Article XII is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision, and that holding shall not affect the validity of the remaining portion hereof.

XIII. PRIVACY

- A. Information Not Public. Information identifying any Qualified Consumer or other Buyer's name, medical conditions, or the names of primary caregivers received and contained in records kept by the Authority for the purposes of administering this Ordinance are confidential and shall not be disclosed except in limited circumstances as required by law, such as pursuant to a subpoena or a court order.
- B. No Requirement to Disclose. A Qualified Consumer shall not be asked or required to disclose their status as such in order to obtain employment or other licensing with the

Tribe. In the event that a Qualified Consumer does disclose their status, that status shall not be used as grounds to deny any other license issued by the Tribe. C. Nothing in this section precludes the following:

1. Employees of the Authority notifying Tribal officials about information submitted that the Authority suspects is falsified or fraudulent.
 2. Notifications from the Authority about apparent violations of this Ordinance.
 3. Verification of requests by Tribal, state, or local agencies only to confirm licenses issued by the Authority.
 4. Provision of information requested pursuant to a court order or subpoena issued by a court or an administrative agency with jurisdiction and authorization to issue subpoenas. However, the Tribe and the Authority retain full sovereign immunity.
- D. Any information disclosed shall be limited in scope to what is necessary to achieve the goals of a specific investigation, court order, or subpoena.
- E. Severability. If any section, subdivision, sentence, clause, phrase, or portion of this Article XIII is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision, and that holding shall not affect the validity of the remaining portion hereof.