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Contacts: Elmer J. Emery, St. Croix Tribal Council, (800) 236-2195
Jeff Cormell, General Counsel SCCIW, (800) 236-2195, ext. 5118
Brad Bartlett, Attorney, *McAllister/Garfield, P.C.*, (970) 799-6145

American Indian Tribe Adopts Comprehensive Cannabidiol Control Program and Announces Plan to Open Cannabidiol Business in State Where Cannabidiol is Legal.

Webster, Wisconsin. The St. Croix Chippewa Indians of Wisconsin, a federally recognized American Indian tribe in northwest Wisconsin, have adopted a comprehensive control program for cannabidiol (or “CBD”), a hemp extract widely recognized for its medicinal properties and treatment of childhood epilepsy.

“Governor Walker has shown strong leadership on medical cannabidiol issues at the State level,” said Elmer J. Emery, of the St. Croix Tribal Council. “The control program adopted by St. Croix allows the Tribe to move forward with production and distribution of cannabidiol on tribal lands in Wisconsin. It also authorizes the Tribe to create a modern tribally owned and operated cannabidiol business which will not only provide medical cannabidiol to families and individuals in need, but also much needed jobs and industry in a county with one of the highest unemployment rates in the State.”

Wisconsin is now one of sixteen states where cannabidiol is legal at the state level. In 2015, Wisconsin Governor Scott Walker signed a bill that, among other things, authorizes possession of cannabidiol with physician “certification” in the State of Wisconsin. On April 17, 2017, Governor Walker signed Senate Bill 10, which expanded the list of “Legitimate Medical Conditions” for which medical Cannabidiol may be used.

“St. Croix’s actions represent another major milestone in giving parents and children access to a potentially lifesaving treatment,” said Carmen Bugg, a tribal elder with a relative that suffers from a rare form of epilepsy. “Families need a safe, reliable distributor of cannabidiol and the Tribe’s willingness to serve in that capacity is absolutely critical right now.”

“As the 2003 patent for cannabinoids held by U.S. Department of Health and Human Services affirms, Cannabinoids are naturally occurring antioxidants and neuroprotectants found in hemp with recognized therapeutic and medicinal value and usage,” said Emery. “Any cannabidiol produced by the Tribe will not be used for recreational purposes or to get high. Because all of our products will be produced from hemp, there is no psychoactive effect.”

Cannabidiol, or CBD, is a non-psychoactive byproduct of *Cannabis sativa L.* Of the more than 80 cannabinoids found in the cannabis plant, only the compound tetrahydrocannabinol (THC) induces a psychoactive effect. In a minority of states in the

U.S., including Wisconsin, parts of the cannabis plant known to contain high-THC, like marijuana, are still considered unlawful.

“St. Croix’s cannabidiol control program ensures that the Tribe will not be engaged in the unlawful production of marijuana by only authorizing cultivation of non-psychoactive hemp and testing of cannabidiol product to ensure there is no ‘psychoactive effect,’” said Jeff Cormell, attorney for the Tribe. “The Tribe has gone to great lengths to enact strict regulatory controls similar to regulatory programs utilized in other states legalizing cannabidiol, and ensure compliance with U.S. Department of Justice marijuana enforcement policies.”

“The State of Wisconsin has chosen to regulate rather than prohibit cannabidiol distribution and possession as an exemption to the State’s general prohibition on tetrahydrocannabinols,” said attorney Brad Bartlett, with the law firm McAllister/Garfield P.C. “State law is now regulatory, not prohibitory. The Tribe’s cannabidiol control program is important in that it protects self-government and ensures tribal self-sufficiency and economic development, free of unlawful and unwarranted State interference.”

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St. Croix Chippewa Indians of Wisconsin

24663 Angeline Avenue • Webster, WI 54893 • (715) 349-2195 • Fax (715) 349-5768

FACT SHEET

PRESS RELEASE: American Indian Tribe Adopts Comprehensive Cannabidiol Control Program and Announces Plan to Open Cannabidiol Business

ST. CROIX CHIPPEWA INDIANS OF WISCONSIN

- **ST. CROIX CHIPPEWA INDIANS OF WISCONSIN** are a federally recognized American Indian tribe located in Northwestern Wisconsin. The Tribe possesses full sovereign powers of government, including Tribal law enforcement and a Tribal Court system. As a part of its sovereign powers, the Tribe has adopted the *St. Croix Medical Cannabidiol Control Ordinance* (“CBD Ordinance”), which regulates the cultivation of industrial hemp, and the production, distribution, possession, and use of Cannabidiol (“CBD”) on Tribal lands.

CANNABIDIOL

- Cannabidiol (“CBD”) is one of more than 80 non-psychoactive derivatives of the plant *Cannabis sativa L.* that has been recognized for its medical and therapeutic uses, including its use in the treatment of intractable epilepsy. Of the more than 80 cannabis derivatives found in the plant, only delta-9 tetrahydrocannabinol (“THC”) induces a psychoactive effect, or high.

CBD ORDINANCE

- The Tribe’s CBD Ordinance legalizes CBD and creates a comprehensive CBD control program on the reservation. Following adoption of its CBD Ordinance, St. Croix may move forward with the production and distribution of CBD on tribal lands, including the incorporation of a modern, tribally owned business that will provide CBD to families and individuals in need.

STATUTORY BACKGROUND

- **Federal Law**
 - The Federal Controlled Substances Act exempts those parts of the plant *Cannabis sativa L.* historically associated with industrial uses, i.e. stalks, stems, unviable seeds.
 - The 2014 Farm Bill authorizes the cultivation of hemp, a type of cannabis with low-THC and no psychoactive effect, under certain circumstances, and for research into the cultivation and marketing of industrial hemp and hemp products.
 - The Consolidated Appropriations Act, 2017 prohibits the U.S. Department of Justice and its sub-agency, the Drug Enforcement Administration, from interfering with implementation of the 2014 Farm Bill, including with the production, transportation, sale, and use of 2014 Farm Bill compliant hemp products.
- **State Law**

Lewis Taylor
Chairman
Sand Lake

Crystal Peterson
Vice-Chairwoman
Danbury

Joyce Long
Secretary/Treasurer
Maple Plain

Susan Lowe
Representative
Round Lake

Elmer J. Emery
Representative
Sand Lake

- Wisconsin is a Public Law 280 state, meaning the State of Wisconsin has criminal enforcement authority over most tribes located within the State, but no civil-regulatory authority on tribal lands.
- Wisconsin legalized CBD in 2014, with physician certification, for use in the treatment of “Legitimate Medical Conditions.” On April 17, 2017, Wisconsin expanded the list of “Legitimate Medical Conditions” for which CBD may be used.
- Because Wisconsin has chosen to regulate, rather than prohibit CBD distribution and possession, State law is civil-regulatory in nature. Because Wisconsin’s CBD law is civil-regulatory, the state has no jurisdiction to enforce criminal law with regard to CBD on St. Croix’s tribal lands.

BUSINESS AND ECONOMIC DEVELOPMENT

- St. Croix’s tribally owned CBD business will *not* cultivate marijuana. Instead, the tribally owned business will grow genetic hemp clones using tissue from the stems of hemp plants – those parts of the plant exempted under the Federal Controlled Substances Act. Using this cultivation method will ensure compliance with state and federal laws, including that all CBD produced possess no psychoactive effect, and that no seeds are imported into Wisconsin and onto the St. Croix reservation.
- By adopting its CBD Ordinance, the Tribe is filling a much needed gap in domestic CBD production and distribution.
- The Tribe’s CBD business will provide much needed revenue for essential tribal services, as well as economic development in Burnett County, which has one of the highest unemployment rates in the state.
- The Tribe’s CBD business will be housed entirely on six acres of tribal trust lands within a two-hundred-thousand square foot decommissioned and vacant fish hatchery owned by the Tribe.

ST. CROIX MEDICAL CANNABIDIOL CONTROL ORDINANCE

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**CHAPTER I
GENERAL PROVISIONS**

Sections 29-1-1 Short Title.

This Title may be cited as the “St. Croix Medical Cannabidiol Control Ordinance.”

Section 29-1-2 Findings and Purpose.

The St. Croix Chippewa Indians of Wisconsin hereby find and declare that:

- (a) The United States recognizes the St. Croix Chippewa Indians of Wisconsin (alternatively, “Tribe” or “St. Croix”) as a federally recognized Indian tribe organized pursuant to the provisions of the Indian Reorganization Act of 1934, 25 U.S.C. § 461 *et. seq.*
- (b) The Preamble and Article V of the St. Croix Tribal Constitution authorizes the governing body of the Tribe to engage in business activities that promote the economic wellbeing of the Tribe and its members.
- (c) The St. Croix Chippewa Indians operate a full time police and law enforcement agency providing a broad range of public safety and law enforcement activities on the reservation. The St. Croix Tribal Constitution established a tribal court system.
- (d) The Federal Controlled Substance Act, 21 U.S.C. § 802, (hereinafter “CSA”), classifies “marihuana” as a Schedule 1 drug and prohibits any possession or use of marijuana except in the course of federally approved research projects. The Controlled Substances Act makes it unlawful, under federal law, for any person to cultivate, manufacture, distribute, dispense, or possess with intent to manufacture, distribute or dispense marijuana.
- (e) The Agricultural Act of 2014, 7 U.S.C. §5940, (hereinafter the “Farm Bill”) defines industrial hemp as distinct from marijuana based on a threshold delta-9 tetrahydrocannabinol (“THC”) concentration of .3 percent or less and authorizes state departments of agriculture and universities to cultivate hemp for agricultural or academic research, including research into the marketing of industrial hemp.
- (f) Cannabidiol (“CBD”) is a non-psychoactive derivative of the cannabis plant with .3 percent or less THC. CBD is a major phytocannabinoid and accounts for up to 40% of the plant’s extract and can be manufactured to have no psychoactive effect. CBD is sought after for its ability to prevent convulsions, making it effective for treating seizures. Studies have also shown that CBD may help treat brain injuries. CBD has gained recognition as an effective treatment of certain medical conditions and its market potential is growing rapidly.
- (g) In 2004, the Ninth U.S. Circuit Court of Appeals ruled that the naturally occurring

Cannabinoids contained in non-psychoactive varieties of industrial hemp are outside of the regulatory power of the Drug Enforcement Agency (“DEA”). *See Hemp Indus. Ass’n v. DEA*, 357 F.3d 1012 (9th Cir. 2004) (“the definition of ‘THC’ in Schedule I refers only to synthetic THC, and that any THC occurring naturally within Cannabis is banned only if it falls within the Schedule I definition of ‘marijuana.’”).

- (h) On April 16, 2014, Gov. Scott Walker signed AB 726 into law that, among other things, exempted “cannabidiol in a form without psychoactive effect” from the definition of tetrahydrocannabinols. *See Wisconsin Statute Chapter 961.14(4)(t)*.
- (i) On August 29, 2013, the U.S. Department of Justice Attorney General James M. Cole issued a memorandum to all United States Attorneys entitled “Guidance Regarding Marijuana Enforcement” (hereinafter, “DOJ Marijuana Policy”). The DOJ Marijuana Policy applies to all of the Department of Justice’s federal enforcement activities, including civil enforcement and criminal investigations and prosecutions, concerning marijuana in all states. The policy reiterates Congress’s determination that marijuana is a dangerous drug and that the illegal distribution and sale of marijuana is a serious crime that provides a significant source of revenue to large-scale criminal enterprises, gangs, and cartels. The policy notes that the Department of Justice is committed to enforcement of the Controlled Substances Act consistent with those determinations. It also notes that the Department of Justice is committed to using its investigative and prosecutorial resources to address the most significant threats in the most effective, consistent, and rational way. In furtherance of those objectives, the DOJ Marijuana Policy directs Department of Justice attorneys and law enforcement to focus their enforcement resources on persons or organizations whose conduct interferes with any one or more of the following priority areas: (a) preventing the distribution of marijuana to minors; (b) preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels; (c) preventing the diversion of marijuana from states where it is legal under state law in some form to other states; (d) preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity; (e) preventing violence and the use of firearms in the cultivation and distribution of marijuana; (f) preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use; (g) preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and (h) preventing marijuana possession or use on federal property.
- (j) On October 28, 2014, the United States Department of Justice, Executive Office for United States Attorneys Director Monty Wilkinson issued a memorandum to all United States Attorneys entitled “Policy Statement Regarding Marijuana Issues in Indian Country” (hereinafter, “Indian Country Marijuana Policy”). The Department’s Indian Country Marijuana Policy states that the eight priorities in the August 29, 2013 DOJ Marijuana Policy will also guide United States Attorneys’ marijuana enforcement efforts in Indian Country, including in the event that sovereign Indian Nations seek to legalize the cultivation or use of marijuana in Indian Country. The

- policy directs each United States Attorney to consult with the affected tribes on a government-to-government basis when evaluating marijuana enforcement activities in Indian Country.
- (k) In December 2014, Congress passed the *Consolidated and Further Continuing Appropriations Act of 2015*, 129 Stat. 2242 at 2285, which prohibits federal agencies from using federal funds to interfere with state medical marijuana programs and Farm Bill compliant hemp programs. Congress has since renewed similar language in subsequent spending bills, including the most recent *Consolidated Appropriations Act of 2017*, P.L. 115-31 (May 5, 2017), which prohibits federal agencies from interfering with the transportation, processing, sale, and use of industrial hemp within or outside the state in which the industrial hemp was grown.
 - (l) In October of 2015, the National Congress of American Indians passed resolution #SD-15-047 titled the “Marijuana and Hemp Policy in Indian Country” which, among other things, “recommends non-enforcement of the federal prohibition of marijuana-related activities on tribal lands where those activities are legal under tribal law” and “opposes any Administrative or Congressional policy, regulation, or legislation that would limit the inherent sovereign authority of tribes to regulate marijuana and hemp according to the public health and economic needs of their unique communities.”
 - (m) On July 21, 2016, the Midwest Alliance of Sovereign Tribes passed Resolution 009-16 in support of the Tribe’s CBD law and exercise of civil regulatory authority and sovereign rights.
 - (n) On April 17, 2017, Gov. Scott Walker signed Senate Bill 10 into law that, among other things, authorizes possession of CBD with physician “certification” in the State of Wisconsin, and expanded the list of “Legitimate Medical Conditions” for which CBD may be used. Wisconsin Statute Chapter 961.32 (2m), 961.38 (1n)(b).
 - (o) To date, thirty states have legalized medical marijuana in some form, fourteen states have decriminalized marijuana, eight states and Washington D.C. have legalized recreational marijuana in some form, and thirty-one states have defined industrial hemp as distinct from marijuana and removed barriers to its production.
 - (p) CBD oil is now legal under state law in sixteen states, including the State of Wisconsin.
 - (q) St. Croix Chippewa Indians of Wisconsin have decided to open specific lands within its jurisdiction to the cultivation of industrial hemp in order to produce and distribute CBD solely for medical use consistent with Wisconsin law and Department of Justice marijuana policies.
 - (r) Furthermore, St. Croix Chippewa Indians of Wisconsin have decided to allow for the possession, consumption, cultivation, processing, importation, and distribution of the hemp derivative CBD by enacting this Title to the St. Croix Tribal Law and Order

Code.

- (s) The intent of this Title is to provide an additional source of revenue for tribal operations.

Section 29-1-3 Control of Industrial Hemp Cultivation and CBD Processing and Distribution.

- (a) This Title shall govern the cultivation of industrial hemp, and the processing and distribution of CBD on the reservation for medical purposes as well as enable the St. Croix Chippewa Indians of Wisconsin to control the possession and consumption of CBD on the reservation.
- (b) Tribal regulation of industrial hemp cultivation, and the possession, consumption, processing and distribution of CBD on the reservation is necessary to protect the health, security, and general welfare of the Tribal community. In order to further these goals and to provide an additional source of governmental revenue, the Tribe has adopted this Title, which shall be literally construed to fulfill the purpose for which it has been adopted.
- (c) Nothing in this Title shall be deemed to be in positive conflict with the Controlled Substance Act, 21 U.S.C. § 801 *et seq.*
- (d) Nothing in this Title shall be deemed to create a right to grow and/or distribute marijuana as defined by the federal CSA.

Section 29-1-4 Sovereign Immunity.

Nothing in this Title shall be construed to limit the jurisdiction of the St. Croix Chippewa Indians of Wisconsin, the Tribal Court or Tribal Law enforcement personnel. Nothing in this Title shall limit or constitute a waiver of the sovereign immunity of the Tribe or its officers, instrumentalities, employees, elected officials, and agents or authorize in any form a prospective waiver of such sovereign immunity.

Section 29-1-5 Definitions.

As used in this Title, the terms below have the following meanings unless the context clearly requires otherwise:

- (a) “Cannabidiol” or “CBD” is one of at least 113 active cannabinoids identified in *Cannabis Sativa L.* CBD can be produced by extracting the cannabinoid from industrial hemp. Cannabidiol is recognized for use in the treatment of certain legitimate medical conditions and possesses no psychoactive effect.

- (b) “CBD business” means all aspects of CBD production including, but not limited to, a industrial hemp cultivation, hemp/CBD processing facility, CBD distribution facility, or any combination thereof.
- (c) “Certification” means a letter or other official document issued by a physician that has an issue date of not more than one (1) year prior to the date of possession.
- (d) “Critical fluid extraction hemp concentrate” means a hemp concentrate that was produced by extracting cannabinoids from raw hemp through the use of a hydrocarbon solvent, such as butane or propane or Carbon Dioxide.
- (e) “Cultivation” means the preparing and growing of industrial hemp.
- (f) “Cultivation facility” means any business under the jurisdiction of the Tribe that acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses hemp or related supplies to another cultivation facility, a processing facility or distribution facility.
- (g) “Distribution facility” means any business under the jurisdiction of the Tribe that acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses hemp and CBD or related supplies and educational materials to the holder of a valid Registration Card.
- (h) “Foreign cultivation facility” means a cultivation facility that is not under the jurisdiction of the Tribe.
- (i) “Genetic Hemp Clone” means genetic material from hemp or lawful portions of marijuana.
- (j) “Industrial Hemp” or “hemp” means the plant *Cannabis Sativa L.* and any part of such plant, whether growing or not, with a Delta-9 tetrahydrocannabinol (“THC”) concentration of not more than .3% on a dry weight basis. *See* 7 U.S.C. § 5940(b)(2).
- (k) “Inventory control” means a process that may be used to monitor the chain of custody of hemp or CBD from the point of cultivation to the consumer.
- (l) “Legitimate Medical Condition” means seizure disorders and any other medical condition for which a physician, physician’s assistant, or other qualified health care provider’s opinion a patient may benefit from the medical use of CBD.

- (m) “Licensee” means the business entity issued a license from the Regulatory Body to cultivate industrial hemp and/or process and distribute CBD.
- (n) “Management employees” means those employees who serve in a supervisory role of some nature.
- (o) “Marijuana” or “marihuana” means all parts of the plant *Cannabis sativa L.*, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin. Such term does not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination. *See* 21 U.S.C. § 802(16).
- (p) “Process” means the harvesting of industrial hemp or the use of any process or equipment, including but not limited to dehydrators, humidifiers or any other machine that may be necessary to convert raw hemp plants or plant parts into CBD oil.
- (q) “Processing facility” means any business under the jurisdiction of the Tribe at which hemp is processed into CBD for supply to a distribution facility.
- (r) “Psychoactive effect” means marijuana, or any derivative of marijuana, that possesses more than .3% THC content by weight.
- (s) “Registration Card” means a document issued by the Tribe that identifies a person as having provided the Tribe with certification of a legitimate medical condition as defined herein.
- (t) “Regulatory Body” is defined in Chapter 10 of this Title.
- (u) “Reservation” means all lands described or referenced in the Tribe’s Constitution; all lands over which the St Croix Chippewa Indians of Wisconsin retain jurisdiction; all lands held by the United States of America in trust for the St Croix Chippewa Indians of Wisconsin; all lands in restricted fee status held by the St. Croix Chippewa Indians of Wisconsin and any lands which may in the future come within the jurisdiction of the Tribe by any lawful means.
- (v) “Shipping container” means any container or wrapping used solely for the transport of hemp products to a processing facility or for CBD to a distribution facility.
- (w) “Solvent –based hemp concentrate” means a Hemp Concentrate that was produced by extracting cannabinoids from industrial hemp through the use of glycerin, isopropyl alcohol, ethanol, or propylene glycol as a solvent.
- (x) “State” means the State of Wisconsin.

- (y) “THC” or “tetrahydrocannabinol” means the active ingredient in marijuana giving it its psychoactive effects.
- (z) “Tribal Council” means the duly elected Council of the St. Croix Chippewa Indians of Wisconsin, which is the governing body of the Tribe.
- (aa) “Tribal Court” means the tribal courts of the Tribe as established pursuant to the Tribal constitution and the Tribe’s Codes and Ordinances.
- (bb) “Tribally Owned Business” means a business owned and licensed by the Tribe for sole purposes of carrying out all aspects of industrial hemp cultivation and CBD production and distribution. Like the Tribe, the Tribally Owned Business and/or its subcontractors, to the extent they are owned by tribal members of a Federally recognized tribe, shall enjoy tribal sovereign immunity.
- (cc) “Tribal member” means any member of a federally recognized Indian tribe.
- (dd) “Tribe” refers to St. Croix Chippewa Indians of Wisconsin, a federally recognized Indian tribe.

CHAPTER 2
PROHIBITED ACTS AND AFFIRMATIVE DEFENSES

Section 29-2-1 Exemption from Criminal Prosecution or Civil Penalty for Certain Acts.

- (a) A person who holds a valid Registration Card is exempt from criminal prosecution or civil penalty in Tribal Court for:
 - 1. Possession, consumption, or importation of an amount of CBD product necessary to treat a legitimate medical condition of the person possessing a Registration Card, which in no case shall be more than 10 grams of active CBD Product.
 - 2. Aiding and abetting another holder of a valid Registration Card in the possession, consumption or importation of CBD.
 - 3. Any other criminal offense in which the possession of CBD is an element.
 - 4. No person may be subject to prosecution or civil penalty in the Tribal Court for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the use of CBD in accordance with the provisions of this Title.
- (b) No employee of a CBD or Tribally Owned Business shall be subject to prosecution or civil penalty in the Tribal Court for the cultivation, production, importation or distribution of industrial hemp or CBD in accordance with this Title.
- (c) It shall be an exemption from the Tribe's criminal and civil laws for any person to ship, mail, import or distribute into the Tribe, or directly ship, mail, import, or distribute to a valid Registration Card holder located on or off the Reservation, a CBD Product, so long as the CBD or Tribally Owned Business conducts its operations pursuant to the laws and regulations of any other state or jurisdiction where such conduct is legal. CBD product shall include any product possessing no psychoactive effect.
- (d) All activities specified under this Title shall be lawful. No tribal member from a Federally recognized Indian tribe (hereinafter, "tribal member") shall be deemed to have committed a criminal act for violation of any controlled substance provision so long as such member has complied with the terms of this ordinance and the activities in question occurred within the St. Croix Chippewa Indian reservation.
- (e) This Title shall control, govern and form the choice of law in any criminal enforcement matter against any tribal member brought pursuant to Public Law 280 and to the extent such prosecution may be related to the cultivation of industrial hemp

or the cultivation, processing or distribution of CBD on the reservation under this Title.

Section 29-2-2 No Exemption from Criminal Prosecution or Civil Penalty for Certain Acts.

- (a) A person who holds a valid Registration card is not exempt from criminal prosecution or civil penalty in the Tribal Court for:
1. Driving, operating or being in actual physical control of a vehicle under power while under the influence of marijuana.
 2. Knowingly delivering CBD to another person who does not lawfully hold a valid Registration card.
 3. Delivering CBD for consideration to any person, regardless of whether the recipient lawfully holds a valid Registration card.

Section 29-2-3 Minors.

- (a) It shall be unlawful for any cultivation facility, distribution facility or processing facility to employ any person who is not at least twenty (21) years of age.
- (b) Persons under the age of eighteen (18) years shall not be allowed on the premises of any cultivation facility, distribution facility, or processing facility.
- (c) Minors who have a valid Registration Card under this Title may consume CBD under the supervision of their parent or guardian.

Section 29-2-4 Deleterious Outcomes.

The Tribe, including its officers, employees, agents, representatives, successors, and assigns, or Tribally Owned Business shall not be held responsible for any deleterious outcomes from the use of CBD by any persons.

Section 29-2-5 Vertical Integration.

Nothing in this Title should be interpreted as prohibiting the CBD or Tribally Owned Business from vertically integrating business operations for purposes of cultivation of industrial hemp and processing and distribution of CBD on the reservation. Similarly, nothing in this Title should be construed as prohibiting cultivation, processing, and distribution facilities from being conducted at a single site or location on the reservation.

CHAPTER 3 LICENSING

Section 29-3-1 CBD Business License.

- (a) All aspects of industrial hemp cultivation and CBD production and distribution shall be conducted by the Tribally Owned Business and/or its subcontractors to the extent they are majority owned by tribal members of a federally recognized American Indian tribe.
- (b) The Tribally Owned Business shall be organized and licensed under tribal law or under Section 17 of the Indian Reorganization Act.
- (c) The Tribally Owned Business is required to obtain the appropriate license to operate an industrial hemp cultivation facility and/or CBD processing and/or distribution facility from the Regulatory Body established pursuant to Chapter 10 of this Title.
- (d) The Tribally Owned Business shall be required to meet all employment licensing requirements under this Title and receive a license from the Regulatory Body.
- (e) Among other things, the Tribally Owned Business shall pay quarterly to the Tribe an operating fee not to exceed 6% percent of its total income from all sources derived from or attributable to the Tribe for the quarter. The exact percentage shall be set by Tribal Council on an annual basis. For purposes of this section, “total income from all sources derived from or attributable to the Tribe” means gross income minus the cost of goods sold that are paid or incurred in connection with the CBD business.
- (f) The operating fee assessed under this section shall be due and payable on the fifteenth day following the close of the fiscal quarter and shall be subject to interest and applicable penalties. A penalty of 20% percent of the amount of any underpayment shall be added to the fee. For purposes of this section, the underpayment amount shall be equal to the difference between the total amounts of the operating fee imposed by this section less the amount paid.
- (g) All operating fees shall be remitted to the Tribal Council, which shall keep accurate records of all such receipts, and shall be subject to distribution by the Tribal Council in accordance with its usual appropriation procedures for governmental and social services.
- (h) The Tribal Council shall pursue in good faith, in government-to-government consultations, possible ways to share revenue generated from this program with state and local authorities in Wisconsin to fund youth drug prevention programs and drug and alcohol treatment programs in surrounding communities.

Section 29-3-2 CBD Employee License.

- (a) Every employee of the Tribally Owned Business shall be required to obtain from the Regulatory Body established pursuant to Chapter 9 of this Title a CBD Employee License as a prerequisite to such employment within the exterior boundaries of the Reservation.

- (b) The application for a CBD Employee License shall include the following information:
 - (1) The name, address, telephone number, email address, social security number, and date of birth of the applicant.
 - (2) Proof that the applicant is at least twenty-one (21) years of age.
 - (3) A current photograph of the applicant.
 - (4) Documentation establishing that the applicant has never been convicted of any felony offense or within the past ten (10) years of a misdemeanor involving a drug related offense. For each conviction, the name and address of the court involved and the date and disposition. A conviction within the meaning of this subsection means a plea or verdict of guilty or a conviction following a plea of nolo contendere. If an applicant does have a drug related felony at any time or misdemeanor conviction in the past ten years, such an applicant is permitted to apply, but the Regulatory Body will consider the facts and circumstances of the offense and will make a determination if the applicant has been rehabilitated and has good moral character such that the issuance of a license will not endanger the public health, welfare, or safety of the Tribe.
 - (5) Currently and for the previous five (5) years: business and employment positions held, ownership interests in those businesses, business and resident addresses, and driver's license numbers.
 - (6) A complete set of the applicant's fingerprints and a written permission of the applicant authorizing the Regulatory Body or its designee to forward, in its discretion, the fingerprints to the Federal Bureau of Investigation for a report.
 - (7) The names, telephone numbers, email address and current physical address of at least three (3) references, including at least one (1) professional reference.
 - (8) Written permission of the applicant authorizing the Regulatory Body or its designee to seek verification of the information contained within the application.
 - (9) A statement in writing that the applicant pledges to not dispense or otherwise divert industrial hemp or CBD to any person or entity that is not allowed to lawfully possess hemp or CBD.

(10) A statement in writing that the applicant certifies under penalty of perjury that all information contained in the application is true and correct; and any other information the Executive Committee deems relevant.

- (c) The CBD Employee License that is issued to the applicant shall include the following printed statement and the applicant to acknowledge the following warning:

CAUTION: Federal and tribal laws on the cultivation of marijuana and possession of marijuana and marijuana products may differ. In the absence of a federal license, federal law prohibits the cultivation and possession of marijuana and marijuana products even pursuant to a tribal license. If you are in violation of federal law, you may be prosecuted in federal court, imprisoned, required to pay a fine and restitution and your real property deemed related to the cultivation or violation may be forfeited. A tribal license is not a defense to a federal prosecution and forfeiture.

Section 29-3-3 CBD Employee License Term, Renewals and Fees.

- (a) Unless otherwise suspended or revoked, a CBD Employee License shall expire three (3) years following its issuance. A person may re-apply for a CBD Employee License for subsequent periods of three (3) years.
- (b) Every application for a CBD Employee License or renewal shall be accompanied by a non-refundable license fee, as established by resolution adopted by the Tribal Council from time to time. The initial license fee shall be \$20.00 and may be waived by the Regulatory Body in its discretion.
- (c) All license fees shall be remitted to the Tribal Council through the St. Croix Economic Development Corporation, who shall keep accurate records of all such receipts, and shall be subject to distribution by the Tribal Council in accordance with its usual appropriation procedures for governmental and social services.
- (d) The license fee shall not include finger printing, photographing, or background check costs and shall be in addition to any other fees imposed by the Regulatory Body.

Section 29-3-4 CBD Employee Eligibility Determination.

The Regulatory Body or its designee shall review an applicant’s prior activities, criminal record, if any, and reputation, habits, and associations to make a finding concerning the eligibility for employment in a cultivation facility, distribution facility, or processing facility.

Section 29-3-5 Grounds for Denial of CBD Employee License.

The grounds for denial of a CBD Employee License may be one or more of the following:

- (a) The applicant has violated this Title or any state law, statute, rule or regulation relating to the cultivation, processing, or distribution of CBD, industrial hemp, or marijuana, and the Regulatory Body is not able to make a finding of good moral character consistent with Section 29-3-2(b)(4).
- (b) The applicant has knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application for a CBD Employee License.
- (c) The applicant has been convicted of a felony offense or within the past ten (10) years of a misdemeanor involving a marijuana related offense. A conviction within the meaning of this subsection means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
- (d) A determination by the Tribal Council that employment of the applicant does not possess good moral character and poses a threat to the public interest or to the effective regulation of CBD.
- (e) The applicant is under twenty-one (21) years of age.
- (f) The required application or renewal fees have not been paid within a reasonable time.

Section 29-3-6 Reconsideration of Denial of CBD Employee License.

- (a) A person aggrieved by the decision of the Regulatory Body or its designee to deny a CBD Employee License may seek reconsideration of such decision to the Tribal Council by filing a written petition for reconsideration with the Tribal Chairman within thirty (30) calendar days of service of the written notice of decision. If a petition for reconsideration is not filed within such time, the decision shall be final.
- (b) Following review of the petition for reconsideration, the Tribal Council may issue the CBD Employee License subject to such conditions as it deems reasonable under the circumstances to protect the public health, safety, and welfare of the St. Croix Chippewa Indians of Wisconsin and its tribal members or it may deny the issuance of the CBD Employee License for any of the grounds specified in this Title. The decision of the Tribal Council shall be final and not subject to judicial review.

Section 29-3-7 CBD Employee License Suspension.

- (a) If, after the issuance of a CBD Employee License, the Regulatory Body receives reliable information indicating that an employee is not eligible for employment under subsection 29-3-40 above, the Regulatory Body shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.

- (b) The Regulatory Body shall notify the licensee of a time and a place for a hearing on the proposed revocation of the license.
- (c) After a revocation hearing, the Regulatory Body shall decide to revoke or to reinstate a CBD Employee License. The decision of the Regulatory Body shall be final and not subject to judicial review.

Section 29-3-8 CBD Employee License Reinstatement.

- (a) No person who has had a CBD Employee License revoked may have the license restored but upon order of the Regulatory Body after the filing of a petition for reinstatement.
- (b) No person may petition for reinstatement until the expiration of at least one (1) year from the effective date of the revocation.
- (c) The petitioner will have the burden of proving by clear, cogent, and convincing evidence that,
 - (1) The petitioner meets the criteria requirements of 29-3-2;
 - (2) The petitioner has reformed, rehabilitated or otherwise overcome the issue or issues underpinning the revocation;
 - (3) Permitting the petitioner to resume employment will not be detrimental to the integrity of the Tribe or to the public interest; and,
 - (4) The petitioner paid all fees required under 29-3-3.

CHAPTER 4
GENETIC HEMP CLONES

Section 29-4-1 Use of Genetic Hemp Clones.

- (a) This Title does not authorize CBD or Tribally Owned Businesses to use for cultivation marijuana seeds or parts of the marijuana plant prohibited by Federal law.
- (b) The CBD or Tribally Owned Business is authorized to use genetic cannabis clones for use in cultivation of industrial hemp on the reservation.

CHAPTER 5
INDUSTRIAL HEMP CULTIVATION FACILITY OPERATING PROCEDURES

Section 29-5-1 Cultivation Facility Operating Procedures.

- (a) All cultivation facilities shall be located on the reservation and shall be subject to the jurisdiction of tribal law enforcement and tribal courts.
- (b) Each cultivation facility shall establish written operating procedures for the cultivation of industrial hemp. The operating procedures must include the minimum following information:
 - (1) The manner in which pesticide and other agricultural chemicals are to be applied during its cultivation process;
 - (2) The equipment and methods employed in the cultivation of the industrial hemp;
 - (3) The manner in which the cultivated industrial hemp will be transported to a processing facility;
 - (4) The measures taken to minimize or offset energy use from the cultivation of industrial hemp;
 - (5) The manner in which chemicals will be stored, used, and disposed of at the premises;
 - (6) The type and quantity of all effluent discharged into the Tribe's wastewater or storm-water systems;
 - (7) The hours and days of the week the cultivation facility will be open;
 - (8) The number of persons per shift who will be working at the cultivation facility;
 - (9) The security measures that will be employed at the premises, including but not limited to licensed and uniformed guards, lighting, alarms, surveillance, and automatic law enforcement notification; and,
 - (10) Any other information required by the Regulatory Body.
- (c) Such procedures shall be submitted to the Regulatory Body sixty (60) days prior to beginning operation.
- (d) A copy of all operating procedures must be maintained at every cultivation facility.

Section 29-5-2 On Site Consumption.

The use or consumption of CBD Product shall be strictly prohibited at each cultivation facility.

Section 29-5-3 Adulteration Prohibited.

A cultivation facility may not treat or otherwise adulterate industrial hemp with any chemical or other compound whatsoever to alter its color, appearance, weight, or smell.

Section 29-5-4 Precaution and Specific Requirements.

- (a) Every cultivation facility shall take all reasonable measures and precautions to ensure that the following requirements are met:
- (1) All cultivation of industrial hemp must take place in an enclosed, locked structure or building.
 - (2) Any person who, by medical examination or supervisory observation, is shown to have, or appears to have, an illness, open lesion, including boils, sores, or infected wounds, or any other abnormal source of microbial contamination for whom there is a reasonable possibility of contact with industrial hemp shall be excluded from any operations which may be expected to result in such contamination until the condition is corrected.
 - (3) All persons working in direct contact with industrial hemp shall conform to hygienic practices while on duty, including but not limited to, maintaining sufficient personal cleanliness.
 - (4) Litter and waste shall be properly removed and the operating systems for waste disposal shall be maintained in an adequate manner so that they do not constitute a source of contamination in areas where industrial hemp is exposed.
 - (5) All floors, walls, and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.
 - (6) Adequate lighting shall be required in all areas where hemp is stored.
 - (7) Adequate screening or other protection against the entry of pests shall be made. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for the waste becoming an attractant, harborage, or breeding place for pests.
 - (8) All buildings, fixtures, and other facilities shall be maintained in a sanitary condition.

(9) Pesticide chemicals shall be identified, used, held, and stored in a manner that protects against contamination of industrial hemp, and in a manner that is in accordance with this Title and any applicable tribal, state, or federal law, rule, or regulation.

(b) Cultivation facilities shall be subject to the following specific regulations:

- (1) The display or sale of paraphernalia employed in the use or consumption of CBD or any implement that may be used to administer, use, inhale, consume, smoke or ingest CBD is prohibited at the cultivation facility.
- (2) The cultivation of industrial hemp shall not adversely affect the health or safety of the employees, or the facility in which it is cultivated or processed, or nearby properties through creation of mold, mildew, dust, glare, heat, noise, noxious gases odor, smoke, traffic, vibration, or other impacts, or be hazardous because of the use or storage of materials, processes, products or wastes.
- (3) The cultivation area shall occur within a self-contained structure that is adequately ventilated.
- (4) The cultivation facility shall comply with storm-water, wastewater and other requirements of the Tribe.
- (5) The water supply shall be sufficient for the operations intended and shall be derived from a source that is a regulated water system. Private water supplies shall be derived from a water source that is capable of providing a safe, potable, and adequate supply of water to meet the facility's needs.
- (6) The plumbing shall be of adequate size and design and adequately installed and maintained to carry sufficient quantities of water and that shall properly convey sewage and liquid disposable waste from the cultivation facility. There shall be no cross-connections between the potable and waste water lines.
- (7) All operations in the receiving, inspecting, transporting, segregating, preparing, manufacturing, packaging, and storing of CBD product shall be conducted in accordance with adequate sanitation principles.
- (8) Every cultivation facility shall provide its employees with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and in good repair.
- (9) All hand-washing facilities shall be adequate and convenient and be furnished with running water at a suitable temperature. Hand-washing facilities shall be located in the cultivation facility and where good sanitary practices require employees to wash and /or sanitize their hands, and provide effective hand-cleaning and sanitizing preparations and sanitary towel service or suitable drying devices.

- (10) Industrial hemp that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.

CHAPTER 6
PROCESSING INDUSTRIAL HEMP INTO CBD

Section 29-6-1 Processing Facility Operating procedures.

- (a) All cultivation facilities shall be located on the reservation and shall be subject to the jurisdiction of tribal law enforcement and tribal courts.
- (b) Each processing facility shall establish written operating procedures for the processing of industrial hemp into CBD. The operating procedures must include the minimum following information:
 - (1) All applicable provisions contained in Section 29-5-1.
 - (2) The manner in which CBD will be transported from a processing facility to a distribution facility.
 - (3) Procedures for testing major active agents in CBD product (e.g. cannabinoids Tetrahydrocannabinol (THC), THC-A, Cannabidiol (CBD) and Cannabinol (CBN)).
 - (4) Procedures for processing industrial hemp into CBD.
 - (5) Procedures for the packaging of CBD.
- (c) Such procedures shall be submitted to the Regulatory Body sixty (60) days prior to beginning operation.
- (d) A copy of all operating procedures must be maintained at every process facility.

Section 29-6-2 Precaution and Specific Requirements.

- (a) Every processing facility shall take all reasonable measures and precautions to ensure that the following requirements are met:
 - (1) All processing of industrial hemp and CBD product must take place in an enclosed, locked structure or building.
 - (2) Any person who, by medical examination or supervisory observation, is shown to have, or appears to have, an illness, open lesion, including boils, sores, or infected wounds, or any other abnormal source of microbial contamination for whom there is a reasonable possibility of contact with industrial hemp or CBD shall be excluded from any operations which may be expected to result in such contamination until the condition is corrected.

- (3) All persons working in direct contact with industrial hemp or CBD shall conform to hygienic practices while on duty, including but not limited to, maintaining sufficient personal cleanliness.
 - (4) Litter and waste shall be properly removed and the operating systems for waste disposal shall be maintained in an adequate manner so that they do not constitute a source for contamination in areas where industrial hemp or CBD is exposed.
 - (5) All floors, walls, and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.
 - (6) Adequate lighting shall be required in all areas where hemp and CBD is stored.
 - (7) Adequate screening or other protection against the entry of pests shall be made. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for the waste becoming an attractant, harborage, or breeding place for pests.
 - (8) All buildings, fixtures, and other facilities shall be maintained in a sanitary condition.
 - (9) Toxic cleaning compounds, sanitizing agents, solvents used in the production of CBD concentrates shall be identified, held, and stored in a manner that protects against contamination of CBD, and in a manner that is in accordance with this Title and any applicable tribal, state, or federal law, rule, or regulation.
- (b) Processing facilities shall be subject to the following specific regulations:
- (1) There shall be no on-site use or consumption of CBD.
 - (2) The display or sale of paraphernalia employed in the use or consumption of CBD or any implement that may be used to administer, use, inhale, consume, smoke, or ingest CBD is prohibited at the processing facility.
 - (3) The processing of industrial hemp into CBD shall not adversely affect the health or safety of the employees, or the facility in which it is cultivated or processed, or nearby properties through creation of mold, mildew, dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, or other impacts, or be hazardous because of the use or storage of materials, processes, products or wastes.
 - (4) The processing area shall occur only within a self-contained structure that is adequately ventilated.
 - (5) The processing facility shall comply with storm-water, wastewater, and other requirements of the Tribe.

- (6) The water supply shall be sufficient for the operations intended and shall be derived from a source that is a regulated water source that is capable of providing a safe, potable, and adequate supply of water to meet the facility's needs.
- (7) The plumbing shall be of adequate size and design and adequately installed and maintained to carry sufficient quantities of water and that shall properly convey sewage and liquid disposable waste from the processing facility. There shall be no cross-connections between the potable and wastewater lines.
- (8) All operations in the receiving, inspecting, transporting, segregating, preparing, manufacturing, packaging, and storing of industrial hemp or CBD shall be conducted in accordance with adequate sanitation principles.
- (9) Every processing facility shall provide its employees with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair.
- (10) All hand-washing facilities shall be adequate and convenient and be furnished with running water at a suitable temperature. Hand –washing facilities shall be located in the cultivation facility and where good sanitary practices require employees to wash and/or sanitize their hands, and provide effective hand-cleaning and sanitizing preparations and sanitary towel service or suitable drying devices.
- (11) All contact surfaces, including utensils and equipment used for the preparation of CBD product, shall be cleaned and sanitized as frequently as necessary to protect against contamination. Equipment and utensils shall be so designed and of such material and workmanship as to be adequately cleanable, and shall be properly maintained.

Section 29-6-4 Production of CBD Concentrates.

- (a) A processing facility may produce the following concentrates:
 - (1) Solvent-Based CBD concentrates; and
 - (2) Critical Fluid Extraction CBD concentrates, provided the solvents used in this process only include N-Butane, Propane, Heptane, or Carbon Dioxide.
- (b) A processing facility that engages in the production of CBD concentrates, regardless of the method of extraction or type of concentrate being produced must:
 - (1) Ensure that the space in which any CBD concentrate is to be produced is a fully enclosed room and clearly designated.
 - (2) Establish a standard operating procedure for each method used to produce a CBD concentrate.

- (3) Establish written quality control procedures designed to minimize any potential risk to employees or contamination of CBD products.
 - (4) Ensure that all equipment used in the production of a CBD concentrate is food-grade, including ensuring that all counters and surface areas were constructed in such a manner that it reduces the potential for the development of microbials and mold and can be easily cleaned.
 - (5) Ensure that all equipment, counters, and surfaces used in the production of a CBD concentrate is thoroughly cleaned after the completion of each production of a CBD concentrate.
 - (6) Have a comprehensive training manual that provides step-by-step instructions for each method used to produce a CBD concentrate. The training manual must include, but need not be limited to, all standard operating procedures, quality control procedures and safety procedures for each method of production, instructions on the appropriate use and maintenance of all equipment involved in the process, and any cleaning required to maintain compliance with all applicable sanitary rules.
 - (7) Provide adequate training prior to individual engaging the production of a CBD concentrate. Adequate training must include, but need not be limited to, providing the appropriate employee or volunteer with the training manual and live, in-person instruction detailing safety procedures for each method of production, instructions on the appropriate use and maintenance of all equipment involved in the process, and any cleaning required to maintain compliance with all applicable sanitary rules.
 - (8) Maintain clear and comprehensive records that document every phase of each step in the production of the CBD concentrate, which must include the name and license number of every employee or volunteer that worked on the production of that CBD concentrate.
 - (9) Ensure that the room in which CBD concentrate shall be produced contains an emergency eye-wash station.
- (c) With respect to Critical Fluid Extraction of CBD concentrates, the processing facility must also ensure that the facility and all equipment used in production of the Critical Fluid Extraction of CBD concentrates meets the following requirements:
- (1) A professional grade, closed-loop extraction system capable of recovering the solvent used.
 - (2) If a pressurized extraction system is utilized, then every vessel in the system must be rated to a minimum of nine hundred pounds per square inch.

- (3) A sufficient fume hood and exhaust system is installed in the room in which a Critical Fluid Extraction of CBD concentrate shall be produced and that the system is fully functioning prior to the production of a Critical Fluid Extraction of CBD concentrate.
- (4) All flammable materials used in the production of a Critical Fluid Extraction of CBD concentrate are stored in a storage-tank designed to hold flammable material and is outside of the room in which the concentrates are to be produced.
- (5) A sufficient fire-suppression system is installed in the room, in which a Critical Fluid Extraction of CBD concentrate shall be produced and that the system is fully functioning prior to the production of a Critical Fluid Extraction of CBD concentrate.
- (6) A hydro-carbon gas monitoring system, a CO2 Gas monitoring system or both, depending on the type of CBD concentrate to be produced, with emergency shut-down relays installed in the room in which a Critical Fluid Extraction of CBD concentrate shall be produced and that the system is fully functioning prior to the production of a Critical Fluid Extraction of CBD concentrate.
- (7) The room in which a Critical Fluid Extraction of CBD concentrate is produced shall be a spark-free environment.
- (8) The room in which a Critical Fluid Extraction of CBD concentrate is produced shall contain a shower.
- (9) Ensure that all fluids used in the extraction process are food-grade quality and 99% pure.
- (10) Establish a standard operating procedure for each type of Critical Fluid Extraction of CBD concentrate to be produced that is designed to maximize employee safety and minimize potential contamination of products with residual solvents or microbials and mold.

CHAPTER 7
DISTRIBUTION AND USE OF CBD

Section 29-7-1 Distribution Facility Operating Procedures.

- (a) Each distribution facility shall establish written operating procedures for the distribution of CBD. The operating procedures must include the minimum following information:
 - (1) All applicable provisions contained in this Title.
 - (2) A description of the screening, registration, and validation process for consumers.
 - (3) A description of consumer records acquisition and retention procedures.
 - (4) The process for tracking CBD quantities and inventory controls.
 - (5) The procedure and documentation process for assuring the safety and quality of all CBD and CBD products (including, but not limited to, assurances of safety and quality for bacteria, mold, pesticides, and other contaminants).
 - (6) The procedure testing for the major active agents in the cannabis plant (e.g. cannabinoids, Tetrahydrocannabinol (THC), THC-A, Cannabidiol (CBD) and Cannaninol (CBN).
- (b) Such procedures shall be submitted to the Regulatory Body sixty (60) days prior to beginning operation.
- (d) A copy of all operating procedures must be maintained at every distribution facility.

Section 29-7-2 Access.

- (a) Only distribution facility employees and holders of a valid Registration Card shall be permitted access into distribution facilities.
- (b) Potential customers shall not visit any distribution facility without first having obtained a valid Registration Card.
- (c) All other visitors shall remain in a designated waiting area in the distribution facility.
- (d) Notwithstanding these requirements, nothing shall prohibit members of the Regulatory Body or tribal law enforcement from entering any area of the facility with adequate notice and upon presentation of official credentials identifying them as such.

Section 29-7-3 Duties of Distribution Facility.

- (a) Each distribution facility shall ensure all of the following:
 - (1) The weight, concentration, and content of THC in all CBD products that the distribution facility sells are clearly and accurately stated on the product sold.
 - (2) That, posted clearly and conspicuously within the distribution facility, are the limits on the possession of CBD, as set forth in subsection 2.
- (b) Each distribution facility shall be staffed with at least one person during hours of operation who shall not be responsible for dispensing CBD. The distribution facility shall have a responsible person who shall be at least twenty-one (21) years of age and shall be on the premises to act as manager at all times during which the distribution facility is open to the public or any portion thereof.

Section 29-7-4 Precautions and Specific Requirements.

- (a) The distribution facility shall be subject to the following specific regulations:
 - (1) The distribution facility shall only distribute CBD or CBD products to holder of a valid Registration Card.
 - (2) The distribution facility shall display rules and regulations in a conspicuous place that is readily seen by all persons entering the distribution facility.
 - (3) There shall be no on-site use or consumption of CBD, except in such locations or areas designated by the Regulatory Body. Each building entrance to the distribution facility shall be clearly and legibly posted with a notice indicating that smoking, ingesting, or consuming CBD on the premises or in the vicinity of the distribution facility is prohibited, except in a designated area.
 - (4) Each building entrance to the distribution facility shall be clearly and legibly posted with the notice indicating that persons under the age of twenty-one (21) are precluded from entering the premises.
 - (5) The distribution facility shall only distribute CBD products during normal business hours.
 - (6) The distribution of CBD shall not adversely affect the health or safety of the employees, volunteers, or the facility in which it is distributed, or nearby properties through creation of mold, mildew, dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or be hazardous because of the use or storage of materials, processes, products or wastes.

Section 29-7-5 Packaging.

- (a) Every package or unit of CBD or CBD product, distributed shall have a label or labels that state the following, as may be applicable:
 - (1) The name of the product.
 - (2) The potency of the CBD product.
- (b) The following warning shall be placed in a conspicuous location on the package.
 - (1) If inhalable, “Smoking may be hazardous to the health of the user, and smoking by pregnant women may result in fetal injury, premature birth, and low birth weight.”
 - (2) A product expiration date for perishable CBD products upon which the product will no longer be fit for consumption, or a use by date, upon which the product will no longer be optimally fresh. Once a label with a use-by date and/or expiration date has been affixed to a container of CBD product, it may not be altered in any way or have a new label affixed with a later use-by or expiration date.

Section 29-7-6 Electronic Verification Systems.

- (a) Each distribution facility shall maintain an electronic verification system.
- (b) The electronic verification system must be able to monitor and report information, including, without limitation:
 - (1) For each person who holds a valid Registration Card and who purchased CBD from the distribution facility in the immediate preceding six month period;
 - (2) The number of the card;
 - (3) The date on which the card was issued;
 - (4) The date on which the card will expire;
 - (5) Verification of the identity of a person to whom CBD or CBD products are sold or otherwise distributed; and,
 - (6) Such other information as the Regulatory Body may require.
- (c) Nothing in this section prohibits more than one distribution facility from co-owning an electronic verification system in cooperation with another distribution facility, or sharing the information obtained therefrom.

- (d) A distribution facility must exercise reasonable care to ensure that the personal identifying information of persons who hold valid Registration cards, which is contained in an electronic verification system is encrypted, protected and not divulged for any purpose not specifically authorized by law.

CHAPTER 8
TRANSPORTATION OF INDUSTRIAL HEMP OR CBD

Section 29-8-1 Transportation Between Facilities.

- (a) In-transit security measures must be taken for delivery or transportation of industrial hemp or CBD between cultivation, processing and distribution facilities within the boundaries of the reservation pursuant to the requirements of this Title.
- (b) Additionally, any person who while transporting or delivering industrial hemp or CBD between facilities, shall not possess or carry on his person or in his vehicle:
 - (1) an excessive amount of industrial hemp or CBD;
 - (2) an excessive amount of cash;
 - (3) one or more weapons; and/or,
 - (4) illicit drugs.
- (c) Any transportation or delivery of industrial hemp or CBD between facilities shall be tracked by a transportation manifest that shall be filed with the Regulatory Body prior to the travel and made available to law enforcement upon request if the vehicle is stopped or detained.

Section 29-8-2 Shipping Containers.

- (a) Every CBD business shall be responsible for sealing all shipping containers of CBD for distribution and must keep a record of each seal number.
- (b) Only management employees of a processing or distribution facility or Regulatory Body officials may break the seal for legitimate reasons.

Section 29-8-3 Transportation Security Program.

- (a) Every CBD business shall establish a Transportation Security Program, approved by the Regulatory Body, which shall include at a minimum the following:
 - (1) Standards and procedures to enhance the physical security of shipping containers, including standards for seals and locks.
 - (2) Standards and procedures for screening and evaluating shipping containers prior to transportation.

- (3) Standards and procedures for securing shipping containers and monitoring security while in transit.
- (4) Standards and procedures for allowing Regulatory Body officials to ensure and validate compliance with this program.
- (5) Any other measures the Regulatory Body considers necessary to ensure the security and integrity of transporting CBD.

Section 29-8-4 Transportation Outside the Reservation.

Delivery or transportation of CBD beyond the exterior boundaries of the reservation shall be consistent with applicable law and policy.

CHAPTER 9
SECURITY, SITE MANAGEMENT, INVENTORY CONTROL AND TESTING

Section 29-9-1 Security and Site Management.

- (a) Every CBD or Tribally Owned Business shall provide adequate security for all facilities which shall include at a minimum the following:
 - (1) All employees shall be required to hold and properly display a current identification badge issued by the Regulatory Body at all times. Proper display of the license badge shall consist of wearing the badge in a plainly visible manner, at or above the waist, and with the photo of the holder visible. The holder shall not alter, obscure, damage, or deface the badge in any manner.
 - (2) Security surveillance cameras shall be installed and maintained in good working condition to monitor the main entrance, the interior and exterior of all facilities and laboratories to discourage diversion of industrial hemp or CBD outside the reservation, loitering, crimes, illegal or nuisance activities. Security video shall be maintained for a minimum of thirty (30) days.
 - (3) Professionally monitored robbery alarm and burglary alarm systems shall be installed and maintained in good working condition at all times.
 - (4) Professionally monitored fire alarm and fire suppression systems shall be installed and maintained in good working condition at all times.
 - (5) At all times, there shall be at least one licensed, uniformed security guard or a tribal police officer present and visible on the premises of all facilities.
 - (6) All points of ingress and egress shall have commercial-grade, non-residential door locks.

Section 29-9-2 Inventory Control Systems.

- (a) Every CBD or Tribally Owned Business shall maintain an inventory control system.
- (b) The inventory control system must be able to monitor and report information, including, without limitations:
 - (1) Insofar as is practicable, the chain of custody and current whereabouts, in real time, of industrial hemp from a cultivation facility to a processing facility;
 - (2) Insofar as is practicable, the chain of custody and current whereabouts, in real time, of CBD from a processing facility to a distribution facility;

- (3) A real time accounting of the total amount of CBD sold; and,
 - (4) Such other information as the Regulatory Body may require.
- (c) Nothing in this section prohibits a cultivation facility, processing facility, or distribution facility from co-owning an inventory control system in cooperation with other facilities, or sharing the information obtained therefrom.

Section 29-9-3 Testing.

- (a) All cultivated industrial hemp and CBD produced for distribution on the reservation are subject to testing to verify that THC concentrations do not exceed .3% on a dry weight basis.
- (b) Testing for THC concentrations shall be conducted on-site using commercially available testing procedures.
- (c) Testing shall occur immediately preceding harvest of industrial hemp and prior to marketing and/or sale of CBD.
- (d) Sampling procedures shall be submitted by the licensee to the Regulatory Body prior to cultivation of industrial hemp and distribution of CBD.
- (e) All testing for THC concentrations shall be conducted by the licensee and testing results shall be submitted to the Regulatory Body within five (5) business days.
- (f) Testing may be requested or conducted by the Regulatory Body at any time and with twenty-four (24) hours notice to the licensee. During such inspection, the licensee shall provide the Regulatory Body complete and unrestricted access to all facilities and relevant testing procedures and records.
- (g) Sampling THC concentrations of industrial hemp will occur in the following manner:
 - (1) Composite samples of each variety of industrial hemp may be sampled from the cultivation area(s).
 - (2) The sampled material will be divided into two equally sized parts. One part will be used for testing. The other part will be retained for retesting.
 - (3) A quantitative laboratory determination of THC concentration on a dry weight basis will be performed according to protocols approved by the Regulatory Body, and include, but are not limited to gas chromatography, and/or mass spectrometry.
 - (4) A composite sample test result greater than 0.3% THC will be considered conclusive evidence that at least one industrial hemp plant or part of a plant in the growing area

contains a THC concentration over the limit allowed for industrial hemp and that the licensee is therefore not in compliance with this Title.

(h) Sampling THC concentrations in CBD product for distribution will occur in the following manner:

(1) The CBD or Tribally Owned Business shall submit its sampling methodology to the Regulatory Body.

(2) Sampling shall occur using a quantitative laboratory determination of THC concentration on a dry weight basis and will be performed according to protocols approved by the Regulatory Body, and include, but are not limited to gas chromatography, and/or mass spectrometry.

(3) A test result greater than 0.3% THC will be considered conclusive evidence that the sampled CBD product potentially contains a THC concentration with psychoactive effect and that the licensee is therefore not in compliance with this Title.

(i) Upon receipt of a test result greater than 0.3% THC, the Regulatory Body may, in its discretion, impose the following penalties or restrictions:

(1) Issue a notice of non-compliance and request for re-testing within fifteen (15) days;

(2) Summarily suspend and/or revoke any license or any part thereof;

(3) Require destruction of any industrial hemp plant(s) or CBD product(s);

(4) Impose fines or penalties not to exceed \$500 per day;

(5) Any other reasonable measure contemplated by this Title.

(j) Any penalty imposed by the Regulatory Body may be appealed to the Tribal Council who, in its sole discretion, shall have the ability to nullify or modify any penalties or restrictions imposed on the licensee by the Regulatory Body.

(k) Sample test results greater than 1.0% THC concentration shall be provided to tribal law enforcement for destruction.

(k) The Regulatory Body may provide test results to relevant State and Federal enforcement agencies.

Section 29-9-4 Audits.

(a) Each CBD and Tribally Owned Business shall cause to be prepared an annual financial statement of every cultivation facility, processing facility and distribution facility using

generally accepted accounting principles that are audited by an independent certified public accountant in conformity with generally accepted auditing standards.

- (b) Every CBD and Tribally Owned Business shall undergo an annual health and sanitary audit of any facility by the Regulatory Body. The scope of the audit may include, but is not limited to, whether each facility is in compliance with requirements set forth in this Title and other applicable health, sanitary or food handling laws, rules and regulations. Failure to perform to the audit may result in suspension of operations until the completion of the independent audit and the implementation of any required remedial measures is made.

Section 29-9-5 Training.

All employees shall receive appropriate training for their intended duties to ensure understanding of rules and procedures regarding industrial hemp and CBD in compliance with this Title.

CHAPTER 10
INDUSTRIAL HEMP AND CBD CONTROL COMMISSION

Section 29-10-1 Regulatory Body Establishment: Duration; Attributes.

- (a) The Tribe hereby establishes the “Industrial Hemp and Cannabidiol Control Commission” as an instrumentality of the Tribe, and will hereafter be referred to as “the Regulatory Body”.
- (b) The Regulatory Body is under the directive of the Tribal Council, and may fulfill any, and all obligations of the Tribal Council under this ordinance.
- (c) In carrying out its purpose under this Title, the Regulatory Body shall function as an arm of the Tribe.
- (d) Composition, term of office.
 - (1) The Regulatory Body shall have three (3) members with one member serving as Regulatory Body Chairperson. The Regulatory Body Chairperson shall be elected yearly by the members of the Regulatory Body. In the event of a three-way tie, the Chairperson shall be appointed by the Tribal Council.
 - (2) Each Regulatory Body member shall be appointed by the Tribal Council, and shall generally serve a four-year term, with one Regulatory Body of the Board serving an initial two-year term.
 - (3) All members of the Regulatory Body shall be members of the St. Croix Chippewa Indians of Wisconsin.
 - (4) No Regulatory Body shall be eligible for appointment to the Regulatory Body who has been convicted of a felony.
 - (5) No Regulatory Body during his/her tenure shall actively participate in or be employed by the Tribally Owned Business and/or subcontractors thereof.
- (e) Removal: Due process; and vacancies:
 - (1) The Tribal Council may remove a Regulatory Body from office before the expiration of the term of office for the following reasons; conviction of a felony, neglect of duty, malfeasance in office, misfeasance, misconduct in office, any conduct that threatens the honesty or integrity of the Regulatory Body or otherwise violates the letter or intent of this Title or other applicable Tribal law, or for other good cause shown.
 - (2) Vacancies occurring on the Regulatory Body shall be filled within ninety (90) days in the same manner as the original appointment. A member may, in the discretion of the Tribal Council, serve after the expiration of his/her term of office until his/her

successor has been appointed, unless the member has been removed for cause under subsection (1) above.

- (f) Two members of the Regulatory Body shall constitute a quorum.
- (g) The Regulatory Body shall meet at the call of the Tribal Chairman or Tribal Council at a scheduled meeting date set by the Tribal Council.

Section 29-10-2 Sovereign Immunity.

- (a) The Regulatory Body shall enjoy all of the privileges and immunities of the Tribe, except as specifically limited by this Title, including sovereign immunity from suit in state, federal, or tribal court.
- (b) The Regulatory Body shall have no authority to waive the sovereign immunity of the Tribe, the Regulatory Body, or any other tribal entity.
- (c) Nothing in this Title shall be deemed or construed to be a waiver of the Regulatory Body's sovereign immunity from suit.
- (d) Nothing in this Title shall be deemed or construed as consent of the Regulatory Body to the jurisdiction of the United States, any state or any other Tribe with regard to the business or affairs of the Regulatory Body.
- (e) Notwithstanding any other provision herein, as an entity of the Tribe, the Regulatory Body's immunity from suit shall at all times be deemed waived for actions against the Regulatory Body initiated by the Tribe.

Section 29-10-3 Powers of the Regulatory Body.

The Regulatory Body shall have the power and responsibility to:

- (a) Enforce this Title.
- (b) Accept, review, approve, or disapprove any application for a license pursuant to this Title, including: license for cultivating of industrial hemp or processing, and distribution CBD pursuant to this Title, and applications for employee licenses.
- (c) Assess and evaluate the potential environmental impact of a CBD business' proposed operations as may be necessary.
- (d) Impose any fees necessary to the regulation of the cultivation of industrial hemp and processing and distribution CBD, and collect any fees imposed by this Title or the Regulatory Body.
- (e) Conduct or arrange for audits of the CBD business, as may be necessary.

- (f) Conduct or arrange for background checks on applicants for employee licenses and determine their eligibility to be employed by licensed businesses operating.
- (g) Adopt regulations to implement the provisions of this Title, including for the assessment and collection of civil fines against any person(s) in violation of this Title.
- (h) To issue an order of temporary closure of a CBD business in the event the Regulatory Body determines that immediate closure is necessary to protect public safety.

Section 29-10-4 Duties of Regulatory Body.

The Regulatory Body:

- (a) Shall monitor the cultivation and processing of industrial hemp grown and CBD processed and distributed within the boundaries of the reservation.
- (b) Shall inspect and examine all facilities licensed by the Regulatory Body and located within the boundaries of the reservation on which the cultivation industrial hemp, and and processing distribution of CBD take place, where necessary.
- (c) Keep accurate records of all applications for licensure, grants, or denials of licenses, receipts of fees, distribution of fees and revenues to the Tribe, and other matters within the responsibility of the Regulatory Body.
- (d) May demand access to and inspect, examine, photocopy, and audit all papers, books, and records respecting gross revenues of the cultivation of industrial hemp and processing and distribution of CBD, conducted within the boundaries of the reservation and any other matters necessary to carry out the duties of the Regulatory Body under this Title.
- (e) Shall promulgate such regulations and guidelines as it deems appropriate to implement the provisions of this Title.

Section 29-10-5 Limitation of Regulatory Body Powers.

- (a) The Regulatory Body shall not regulate the Tribe or any entities except with respect to the activities of cultivating of industrial hemp and processing and distribution of CBD.
- (b) The Regulatory Body shall not regulate the Surplus Funds of the cultivation, processing of industrial hemp and distribution of CBD once the Net Revenues have been distributed to the Tribe or to an entity of the Tribe utilizing funds.
- (c) The Regulatory Body shall not require members of the Tribal Council to obtain an employee license from the Regulatory Body.

Section 29-10-6 Compensation of the Regulatory Body.

The members of the Regulatory Body shall each be paid an equal amount out of the Regulatory Body's operating budget at a rate set by the Tribal Council.

Section 29-10-7 Annual Reports.

The Regulatory Body shall provide an annual report to the St. Croix Economic Development Corporation summarizing the Regulatory Body's official actions, activities, investigative reports, and reports received from any CBD business or as it deems necessary to keep the Tribal Council fully informed as to the status of the Regulatory Body's activities.

Section 29-10-8 Review of Decisions.

- (a) A person aggrieved by a decision of the Regulatory Body to deny, suspend, or revoke an employee license may seek the Tribal Council's review of such decision by filing a written petition for review with the Tribal Chairman within the thirty (30) calendar days of service of the written notice of decision. If a petition is not filed within such time, the Regulatory Body's decision shall be final.
- (b) Following review and consideration of the petition for review, the Tribal Council may overturn the decision of the Regulatory Body, subject to such conditions as it deems reasonable under the circumstances to protect the public health, safety, and welfare of the Tribe and its Tribal members, or the Tribal Council may affirm the decision of the Regulatory Body. The decision of the Tribal Council shall be final and not subject to judicial review.

CHAPTER 11 REGISTRATION CARD

Section 29-11-1 Application for a Registration Card.

- (a) In order to be placed in the registry and to receive a Registration Card, an applicant must complete an application form supplied by the Regulatory Body and include the fee payment. The applicant must provide the following information with the application:
 - (1) The applicant's name, address, and date of birth;
 - (2) A copy of any certification of medical condition or an affidavit from the applicant that the applicant has been diagnosed with a legitimate medical condition and the applicant has been advised that the applicant might benefit from the medical use of CBD.

Section 29-11-3 Confidentiality of Registration Card Information.

- (a) The information provided to the Regulatory Body pursuant to this title shall not be provided to the public and is confidential.
- (b) Authorized employees of tribal, federal, state or local law enforcement agencies shall be granted access to the information contained within the Regulatory Body's registry only for the purpose of verifying that an individual who has presented a Registration Card to a tribal, federal, state or local law enforcement official is lawfully in possession of such card.

Section 29-11-4 Application Fees.

- (a) The Regulatory Body shall collect a fee of no more than \$50.00 dollars from each applicant at the time of application to pay for the direct and indirect costs to administer the CBD program, unless the applicant meets the criteria set forth to establish indigence. Such fee shall not be refundable to the applicant if the application is denied or revoked or if the patient no longer has a legitimate medical condition. The amount of the fee shall be evaluated annually by the Regulatory Body to ensure compliance with the applicable statutes and the fee meets the actual Registry expenses.
- (b) Indigence fee waiver. Any individual submitting an application for the registry may request an indigence fee waiver if he or she submits at the time of application a copy of the applicant's state tax return that confirms that the applicant's income does not exceed one hundred eighty-five percent of the federal poverty line, adjusted for family size.
- (c) Notification of indigent status. Individuals who meet the indigence standard after they have been approved for the Regulatory Body may complete a form, to be determined by the Regulatory Body, notifying the department of their status and supplying a copy of the

applicant's state tax return certified by the department of revenue that confirms that the applicant's income does not exceed one hundred eighty-five percent of the federal poverty line, adjusted for family size. Upon receipt and confirmation of the information, the Regulatory Body shall issue a new CBD registry card for the remaining term of the current card noting said indigent status for tax exemption purposes.

**CHAPTER 12
ADVERTISING**

Section 29-12-1 No Deceptive Advertising.

A Licensee under this Title shall not engage in advertising that contains assertions or statements on any product, any sign, or any document provided to a consumer that is deceptive, false, misleading, or prohibited under the law of the jurisdiction where the advertising is carried out.

Section 29-12-2 Compliance with FDA Guidance.

Licensees under this Title shall comply with all guidance of the U.S. Food and Drug Administration regarding the advertisement of health claims related to hemp and CBD products.

Section 29-12-3 Compliance with State or Local Laws.

In addition to any requirements within these rules, a licensee shall comply with any applicable state or local ordinances regulating signs and advertising of CBD products.

CHAPTER 13
MISCELLANEOUS PROVISIONS

Section 29-13-1 Severability.

The provisions of this Title are declared to be separate and severable. If the Tribal Court shall adjudge to be invalid or unconstitutional any clause, sentence, paragraph, section, article or part of this Title, such judgment or decree shall not affect, impair, invalidate, or nullify the remainder of this Title, but the effect thereof shall be confined to the clause, sentence, paragraph, section, article or chapter of this Title that is adjudged to be invalid or unconstitutional.

Section 29-13-2 Interpretation and Applicability.

- (a) No part of this Title shall be deemed to be in positive conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. § 800 *et seq.*, nor to otherwise permit any activity that is prohibited under that Act or any other tribal, state, or federal law, statute, rule, or regulation.
- (b) Nothing in this Title is intended, nor shall it be construed, to burden any defense to criminal prosecution otherwise afforded by tribal law.

Section 29-13-3 Renumbering and Redesignation.

Authority is given to the compiler of the laws of the Tribe to renumber, redesignate, or to cite the provisions of this Title as necessary for uniformity and accessibility.

Section 29-13-4 Effective Date.

This Title shall be in full force and effect according to its terms upon adoption by the Tribal Council.

Section 29-13-5 Violations.

Any violation of this Title is subject to administrative, civil, or criminal penalties, in addition to being subject to other remedies provided by law, including but not limited to injunctive relief and revocation of the CBD Employee License.

LEGISLATIVE HISTORY

This Title was enacted by the St Croix Chippewa Indians of Wisconsin Tribal Council in a duly called meeting on _____ , _____ by Resolution _____.