



# Saint Regis Mohawk Tribe

Chief Michael Conners  
Chief Ronald LaFrance, Jr.  
Chief Beverly Cook  
Sub-Chief Agnes Jacobs  
Sub-Chief Benjamin Herne  
Sub-Chief Derrick King

## TRIBAL COUNCIL RESOLUTION

2023-05

### TO AMEND THE ADULT USE CANNABIS ORDINANCE (ALLOW CONSUMPTION LOUNGES)

**WHEREAS**, the Saint Regis Mohawk Tribal Council (the “Tribal” Council”) is the duly recognized governing body of the Saint Regis Mohawk Tribe (the “Tribe”) and is responsible for the health, safety, education and welfare of all community members; and

**WHEREAS**, the Tribal Council is responsible for the general welfare of the membership, water, lands and real properties within the Saint Regis Mohawk Reservation; and

**WHEREAS**, by TCR 2021-33 the Tribal Council adopted the original “Saint Regis Mohawk Tribe Adult Use Cannabis Ordinance” (“AUC Ordinance”) establishing rules and regulations governing commercial use and activity of “Adult Use Cannabis” including but not limited to cultivation, processing and sale on tribal territory; and

**WHEREAS**, by TCR 2022-17 the Tribal Council amended the AUC Ordinance to permit drive through sales windows at licensed retail stores and to increase the number of plants permitted under a Tier III cultivation license; and


**WHEREAS**, the Tribe’s regulatory agencies for cannabis, the Cannabis Control Board (“CCB”) and the Cannabis Compliance Office (“CCO”) have recommend certain additional amendments to the AUC Ordinance related to: (1) providing waivers to licensing of applicants who have been operating with Tribal cannabis licenses; and (2) allowing licensing of so-called “consumption lounges” under strict conditions.

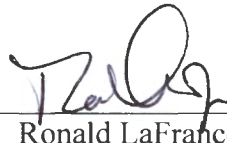
**NOW, THEREFORE BE IT RESOLVED THAT**, that the Tribal Council hereby adopts the "Second Amended Saint Regis Mohawk Tribe Adult Use Cannabis Ordinance" a copy of which is attached to this Resolution that includes the following amendments:

- Amend Chapter Three, Sections 3.01 And 3.05 to add AUC consumption lounge licenses to list of available licenses and allow waivers to license applicants who have been operating with Tribal cannabis licenses;
- Amend Chapter Four adding Section 4.05 including Lounge application requirements;
- Amend Chapter Six to add licensing fees for consumption lounge licenses;
- Amend Chapter Seven to provide an exception for consumption at retail location if there is a licensed consumption area; and
- Add a new Chapter Eight to include specific rules that apply to consumption lounge operations.

Attached hereto is a copy of the amended AUC Ordinance containing all of these changes.

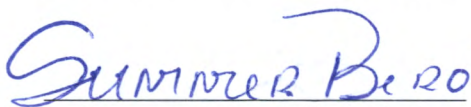
**SAINT REGIS MOHAWK TRIBAL COUNCIL**

  
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Michael Conners,  
Tribal Chief

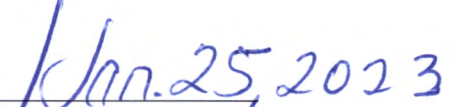
  
\_\_\_\_\_  
Ronald LaFrance, Jr.,  
Tribal Chief

  
\_\_\_\_\_  
Beverly Cook  
Tribal Chief

**CERTIFICATION:** This is to certify that the Saint Regis Mohawk Tribal Council pursuant to the authority vested therein duly passed the above resolution.

  
\_\_\_\_\_  
Summer Bero, Tribal Clerk

  
\_\_\_\_\_  
Tsiothohrko:wa  
Date

  
\_\_\_\_\_  
Jan. 25, 2023



# Saint Regis Mohawk Tribe

Chief Beverly Cook  
Chief Michael Conners  
Chief Ronald LaFrance, Jr.  
Sub-Chief Kenneth Jock  
Sub-Chief Agnes Jacobs  
Sub-Chief Benjamin Herne

## TRIBAL COUNCIL RESOLUTION

2022 - 17

### TO AMEND THE ADULT USE CANNABIS ORDINANCE

**WHEREAS**, the Saint Regis Mohawk Tribal Council (the "Tribal Council") is the duly recognized governing body of the Saint Regis Mohawk Tribe (the "Tribe") and is responsible for the health, safety, education and welfare of all community members; and

**WHEREAS**, the Tribal Council is responsible for the general welfare of the membership, water, lands and real properties within the Saint Regis Mohawk Reservation; and

**WHEREAS**, by TCR 2021-33 the Tribal Council adopted the "Saint Regis Mohawk Tribe Adult Use Cannabis Ordinance" ("AUC Ordinance") establishing rules and regulations governing commercial use and activity of "Adult Use Cannabis" including but not limited to cultivation, processing and sale on tribal territory; and

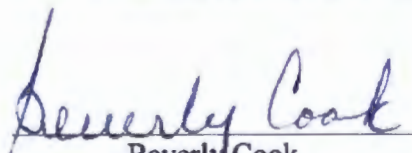
**WHEREAS**, the Tribe has appointed a Cannabis Control Board ("CCB") and created a Cannabis Compliance Office ("CCO") to administer and regulate commercial cannabis activity on the territory; and

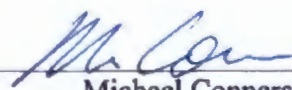
**WHEREAS**, the CCB and CCO recommend certain amendments to the AUC Ordinance related to: (1) limitations on licensed Adult Use Cultivators under the Tribe's cannabis program--specifically the number of plants permitted under a Tier III cultivation license and the ability of an applicant to be awarded a Tier III cultivation license; and (2) prohibition of drive through sales windows at licensed retail stores; and

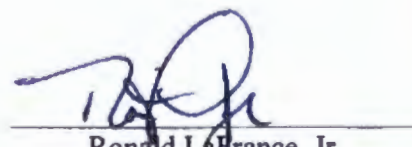
**WHEREAS**, amendments are to Sections 4.02, 6.01, 7.03, 7.04 and 8.01.

**NOW, THEREFORE IT RESOLVED**, that the Tribal Council hereby adopts the "Amended Saint Regis Mohawk Tribe Adult Use Cannabis Ordinance" a copy of which is attached to this Resolution.

### SAINT REGIS MOHAWK TRIBAL COUNCIL

  
Beverly Cook  
Tribal Chief

  
Michael Conners  
Tribal Chief

  
Ronald LaFrance, Jr.  
Tribal Chief

**CERTIFICATION:** This is to certify that the Saint Regis Mohawk Tribal Council pursuant to the authority vested therein duly passed the above resolution.

 **DEPUTY  
TRIBAL  
CLERK**  
Summer Bero, Tribal Clerk

 / April 7, 2022  
Date



**SAINT REGIS MOHAWK TRIBE**  
**ADULT USE CANNABIS ORDINANCE**  
**(AMENDED, TCR 2022-17)**

**CHAPTER ONE - GENERAL PROVISIONS**

**Section 1.01 Title.**

This Ordinance shall be known as the “Saint Regis Mohawk Tribe Adult Use Cannabis Ordinance”.

**Section 1.02 Purpose.**

(a) This Ordinance establishes rules and regulations governing commercial use and activity of “Adult Use Cannabis” (recreational or non-medical cannabis) (hereinafter “AUC” or “Cannabis”) including, but not limited to, cultivation, processing and sale on tribal territory. No persons shall engage in any commercial AUC activities unless licensed under this Ordinance.

(b) This Ordinance allows adult, tribal members to grow and possess a limited number of Cannabis plants for their own, non-commercial, personal use at their own residences on tribal territory.

(c) This Ordinance consolidates Tribal regulation of all cannabis activities including but not limited to hemp, medical cannabis and AUC, within one Tribal board, the Tribal Cannabis Control Board (“CCB”), and one Tribal regulatory office, the Cannabis Compliance Office (“CCO”).

(d) This Ordinance includes appropriate fees on commercial AUC activities to fund tribal oversight and regulation and to fund tribal member programs and services.

**Section 1.03 Authority.**

(a) The Tribe's authority to adopt this Ordinance is based upon the Tribal Procedures Act, as amended, and the Tribe's inherent sovereign power to: (1) enact laws governing commercial activity within its territory; and (2) adopt regulations to protect the health, safety and general welfare of tribal members.

**Section 1.04 Federal Guidance.**

(a) The U.S. Department of Justice has previously issued guidance and policy regarding the use and sale of cannabis by tribes on their territory. The guidance and policy advises tribes to include in their cannabis programs provisions to prevent the distribution of cannabis to minors; prevent the diversion and trafficking of cannabis, especially to criminal elements such as gangs and cartels; and prevent drugged driving and other adverse public health consequences associated with cannabis use.

(b) This Ordinance provides a robust regulatory system that addresses these issues. It requires use of a tracking system to record cannabis transactions on tribal territory from cultivation to sale. It contains mandatory rules on sales to minors. And it includes provisions protecting community health and safety at least as robust as those imposed by New York State with respect to AUC sales.

**Section 1.05 Other Laws Unaffected.**

(a) Nothing in this Ordinance is intended to allow driving under the influence of cannabis or driving while impaired by cannabis or to prevent enforcement of any laws imposing penalties for driving under the influence or while impaired.

(b) Nothing in this Ordinance is intended to limit any privileges or rights of a medical marijuana patient, primary caregiver or registered or licensed entity under the Tribe's Medical Marijuana Ordinance.

(c) Nothing in this Ordinance shall affect the ability of any employer on tribal territory to enact policies restricting the use of cannabis by employees.

(d) All existing authority of the Tribe shall remain in full force and effect, and nothing in this Ordinance repeals or limits the Tribe's authority to impose penalties or initiate punitive proceedings before or after its effective date.

Section 1.06 Definitions.

(a) When used in this Ordinance, unless the context clearly requires otherwise:

(1) "Adult Use Cannabis" or "AUC" means cannabis intended for non-medical use by persons 21 years of age or older.

(2) "Business" means a location at which a licensee is licensed as a cultivator, processor or retailer or any other type of Tribally licensed cannabis-related business.

(3) "Cannabis" refers to 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 resin, excluding hemp or its derivatives unless clearly required by context.

(4) "Cannabis Compliance Office" or "CCO" means the Tribal regulatory office established in Chapter Two of this Ordinance.

(5) "Cannabis Control Board" ("CCB") means the Tribal Board established in Chapter Two of this Ordinance.

(6) "Concentrate" means the resin extracted from any part of the plant of the genus cannabis.

(7) "Consumer" means a person, twenty-one years of age or older, who purchases approved AUC or AUC products for personal use, but not for resale to others.

(8) "Cultivation" means the planting and growing of AUC under a license issued in this Ordinance either indoors or outdoors that includes the related activities such as cloning, harvesting, drying, curing, grading and trimming of cannabis.



(9) “Edible cannabis product” or “edible” means any foodstuff, beverage, tincture, oil, or other product containing cannabis or cannabis extract and intended for oral consumption.

(10) “Inherently hazardous substance” means a liquid chemical, compressed gas or commercial product that has a flash point at or lower than 38 degrees Celsius or 100 degrees Fahrenheit, including, but not limited to, butane, propane and diethyl ether. “Inherently hazardous substance” does not include any form of alcohol or ethanol.

(11) “Key participant” means a sole proprietor, a partner in partnership, a member or manager in a limited liability company or a person with executive managerial control in a corporation. A person with executive managerial control includes persons such as a chief executive officer, chief operating officer, chief financial officer, limited liability company manager, or other positions regardless of title with authority to direct or influence the financial and business affairs of the enterprise.

(12) “Law enforcement agency” means the Saint Regis Mohawk Tribal Police Department and any federal, state, or local law enforcement agency that may also have jurisdiction over an activity under this Ordinance.

(13) “Operating plan” means a set of documents submitted by an applicant detailing its operations, and which, when approved by the CCB, shall be enforceable by the CCO.

(14) “Plant” means a living plant of the Cannabis genus (*sativa* and *indica* species), excluding hemp, capable of producing its own food through photosynthesis and is in a grow medium.

(15) “Premises” or “licensed premises” shall refer to where a licensee’s cannabis activity occurs.

(16) “Processor” means a licensee that processes (manufactures), packages and labels AUC and AUC cannabis products for sale in licensed cannabis retail stores.



(17) “Products” or “cannabis products” means any concentrated cannabis, oils, or cannabis-infused or extracted products, or products which otherwise contain or are derived from cannabis, authorized for sale to, and for use by, a cannabis consumer as approved by the Tribe.

(18) “Residence” means a fully enclosed permanent structure used or intended for human occupancy. Recreational vehicles, trailers, motorhomes, tents or other vehicles or structures which are used, designed or intended as temporary housing shall not constitute a residence for purposes of this Ordinance.

(19) “Retail store” or “store” means a facility licensed by the Tribe in which approved AUC and AUC products are sold and offered for sale to consumers.

(20) “Saint Regis Mohawk Tribal Council” means the elected Tribal Council of the Saint Regis Mohawk Tribe consisting of three elected Chiefs and three elected Sub Chiefs.

(21) “Saint Regis Mohawk Tribal Police” means the law enforcement department for the Saint Regis Mohawk Tribe with police authority over tribal territory.

(22) “Saint Regis Tribal Court” means the trial level court under the Tribal Court system that consists of the Chief Judge and associate Tribal Court members as established under tribal law.

(23) “Seed” means the fertilized, un-germinated, matured ovule, containing an embryo or rudimentary plant, of a cannabis plant that is flowering.

(24) “Seedling” means a cannabis plant that has germinated and has not flowered and is not harvestable.

(25) “Sensitive Sites” means the following areas that are protected under this Ordinance by certain proximity provisions: tribal government offices, recreation centers, churches and places of worship, public parks, libraries, game arcades, elementary schools, secondary schools, playgrounds, youth centers such as the

**Akwesasne Boys and Girls Club, athletic fields and other site designated by the CCO.**

**(26) "Serious felony" means an applicant is not currently subject to and has not discharged a sentence for a conviction of an offense under state or federal law or the law of any other jurisdiction within the past five (5) years involving: (1) manufacturing, distributing, or possessing with intent to manufacture or distribute, a controlled substance other than cannabis, for which a maximum term of imprisonment of ten years or more is prescribed by law; or (2) a "violent felony" for which a minimum sentence term of one and a half years is prescribed by law.**

**(27) "THC" means Delta-9-tetrahydrocannabinol; Delta-8-tetrahydrocannabinol and the optical isomers of such substances.**

**(28) "Tribal Cannabis Exchange" ("TCE") means the entity responsible for allotting quantities of cannabis and cannabis extract to Processors; allotting as necessary quantities of prepackaged cannabis and cannabis products to Retail Stores; establishing as necessary prices for cannabis and cannabis products transferred through the exchange; and issuing revenue stamps to be affixed to cannabis and cannabis products before they are offered for sale.**

**(29) "Tribal Member" or "Member" means a person who is enrolled in the Tribe under the Tribe's Membership Code or a person who is eligible to be enrolled regardless of where they reside as verified by the Tribal Clerk.**

**(30) "Tribal Member-Owned Business" or "Tribal Member Business" means an entity that is more than fifty percent (50%) owned and controlled by a tribal member. "Controlled" means to have controlling interest whereby a person holds a majority of a company's voting stock, giving them significant influence over any corporate actions. A person or group of persons having a controlling interest will be able to direct the course of a company and make strategic and operational decisions. A non-tribal member owning an interest in a Tribal Member-Owned Business may not avoid being deemed to have "control" through the use of management**

agreements, license agreements or other instruments, agreements or arrangements designed to grant control to non-tribal members.

(31) “Tribal tracking system” or “system” means a database approved or established by the Tribe that licensees will be required to use to track and account for cannabis transactions and activities on tribal territory.

(32) “Tribal territory” means all lands with the boundaries of the Treaty of 1796 and all other lands over which the Tribe has jurisdiction.

(33) “Tribe” shall mean the Saint Regis Mohawk Tribe, a federally recognized Indian tribe located in Akwesasne, New York. References to “Tribe” shall also include the Tribe’s Cannabis Compliance Office and/or Cannabis Control Board.

## **CHAPTER TWO - REGULATION BY THE TRIBE**

### **Section 2.01 Cannabis Control Board.**

(a) Creation of Board. The Tribal Council establishes the Saint Regis Mohawk Tribal Cannabis Control Board (“CCB”) to: (1) provide oversight on behalf of the Tribal Council over the Tribe’s Cannabis Compliance Office on all cannabis regulatory matters; (2) to issue cannabis licenses and render other administrative decisions regarding cannabis licensure; and (3) to carry out any other oversight and regulatory powers delegated by the Tribal Council.

(b) CCB Powers and Duties. The CCB’s duties and powers shall include, but not be limited to:

1. Accept, review, approve, or disapprove cannabis license applications including those required under this Ordinance including, but not limited to, applications for cultivation, processing and retail store licenses;
2. Adopt rules to impose and collect any fees or fines necessary to the regulation of cannabis including fees imposed under this Ordinance;
3. Adopt cannabis regulations and rules after consultation with the CCO.



4. Approve the issuance of cannabis orders recommended by the CCO under Tribal Ordinances, including this Ordinance, including but not limited to: orders to cease and desist, closures of facilities, suspension and revocation of licenses as necessary to protect public safety;

5. Monitor the regulation of all activities of cannabis licensees;

6. Keep accurate records of all matters within the CCB's duties.

(c) **Board Composition.** The CCB shall have five (5) full members and two (2) alternate members (referred collectively as "members"). Members shall be appointed by the Tribal Council and shall serve staggered terms.

(d) **Qualifications.** Members of the Board shall have the following qualifications:

1. They must be at least twenty-five (25) years old (on date of appointment);
2. They must possess good moral character and not have been convicted of a serious crime as defined in the Tribe's Election and Referendum Ordinance, as amended;
3. They must be willing to take, and must pass, a background check administered by the Tribe and/or Tribal Police;
4. They must be willing and capable of maintaining communications through technology (email, texts, mobile phone) so as to be accessible to the Board;
5. At least three (3) full members must be Tribal Members;
6. At least three (3) full members must have knowledge and experience in any one of the following areas:
  - a. business experience in the cannabis industry;
  - b. specialized knowledge or education in a cannabis field (including but not limited to medicine, pharmacology; laboratory testing; agriculture, regulation or law);
  - c. regulation of the cannabis industry; or

d. public health and safety.

(e) Alternate Qualifications.

1. Alternate members must be tribal members and are not required to have any special qualifications.

(f) Other Board Requirements.

1. No member of the CCB shall actively participate in, or be employed by, a cannabis business that is regulated by the Tribe under this or other cannabis Ordinance or law.

2. CCB members will be entitled to compensation according to the standard schedule of fees and compensation provided for tribal boards, committees and commissions.

3. The CCB will adopt their own Bylaws and will nominate a Chairperson by motion and majority vote for a one (1) year term or until a successor is elected. The Chairperson will preside over all meetings and perform all duties of that office as required under approved Bylaws. The CCB will also nominate and elect other Officers (Vice-Chair, Treasurer, Secretary) with duties and requirements to be set forth in approved By-Laws. The CCB will schedule and hold regular meetings.

4. Members of CCB may be removed by Tribal Council, either by the Council itself or upon recommendation by the Board. They may be removed based upon violation of any provision of this, or other cannabis Ordinance, failure to perform duties as a member, excessive absences from meetings, failure to recuse oneself due to a conflict of interest or conduct unbecoming a member.

5. Member vacancies will be filled by the Tribal Council under the same procedure used for appointment. Members appointed to fill vacancies will serve the remainder of the vacant seat.



**(f) The CCB will provide regular reports to the Tribal Council summarizing, among other things, their official actions, activities, investigative reports, and reports received from licensed businesses to keep the Tribal Council fully informed as to the status of their activities.**

**Section 2.02 Cannabis Compliance Office.**

**(a) Creation of Office. The Tribal Council establishes the Saint Regis Mohawk Tribal Cannabis Compliance Office ("CCO") to provide day-to-day regulation of all cannabis activities on Tribal territory.**

**(b) Powers and Duties. The powers and duties of the CCO shall include but not be limited to:**

- 1. Handle all aspects of cannabis license applications process, including providing notice to the community about application forms, deadlines for applications, in-take of applications, review of applications and providing recommendations to the CCB concerning license applications;**
- 2. Assist the CCB in developing regulations implementing cannabis laws, including this Ordinance; and policies, procedures, protocols and forms necessary for all cannabis regulation and administration;**
- 3. Inspect and monitor adult use cannabis businesses, operations and facilities for regulation and enforcement;**
- 4. Work with law enforcement and other appropriate agencies to investigate violations of this Ordinance and all cannabis laws, take or recommend appropriate enforcement actions; and report criminal activity to appropriate law enforcement agencies;**
- 5. Ensure that all Tribal cannabis laws comply with requirements under tribal and federal law;**



6. Develop and administer a tribal tracking system to record, collect and track cannabis activities and data on Tribal territory;
7. Report on a regular basis to the CCB and the Tribal Council, the Tribal Police Department and other appropriate governmental and law enforcement agencies; and
8. With the approval of the CCB, retain consultants, advisors and agents to assist with any of the duties described above, except that the CCO may not contract with any person having an ownership interest in, or control of, any Cultivator, Processor, or Retail Store licensed by the Tribe.

**Section 2.03 Tribal Cannabis Exchange.**

(a) **Creation of Exchange.** The Tribal Council establishes the Saint Regis Mohawk Tribal Cannabis Exchange (“TCE”) to ensure that Processor licensees and Retail Store licensees have access to cannabis, cannabis extract, and cannabis products, as applicable, at prices established by the CCO according to objective standards. Upon the effective date of this ordinance, the CCO shall establish the TCE within the CCO.

(b) **Powers and Duties.** The powers and duties of the TCE shall include but not be limited to:

1. Determine, through consultation with Processors and Retail Stores, the demand for bulk cannabis flower and trim, cannabis extract, prepackaged cannabis products, and prepackaged flower;
2. Establish prices for bulk and prepackaged cannabis, cannabis extract, and other cannabis products sold through the exchange, which shall be not less than 80 percent of published wholesale prices for adult use cannabis and cannabis products nationwide, or, if available, New York State;
3. Set quantities, on a quarterly basis, of bulk flower and trim that a Cultivator must make available to Processors at the price determined by the TCE and

prepackaged flower that a Cultivator must make available to Retail Stores at the price determined by the TCE, except that the total amount shall not exceed the quarterly amount in the Cultivator's approved operating plan;

4. Set quantities, on a quarterly basis, of bulk cannabis extract that a Tier II Processor must make available to other Processors at the price determined by the TCE and prepackaged cannabis products that a Processor must make available to Retail stores at the price determined by the TCE, except that the total amount shall not exceed the quarterly amount in the Processor's approved operating plan;

5. Monitor Cultivators and Processors to determine compliance with their obligations under their approved operating plans;

6. Allot bulk cannabis or cannabis extract to Processors for purchase at prices determined by the CCO;

7. Allot prepackaged cannabis and cannabis products to Retail Stores at prices determined by the CCO; and

8. Collect per-gram fees and issue revenue stamps that shall be affixed to cannabis and cannabis products before transfer to a Retail Store.

(c) The CCO shall not store or transport cannabis to facilitate the operation of the TCE.

## **CHAPTER THREE - AUC BUSINESS LICENSES**

### **Section 3.01 Cannabis Business Licenses.**

(a) This Ordinance shall authorize the issuance of business licenses that will include, but not be limited to:

1. AUC Cultivation licenses;
2. AUC Processing licenses;
3. AUC Retail store licenses; and

4. Any other types of AUC business licenses as deemed necessary by the Tribe, including without limitation nursery cultivation, microbusinesses, transportation and testing or testing sample collector licenses.

(b) At its discretion, the CCO, after consultation with the CCB, may issue combined licenses such as Cultivation/Processing or Retail/Processing provided that all required application information is provided, and fees paid.

(c) If deemed necessary by the CCB, the Tribe may apply for a testing facility license.

#### Section 3.02 Nature of Business Licenses.

(a) All licenses are issued as a revocable privilege and not as a matter of right to licensees.

(b) The number of business licenses issued overall will be determined by the Tribe based upon factors such as market conditions, market or product saturation, increase in crime, abuse of license privileges; and other relevant factors.

#### Section 3.03 License Term.

All licenses shall have a term of five (5) years, unless revoked pursuant to this Ordinance, and may be renewed through a renewal application process established by the CCO.

#### Section 3.04 Threshold Eligibility Requirements.

(a) As a threshold, in order to be considered for a business license a person must:

1. Be a tribal member;
2. Be 21 years old or older;
3. Not have been convicted of a serious felony as defined in this Ordinance

(b) If a tribal member-owned business, tribal members must own and control more than 50% of the business, and all persons owning or controlling the business must:



1. Be 21 years old or older; and
2. Not have been convicted of a serious felony, as defined in this Ordinance.

**Section 3.05 Cannabis Retailers in Operation prior to Licensing.**

(a) Any person or business operating a business that is open to the public and is selling cannabis prior to obtaining a license shall be deemed ineligible to obtain a license, unless the person or business:

1. Ceases operation within 48 hours of the enactment of this Ordinance;
2. Remains closed to the public until a license is obtained; and
3. Pays an additional fee determined by the CCO, which shall be no greater than \$300 for each day the business was open to the public without a license.

**CHAPTER FOUR - LICENSE APPLICATIONS**

**Section 4.01 Information Required for Pre-Clearance.**

(a) Applicants for all types of business licenses will be required to submit, at a minimum, the following basic information to obtain pre-clearance to operate an AUC business.

1. Name, date of birth, Social Security Number, residential address, telephone number (mobile included), and email address;
2. For member-owned businesses, the full name of the business, the principal business location address, EIN number, the full name, date of birth, title, telephone number (mobile included), and email address of each individual who will be a key participant in the business;
3. Proof of tribal membership or, if a member-owned business, proof that the entity is more than fifty percent (50%) owned and controlled by a tribal member;
4. A Criminal History Report covering the past five (5) years for each individual member;

5. For member-owned businesses, copies of business organization documents such as articles of incorporation, LLC operating agreement, partnership agreement, shareholder agreements, management and license agreements and any other agreement which affects or relates to ownership and control of a member-owned business;

6. Type of license(s) for which application will be made;

7. Financial statements of the applicant and key participants

8. Location of proposed site including GPS coordinates for the site;

9. Any deed, lease or agreement establishing applicant is entitled to possession of the premises; and

10. Other information as required by the CCO.

(b) Each applicant for pre-clearance shall agree to participate in the TCE if asked to do so.

(c) The CCO shall begin to accept pre-clearance applications immediately upon enactment of this Ordinance.

(d) The CCO shall not accept an application for a Cultivation license, Processing license, or Retail Store license from an applicant who has not received pre-clearance from the CCO.

#### Section 4.02 Cultivation Applications.

(a) Applicants for Cultivation licenses shall provide an operating plan, which shall address, at a minimum:

1. Whether the facility will be an indoor or outdoor facility (or both);

2. A legible and accurate diagram of the planned cultivation facility or facilities (whether indoor, outdoor or both)

3. Applicant's plan for security and surveillance of the site(s);



4. Information on employees (number, names, and identification of key employees);
5. Plan to abate noise, odors and hazardous wastes;
6. The number of plants the Cultivator will grow;
7. Agree to follow the TCE requirements in this Ordinance and in CCB regulations;  
and
8. Any other information required by the CCO.

(b) The CCO shall, on the effective date of this ordinance, begin to accept applications for Cultivation licenses from any applicant who has received pre-clearance.

(c) A Cultivation licensee may apply to change tiers by submitting a revised operating plan and the difference in application and licensing fees, prorated for the time remaining on the license.

(d)

In determining whether to grant a Tier III Cultivation license, the CCB may consider factors including but, not limited to:

1. Unmet demand for cannabis among licensed Processors and Retailers;
2. Commitment to participate in the TCE; and
3. Needs of the applicant for its own extraction and processing.

#### **Section 4.03 Processing Applications.**

(a) Applicants for Processing licenses shall provide an operating plan, which shall address, at a minimum:

1. A legible and accurate diagram of the planned processing facility;
2. Whether the facility will be located within or in connection with a cultivation facility;



3. Applicant's plan for security and surveillance of the site(s);
4. Information on employees (number, names, and identification of key employees);
5. Plan to abate noise, odors and hazardous wastes;
6. A description of the types of cannabis products the applicant proposes to manufacture, including whether the applicant proposes to extract cannabis, and if so, complete descriptions of methods and equipment;
7. If the applicant proposes to extract cannabis, an agreement to sell up to 30 percent of extract produced through the TCE, if directed by the TCE;
8. An agreement to sell up to 30 percent of cannabis products produced through the TCE, if directed by the TCE; and
9. Any other information required by the CCO.

(b) The CCO shall begin to accept applications for Processing licenses no later than 30 days after the effective date of this ordinance.

(c) After 180 days of operation, a Processing licensee may apply to change tiers by submitting a revised operating plan and the difference in application and licensing fees, prorated for the time remaining on the license.

#### Section 4.04 Retail Store Applications.

(a) Applicants for Retail Store licenses shall provide an operating plan, which shall address, at a minimum:

1. A legible and accurate diagram of the planned store, including areas that are open to members of the public who are 21 years of age or older;
2. Proof that the store is not located within 500 feet of any sensitive sites;
3. Whether the store has its own separate ingress and egress as required by this Ordinance;
4. Applicant's plan for security and surveillance of the store;

5. Information on employees (number, names, and identification of key participants); and

6. Any other information required by the CCO.

(b) The CCO shall begin to accept applications for Retail Store licenses within 30 days of the effective date of this ordinance.

## **CHAPTER FIVE - AUC LICENSE APPROVAL**

### **Section 5.01 Initial Review by CCO.**

(a) Role of the CCO. The CCO shall be responsible for processing license application including, but not limited to:

1. Preparation of application forms;
2. Providing notice to the community about application forms, deadlines for applications;
3. In-take and review of applications to make sure they are complete and application fees have been paid;
4. Making pre-clearance determinations; and
5. Providing recommendations to the CCB concerning approval or denial of license applications.

### **Section 5.02 Role of the CCB.**

(a) The CCB shall be responsible for processing AUC license applications including, but not limited to:

1. Receipt of the completed applications from the CCO;
2. Review by the CCB of the applications;
3. Scheduling any meeting with applicants to discuss the applications and obtain additional information;

4. The CCB will formally meet within 30 days of receipt of a completed application to decide whether to approve or deny an application;
5. The CCB will issue a written decision via letter to applicant.

**Section 5.03 Tribal Court Review.**

(a) Final decisions of the CCB may be appealed by an applicant to the Saint Regis Mohawk Tribal Court (trial level).

1. The appeal shall be filed with the Tribal Court Clerk within thirty (30) days of the date of the CCB's final decision.
2. The Tribal Court shall review the appeal based upon the administrative record before the CCB.
3. The Tribal Court will base its decision upon the "arbitrary and capricious" standard of review.

a. The arbitrary and capricious standard of review means that the CCB's decision will only be set aside only if there has been a clear error of judgment.

b. Review under the standard is narrow and the reviewing court may not substitute its judgment for that of the CC.

c. The Tribal Court must determine whether the decision was based on a consideration of the relevant factors and whether there was clear error.

4. The Tribal Court's decision shall be final and non-appealable.

**Section 5.04 Conditional Licenses.**

1. The CCO and CCB may decide to issue conditional licenses to applicants if that is deemed necessary. The applicant still must complete and submit a complete application form. The award of a conditional licenses will contain terms that must be satisfied before a permanent license is granted.



## **CHAPTER SIX - AUC LICENSE FEES**

### **Section 6.01 Application Fees.**

(a) There shall be a non-refundable application fee for pre-clearance. This fee shall be \$100 per individual listed on the application.

(b) There shall be a non-refundable application fee for all licenses issued under this Ordinance. The initial application fees for licenses shall be:

#### **1. Cultivation License Application Fees:**

| Type of Cultivation Facility | Application Fees |
|------------------------------|------------------|
| Tier I<br>0-250 plants       | \$500            |
| Tier II<br>251-500 plants    | \$500            |
| Tier III<br>Over 500 plants  | \$1,500          |

(c) Additional Tiers may be created through regulations adopted by the CCB.

#### **2. Processor License Application Fees:**

| Type of Processor Facility  | Application Fees |
|---|------------------|
| Tier I (Preparation of edibles only; no extraction permitted)   | \$250            |
| Tier II (Preparation of all products permitted by the CCO, including the use of solvents in extraction) | \$500            |

#### **3. Retail Store License Application Fees**

|                   |         |
|-------------------|---------|
| All retail stores | \$2,500 |
|-------------------|---------|

**Section 6.02 Annual License Fees .**

(a) Annual License fees shall be paid by all license holders and shall be paid through flat-rate annual payments of fees as set forth below. Cultivators and Processors shall also pay per-gram fees on any cannabis or cannabis products and affix the appropriate revenue stamps to the cannabis or cannabis products before transferring the cannabis or cannabis products to the Retail Store.

**1. Flat Rate Fees**

The CCO shall have discretion to accept the payment of flat rate fees in monthly or quarterly installments.

**a. Cultivation**

| Type of Cultivation Facility | Fee     |
|------------------------------|---------|
| Cultivation<br>Tier I        | \$1,000 |
| Cultivation<br>Tier II       | \$2,500 |
| Cultivation<br>Tier III      | \$5,000 |

**b. Processing**

| Type of Processor Facility | Fee     |
|----------------------------|---------|
| Tier I                     | \$1,000 |
| Tier II                    | \$3,500 |

**c. Retail Store**



| Type of Store     | Fee     |
|-------------------|---------|
| All retail stores | \$5,000 |

## 2. Per-Gram Fees

### a. Fee schedule

| Type of Product  | Fees                 |
|--|----------------------|
| Cannabis Flower  | \$.50/gram           |
| Concentrate or vaporizer cartridges  | \$1.75/ gram         |
| Edibles (including tinctures, oils, or beverages tested by a certified testing facility) | \$1.75/100 mg of THC |
| Tinctures, oils, or beverages (untested)   | \$14.00/fluid ounce  |
| Topical (ointment or cream)  | \$1.00/fluid ounce   |
| Transdermal patches (tested)   | \$1.75/100 mg of THC |
| Transdermal patches (untested)   | \$1.00/patch         |

b. The TCE shall collect this fee from Cultivators and Processors before issuing revenue stamps and before any cannabis or cannabis products are transferred to a Retail Store. For licensees holding multiple licenses, this shall include the transfer of cannabis or cannabis products to the site used as a Retail Store.

c. Cultivators and Processors may include per grams fees in their sales to Retail Stores, and, if applicable, may add per-gram fees to the prices established by the TCE.

(b) The CCO with the approval of the CCB shall have authority to:

1. Impose additional fees;
2. Adjust fees from one level to another based upon plant count or production

amounts;  
TCR 2021-33  
Amended TCR 2022-17



3. Revise the application fee amounts for licensees for new and renewed licenses.

## **CHAPTER SEVEN - RETAIL SALE OPERATIONS**

### **Section 7.01 Store Sales Restrictions.**

- (a) Cannabis Retail stores may only offer for sale and sell cannabis, cannabis products and other products listed in this section or approved by the CCO.
- (b) Stores may not offer for sale or sell alcohol.
- (c) Cannabis or cannabis products may not be consumed within the store premises.

### **Section 7.02 Approved Products.**

- (a) A cannabis retail store will be permitted to sell:
  - 1. Flower
  - 2. Pre-roll
  - 3. Concentrate
  - 4. Vaporizer cartridges
  - 5. Edible cannabis products (including food, tinctures, oils, and beverages)
  - 6. Topical products (including ointment, creams, and transdermal patches)
  - 7. Other cannabis products approved by the Tribe
  - 8. Other products not containing cannabis as permitted by the CCO.

### **Section 7.03 Prohibited Sales. A retail store may not:**

- (a) Sell cannabis and cannabis products to any person under the age of 21.
- (b) Make sales that exceed the following single day transaction amounts to any particular purchaser:

| <b>Product</b>  | <b>Single day transaction limit per purchaser</b> |
|---|---|
| <b>Cannabis</b>   | <b>3 ounces</b>                                   |
| <b>Cannabis concentrate, including vaporizer cartridges</b> | <b>24 grams</b>                                   |

For purposes of determining the amount of cannabis concentrate sold, edible cannabis products shall be considered to have 1 gram of cannabis concentrate per 100 mg of THC. The CCO may by rule establish other equivalency amounts for different types of cannabis products.

- (c) Sell or offer for sale cannabis and cannabis products unless obtained from a processor, distributor or cultivator licensed by the CCO.
- (d) Sell or offer for sale cannabis and cannabis products using: (1) a vending machine; or (2) an internet sales platform.
- (e) Sell or offer for sale cannabis or cannabis products to a visibly intoxicated person.
- (f) Sell or offer for sale cannabis or cannabis products that do not meet the tracking, packaging, labeling and testing requirements in this Ordinance; or
- (g) Sell or offer for sale cannabis or cannabis products unless revenue stamps have been affixed to the product.

#### **Section 7.04 Verification of Age of Consumers.**

- (a) Prior to any sale of cannabis or cannabis products, the licensee shall verify that the individual is 21 years of age or older by means of an approved form of government-issued photographic identification containing a date of birth.
- (b) Prior to any sale of cannabis products through a drive through sales window the licensee shall verify that all persons in the vehicle are twenty-one (21) years old or

older by means of an approved form of government-issued photographic identification containing a date of birth.

**Section 7.05 Retention of Sales Records.**

(a) At point of sale, the retailer shall retain, at a minimum the following information from consumers: (1) payment method; (2) amount of payment; (3) time of sale; (4) product quantity; and (5) other product descriptors. This data must be inputted into the Tribe's approved tracking system.

**Section 7.06 Comply with all other Regulations**

(a) Retail stores shall also comply with this Ordinance and all rules and regulations issued under this Ordinance that apply to cannabis businesses and facilities such as, but not limited to, security, surveillance, health and safety and audit and inspection requirements.

**CHAPTER EIGHT - CULTIVATION OPERATIONS**

**Section 8.01. General Requirements.**

(a) Permitted Activity. An adult-use cultivator license shall authorize the licensee to acquire, possess, cultivate and sell cannabis. It also allows the licensee to harvest, dry, cure, grade and trim cannabis and create pre-rolled marijuana cigarettes consisting solely of flower, trim, and unflavored paper wrapper, without additives. The cultivator may package and label flower, trim, and pre-rolls for retail sale and may transport cannabis to Processors and Retail Stores.

(b) No Retail Sales. A cultivator shall not sell or offer to sell cannabis, plants, immature plants or seedlings to consumers.

(c) No Extracting. A cultivation facility shall not engage in the processing of concentrates unless it has a license to do so.



(d) **Plant Count Cap.** The CCB may establish through regulations a cap on the total number of plants to be permitted, either on aggregate basis for all cultivation licensees or for each individual licensee.

1. The CCB shall make this determination from time to time based on ensuring a supply of cannabis that is adequate to meet estimated consumer demand, but that does not result in excess supply.

2. Cultivators shall be required to sell cannabis flower and trim, subject to the approved operating plan, to processors or retail stores as directed by the TCE at prices determined by the CCO.

**Section 8.02. Facility Requirements.**

(a) **Security.** Licensees must follow all CCO-mandated requirements regarding:

1. Perimeter fencing of premises;
2. Locks, cameras, alarms and other security and surveillance measures;
3. Procedures limiting visitor access and general access by the public; and
4. Any other security and surveillance measures required by the CCO.

(b) **Code compliance.** Licensees must follow all Tribal building codes including but not limited to:

1. Building codes (requiring complete roof enclosure for indoor facilities)
2. Electrical codes
3. Plumbing, water and septic or sewer
4. Ventilation and HVAC
5. Environmental compliance
6. Good agricultural practices

(c) Outdoor facility compliance. Outdoor cultivation facilities must comply with, at a minimum, the following rules:

1. Sites shall not be accessible to, or visible to the public; and
2. Licensee must avoid adverse impacts or public nuisance.

## **CHAPTER NINE - PROCESSING OPERATIONS**

### **Section 9.01 Permitted Activity.**

(a) A cannabis processor license authorizes the licensee to buy or acquire cannabis or cannabis extracts from a licensed cultivator or processor; and to possess, store and process cannabis and cannabis products. Processing shall include, but not necessarily be limited to, blending, extracting, infusing, packaging, labeling, branding or otherwise making or preparing cannabis products and transporting cannabis products to a Retail Store. Processing shall not include the cultivation of cannabis.

### **Section 9.02 Limitation on Sales or Transfers.**

(a) A processor may process adult use cannabis products only for sale or distribution to licensed cannabis retail stores or other licensed processors.

### **Section 9.03 No Retail Sale.**

(a) A licensed processor may not sell or offer to sell adult use cannabis products to consumers.

### **Section 9.04 Purchase and Acquisition of Cannabis and Cannabis Extract.**

(a) A processor shall purchase all cannabis necessary for its processing from a licensed cultivation facility. A processor shall purchase all cannabis extract



necessary for the creation of other cannabis products from a licensed Tier II processor.

**Section 9.05 Cannabis Extraction.**

(a) A Tier I processor shall not process cannabis concentrate by any method other than using water, lipids, mechanical separation, or sub-freezing temperature.

(b) A Tier II processor may process cannabis concentrate by extraction using water, lipids, mechanical separation, sub-freezing temperature, gases, solvents or other chemicals or chemical processes approved by the CCO.

1. The CCO shall be obligated to establish rules specifically regulating the use by processors of inherently hazardous substances prior to issuing any licenses for processors utilizing inherently hazardous substances.

2. Such regulation must ensure the safety of employees, invitees and others with respect to the use of inherently hazardous substances.

3. The CCO shall require any applicant applying for a processor license to disclose whether or not it intends to utilize any inherently hazardous substance.

**Section 9.06 Processing of Edible Products.**

(a) Edible cannabis products to be sold or offered for sale to a consumer:

1. May be processed in geometric shapes or in the shape of a cannabis leaf.

2. Must be processed in a manner that results in the cannabinoid content within the product being homogeneous throughout the product or throughout each element of the product that has a cannabinoid content.

3. Must be processed in a manner that results in the amount of cannabis concentrate within the product being homogeneous throughout the product or throughout each element of the product that contains cannabis concentrate.



4. Must have a universal symbol stamped or embossed on each serving of the product, except that the CCO may determine by rule that, for a particular type of product, such stamping or embossing is impracticable and is not required.
5. May not be processed in the distinct shape of a human, animal or fruit.
6. May not contain more than 10 milligrams of THC per serving of the product and may not contain more than 100 milligrams of THC per package of the product.
7. May not contain additives that are:
  - a. Toxic or harmful to human beings;
  - b. Specifically designed to make the product more addictive or that are misleading to consumers; or
  - c. Specifically designed to make the product appeal particularly to a person under 21 years of age; and
8. May not involve the addition of cannabis to a trademarked food or drink product, except when the trademarked product is used as a component of or ingredient in the edible cannabis product and the edible cannabis product is not advertised or described for sale as containing the trademarked product.

**Section 9.07. Participation in TCE.**

- (a) Processors shall sell cannabis extract and other cannabis products to Processors and Retail Stores as directed by the TCE, at prices determined by the CCO, subject to the limits in the Processor's approved operating plan.
- (b) The TCE shall not require a processor to produce cannabis extract or another cannabis product in a manner or of a form not routinely produced by the processor.
- (c) Processors shall be required to produce products for other licensees if they are offered reasonable prices to be determined by the CCO.

**CHAPTER TEN - TRACKING**

**Section 10.01 Obligations of Cultivation Licensees.**

**(a) Cultivation Facility.** A Cultivation licensee shall maintain a record-keeping system that is approved by the CCO and, at a minimum:

1. Uses tracking ID numbers for all plants, inventory and transfers and sales; and
2. Puts tracking ID on all product transferred or sold or in inventory.

**(b) Information Required to be Inputted, Recorded.** At a minimum the licensee shall record and input in the tracking system:

1. Cannabis crop planted;
2. Harvested cannabis crops;
3. Records of all testing and sampling of crops;
4. Records all sales or transfers of harvested cannabis (transferee, buyer, amounts in pounds) including tracking ID numbers;

**Section 10.02 Obligations of Processor Licensees**

**(a) Processing Facility.** A processor licensee shall maintain a record-keeping system that is approved by the CCO and, at a minimum:

1. Uses tracking ID numbers for all plants, inventory and transfers and sales; and
2. Puts tracking ID on all product transferred or sold or in inventory.

**(b) Information Required to be Inputted, Recorded.** At a minimum, the licensee shall record and input in the tracking system:

1. Cannabis received from any cultivator and cannabis extract received from any other processor;
2. Cannabis the license processes in its facility (flower, concentrates and other cannabis products);

3. Records of all licensee's sales or transfers of cannabis and cannabis products (transferee, buyer, amounts in pounds) including tracking ID numbers;

(c) Tracking ID numbers. It is the responsibility of the processor licensee to:

1. Use tracking ID numbers for all products that are produced, transferred and sold;
2. Put tracking ID on all product transferred or sold or in inventory.

#### Section 10.03 Obligations of Retail Licensees.

(a) A retail licensee shall maintain a record-keeping system that is approved by the CCO and, at a minimum:

1. Records cannabis and cannabis products received from processor or cultivator;
2. Records amount of product received and from whom;
3. Records cannabis and cannabis products by category that are received by the processor;
4. Records inventory of cannabis and products;
5. Records all sales or transfers of cannabis products (amount sold, date of sale, price, fee imposed, age of buyer, name of product);

(c) Tracking ID numbers. All cannabis and products in inventory or sold must have tracking ID numbers.

### **CHAPTER ELEVEN - STORE/FACILITY LOCATION**

Section 11.01 Location of Stores and Facilities. Due to the threat of exposure to children, young adults and the general public, any building housing a cannabis retail stores, processing, or cultivation facilities, unless otherwise permitted by the CCO, shall not be located within 500 feet of a sensitive site, as defined in this Ordinance.



**Section 11.02 Restrictions on Retail Store Buildings.** At a minimum, retail stores shall observe the following building structure restrictions:

- (a) Stores may be attached to an existing store building. However, the store must have ingress and egress to the outside separate from any other premises or use, including any foyer, hallways or other common area.
- (b) Retail stores may only sell cannabis products described under the Ordinance or otherwise allowed by the CCO and may not house any other retail or commercial business or offer for sale or sell any products or services not approved by the CCO; and
- (c) Stores shall be designed and constructed to a certain minimum standard approved by the CCO.

## **CHAPTER TWELVE - TESTING OF CANNABIS AND PRODUCTS**

### **12.01 Testing of Cannabis and Products.**

- (a) Every processor of cannabis shall contract with an independent laboratory, approved by the CCO, to test the cannabis and cannabis products it produces.
- (b) The CCO may assign an approved testing laboratory which the processor must use.
- (c) Processors shall make laboratory test reports available to licensed distributors and licensed retailers for all cannabis products they produce.
- (d) License retail stores shall maintain accurate documentation of laboratory test reports for each product offered for sale. Such documentation shall be entered into the Tribe's monitoring system and made publicly available by the retailer.
- (e) Onsite laboratory testing is permissible subject to regulation; however, such testing shall not be certified by the CCO and does not exempt the licensee from the requirements of quality assurance testing by an independent testing laboratory.

(f) The CCO shall have the authority to require any licensee to submit cannabis or cannabis products to one or more independent laboratories for testing. The CCO may issue regulations related to all aspects of third-party testing and quality assurance including, but not limited to:

1. Minimum testing and sampling requirements;
2. Testing and sampling methodologies;
3. Testing reporting;
4. Retesting; and
5. Product quarantine, hold, recall and remediation.

(g) The CCO may waive any or all testing requirements until it determines that licensees may legally transfer cannabis or cannabis products to independent laboratories capable of performing such testing.

## **CHAPTER THIRTEEN - LABELING AND PACKAGING**

### **Section 13.01 Labeling Requirements.**

(a) Cannabis and cannabis products to be sold, or offered for sale, must be labeled with the following information, as applicable to a product:

1. License numbers of the cultivation facility, the processing facility and the retailer;
2. Identity statement and universal symbol;
3. Health and safety warning labels as required by rules adopted by the CCO;
4. Batch number;
5. A net weight statement;
6. Information on the THC potency of the cannabis or cannabis product;



7. Information on the amount of THC and cannabidiol per serving of the cannabis or cannabis product and, for edible cannabis products, the number of servings per package;
8. Information on gases, solvents and chemicals used in cannabis extraction;
9. Instructions on usage;
10. For adult use cannabis products:
  - a. the amount of cannabis concentrate per serving of the product, as measured in grams, and the amount of cannabis concentrate per package of the product, as measured in grams;
  - b. a list of ingredients and possible allergens; and
  - c. a recommended use date or expiration date;
11. For edible cannabis products, a nutritional fact panel.

**Section 13.02 Packaging Requirements.** Cannabis and cannabis products to be sold, or offered for sale must be packaged in the following manner, as applicable based on the cannabis or cannabis product to be sold:

- (a) Must be prepackaged in child-resistant and tamper-evident packaging or must be placed in child-resistant and tamper-evident packaging at the final point of sale to a consumer.
- (b) Must be prepackaged in opaque packaging or an opaque container or must be placed in opaque packaging or an opaque container at the final point of sale to a consumer.
- (c) For multi-serving liquid adult use cannabis products must include an integral measurement component and a child-resistant cap; and
- (d) Must conform to all other applicable requirements and restrictions imposed by rule by the CCO.



**Section 13.03 Other Allowable Labeling and Packaging.** Cannabis and cannabis products to be sold to a consumer may include on the label or the packaging of the cannabis or cannabis product:

- (a) A statement of compatibility with dietary practices.
- (b) Depictions of geometric shapes or cannabis leaves.
- (c) Use of the terms “organic”, “organically cultivated” or “organically grown” in accordance with requirements adopted by rule by the CCO; and
- (d) Any other information that has been preapproved by the CCO.

**Section 13.04 Labeling and Packaging Prohibitions.** Cannabis and cannabis products to be sold to a consumer:

- (a) May not be labeled or packaged in violation of a federal trademark law or regulation or in a manner that would cause a reasonable consumer confusion as to whether the cannabis or cannabis product was a trademarked product.
- (b) May not be labeled or packaged in a manner that is specifically designed to appeal particularly to a person under 21 years of age.
- (c) May not be labeled or packaged in a manner that obscures identifying information on the label or uses a false or deceptive label.
- (d) May not be sold or offered for sale using a label or packaging that depicts a human, animal or fruit; and
- (e) May not be labeled or packaged in violation of any other labeling or packaging requirement or restriction imposed by rule by the CCO.

## **CHAPTER FOURTEEN - ADVERTISING AND MARKETING**

**Section 14.01 General Requirement: No Deceptive, False or Misleading Statements.**

(a) A licensed AUC business shall not engage in advertising that is misleading, deceptive or false. A licensee shall not make any misleading, deceptive or false assertions or statements on any product, any sign, or any document provided to a consumer.

**Section 14.02 Advertising: All Media.**

(a) A licensed AUC business may advertise on television radio, a print publication or via the internet only where at least 71.6 percent of the audience is reasonably expected to be at least 21 years or older.

**Section 14.03 No Safety Claims.**

(a) A licensed AUC business may not engage in advertising that asserts its products are safe because they are regulated by the Tribe or because they are tested.

**Section 14.04 Outdoor Advertising.**

(a) A licensed AUC business shall not advertise on any outdoor sign that is within 500 feet of a sensitive area.

**Section 14.05 No Content that Targets Minors.**

(a) A licensed AUC business shall not include in any form of advertising or signage any content that specifically targets any individual under the age of 21, including but not limited to cartoon characters or similar images.

**Section 14.06 Advertising or Marketing Directed Toward Location-Based Devices.**

(a) A licensed AUC business may not engage in advertising via marketing directed towards location-based devices, including but not limited to cellular phones, unless the mobile device application installed on the device includes a permanent and easy opt-out feature.

**Section 14.07 Pop-Up Advertising.**

(a) A licensed AUC business shall not utilize unsolicited pop-up advertising on the internet.

**Section 14.08 Event Sponsorship.**

(a) A licensed AUC business may sponsor a charitable, sports, or similar event, but the business shall not engage in advertising at, or in connection with, such an event unless the business has reliable evidence that at least 71.6 percent of the audience at the event and/or viewing the event is reasonably expected to be at least 21 years or older.

**CHAPTER FIFTEEN - HEALTH AND SAFETY RULES**

**Section 15.01 Health and Safety Rules.** The CCO shall adopt labeling, packaging and other necessary health and safety rules for cannabis and cannabis products to be sold or offered for sale by a licensee to a consumer. Rules adopted pursuant to this subsection must establish mandatory health and safety standards applicable to the cultivation of cannabis, the manufacture of cannabis products and the packaging and labeling of cannabis and cannabis products sold by a licensee to a consumer. Such rules must address, but are not limited to:

- (a) Requirements for the storage, warehousing and transportation of cannabis and cannabis products by licensees;
- (b) Sanitary standards for cannabis establishments, including, but not limited to, sanitary standards for the manufacture of cannabis and cannabis products; and
- (c) Limitations on the display of cannabis and cannabis products at retail stores.

**CHAPTER SIXTEEN - SECURITY AND SURVEILLANCE RULES**

**Section 16.01 Security and Surveillance**

(a) All licensed facilities shall have a security system to prevent and detect diversion, theft or loss of cannabis and cannabis products utilizing commercial



grade equipment which shall, at a minimum, include alarms, motion detectors and video cameras.

(b) All businesses shall ensure that all security system equipment and recordings in a secure location so as to prevent theft, loss, destruction or alterations.

(c) The CCO shall establish rules governing security systems and video monitoring.

**Section 16.02 Additional Security.**

(a) In addition to the requirements listed above in this Section, each store and facility shall have a back-up alarm system approved by the CCO that shall detect unauthorized entry during times when no employees are present at the store or facility and that shall be provided by a company supplying commercial grade equipment.

(b) A business shall limit access to any surveillance areas solely to persons that are essential to surveillance operations, law enforcement agencies, security system service employees, the CCO or the CCO's authorized representative, and others when approved by the CCO.

(c) A business shall make available to the CCO upon request a current list of authorized employees and service employees who have access to any surveillance room. A business shall keep all on-site surveillance rooms locked and shall not use such rooms for any other function.

(d) A business shall keep illuminated the outside perimeter of any facility that is operated under the business' license.

(e) A business shall keep all security equipment in full operating order and shall test such equipment no less than semi-annually at each store or facility. Records of security tests must be maintained for five years and made available to the CCO upon request.

(f) Stores and facilities must be securely locked and protected from unauthorized entry at all times. The licensee shall be responsible for ensuring the integrity of the security of the stores and facility and the maintenance of sanitary operations when permitting access to the facility.

(g) The licensee shall maintain a visitor log of all persons other than employees or emergency personnel responding to an emergency that access any secured areas, which shall include the name of the visitor, date, time and purpose of the visit. The visitor log shall be available to the CCO at all times during operating hours and upon request.

## **CHAPTER SEVENTEEN - VIOLATIONS; PENALTIES**

17.01 General. The CCO may impose penalties on licensee for license violations and penalties upon non-compliant cannabis businesses (i.e., those operating without obtaining a Tribal AUC business license). Any penalties, orders or decisions of either the CCB or CCO are enforceable by the Tribal Court, which has jurisdiction over any and all matters arising under this Ordinance. The penalties authorized in Sec. 17.02 17.07 are in addition to any criminal or civil penalties that may be imposed pursuant to other applicable laws or rules.

### **17.02 Monetary Penalties.**

(a) The CCO shall adopt rules setting forth potential amounts of monetary penalties to be imposed based upon specific categories of unauthorized conduct including major and minor license violations.

(b) All monetary penalties imposed must be paid by the licensee to the CCO in the form of cash or in the form of a certified check or a cashier's check.

17.03 License Suspension. A licensee whose license has been suspended may not, for the duration of the period of suspension, engage in any activities relating to the operation of the cannabis business.



**17.04 License Revocation.** A licensee whose license has been revoked shall cease immediately all activities relating to the operation of the cannabis business the licensee was previously licensed to operate and shall ensure that all adult use cannabis and adult use cannabis products in the possession of the licensee are forfeited to the CCO for destruction.

**17.05 Cease and Desist Orders.** The CCO may issue cease and desist orders upon any persons who operate any AUC businesses without a Tribal license or upon licensees who operate in violation of this Ordinance. Such orders may include a requirement that the person hold cannabis plants, cannabis, or cannabis products in a secure location pending further instruction from the CCO.

**17.06 Imposition of Monetary Penalty Upon Suspension or Revocation.** In addition to suspending or revoking a licensee's license, the CCO may impose a monetary penalty on the licensee.

**17.07 Order for Destruction of Cannabis or Cannabis Products.** If the CCO issues a final order imposing a monetary penalty on or a license suspension, revocation of a licensee or operation without a license, the CCO may specify in the order, in addition to any other penalties imposed in the order, that all or a portion of the cannabis or cannabis products in the possession of the licensee or party are not authorized and are subject to destruction. A person subject to a final order directing the destruction of cannabis or cannabis products shall forfeit the cannabis and cannabis products described in the order.

**17.08 Investigation.** If the CCO is notified by a law enforcement agency that there is a pending investigation of a person subject to an order, the CCO may not destroy any cannabis or cannabis products of that person until the destruction is approved by the law enforcement agency.

**17.09 Voluntary Surrender.** The CCO may negotiate the voluntary surrender of a license in combination with or in place of any other penalties under this chapter.



The agreement may stipulate a time during which the licensee may not apply for a new license.

## **CHAPTER EIGHTEEN - GROWING PLANTS FOR PERSONAL USE**

18.01 Personal Cannabis Plants. Adult tribal members may grow and possess up to six (6) mature cannabis plants and six (6) immature plants within his/her private residence for personal use.

18.02 Eligibility. Tribal members must be 21 years old or older.

18.03 Requirements for Personal Plant Grow.

(a) Persons who grow and possess plants must, at a minimum, comply with the following requirements:

1. Cannabis may not be grown (cultivated) openly or publicly.
2. In no event can more than 12 plants of any size be grown or kept within, or on the same legal parcel as, any single-family dwelling.
3. Cannabis cannot be grown in a two-family (duplex), multi-family (apartment building) or single-family attached dwelling (ex. townhouse sharing a common wall with another unit).
4. All cannabis must be grown and kept in a locked and enclosed space.
5. Cannabis cannot be sold.

## **CHAPTER NINETEEN - MISCELLANEOUS**

19.01 Sovereign Immunity. Nothing in this Ordinance shall be interpreted as waiving or diminishing the sovereign immunity of the Saint Regis Mohawk Tribe or its subordinate entities, agencies, officers, agents, employees, instrumentalities, or authorize in any form a prospective waiver of such sovereign immunity.

**19.02 Regulations.** The CCO and CCB may issue regulations as appropriate for the proper administration of this Ordinance and will be processed following the Tribal Procedures Act and include notice to, and review by, the Community.

**19.03 Effective Date.** This Ordinance shall be effective upon approval by the Tribal Council.

**19.04 Amendments.** This Ordinance may be amended by the Tribal Council and shall be processed following the Tribal Procedure Act and include notice to, and review by, the Community. Any changes to fees, fee structure, monetary penalties may be made by the CCO in consultation with and with the approval of the CCB and Tribal Council without notice to, and review by, the Community.

**19.05 Severability.** The provisions of this Ordinance shall be severable and if any part or provision shall be held void by any Court of competent jurisdiction, the decision of the Court so holding shall not affect or impair any of the remaining parts or provisions of this Ordinance.

**SAINT REGIS MOHAWK TRIBE**  
**SECOND AMENDMENT OF ADULT USE CANNABIS ORDINANCE**  
**(Amended by TCR 2023- 05)**

**CHAPTER ONE - GENERAL PROVISIONS**

Section 1.01 Title.

This Ordinance shall be known as the “Saint Regis Mohawk Tribe Adult Use Cannabis Ordinance”.

Section 1.02 Purpose.

(a) This Ordinance establishes rules and regulations governing commercial use and activity of “Adult Use Cannabis” (recreational or non-medical cannabis) (hereinafter “AUC” or “Cannabis”) including, but not limited to, cultivation, processing and sale on tribal territory. No persons shall engage in any commercial AUC activities unless licensed under this Ordinance.

(b) This Ordinance allows adult, tribal members to grow and possess a limited number of Cannabis plants for their own, non-commercial, personal use at their own residences on tribal territory.

(c) This Ordinance consolidates Tribal regulation of all cannabis activities including but not limited to hemp, medical cannabis and AUC, within one Tribal board, the Tribal Cannabis Control Board (“CCB”), and one Tribal regulatory office, the Cannabis Compliance Office (“CCO”).

(d) This Ordinance includes appropriate fees on commercial AUC activities to fund tribal oversight and regulation and to fund tribal member programs and services.

Section 1.03 Authority.

(a) The Tribe’s authority to adopt this Ordinance is based upon the Tribal Procedures Act, as amended, and the Tribe’s inherent sovereign power to: (1) enact



laws governing commercial activity within its territory; and (2) adopt regulations to protect the health, safety and general welfare of tribal members.

Section 1.04 Federal Guidance.

(a) The U.S. Department of Justice has previously issued guidance and policy regarding the use and sale of cannabis by tribes on their territory. The guidance and policy advises tribes to include in their cannabis programs provisions to prevent the distribution of cannabis to minors; prevent the diversion and trafficking of cannabis, especially to criminal elements such as gangs and cartels; and prevent drugged driving and other adverse public health consequences associated with cannabis use.

(b) This Ordinance provides a robust regulatory system that addresses these issues. It requires use of a tracking system to record cannabis transactions on tribal territory from cultivation to sale. It contains mandatory rules on sales to minors. And it includes provisions protecting community health and safety at least as robust as those imposed by New York State with respect to AUC sales.

Section 1.05 Other Laws Unaffected.

(a) Nothing in this Ordinance is intended to allow driving under the influence of cannabis or driving while impaired by cannabis or to prevent enforcement of any laws imposing penalties for driving under the influence or while impaired.

(b) Nothing in this Ordinance is intended to limit any privileges or rights of a medical marijuana patient, primary caregiver or registered or licensed entity under the Tribe's Medical Marijuana Ordinance.

(c) Nothing in this Ordinance shall affect the ability of any employer on tribal territory to enact policies restricting the use of cannabis by employees.

(d) All existing authority of the Tribe shall remain in full force and effect, and nothing in this Ordinance repeals or limits the Tribe's authority to impose penalties

or initiate punitive proceedings before or after its effective date.

Section 1.06 Definitions.

(a) When used in this Ordinance, unless the context clearly requires otherwise:

(1) “Adult Use Cannabis” or “AUC” means cannabis intended for non-medical use by persons 21 years of age or older.

(2) “Business” means a location at which a licensee is licensed as a cultivator, processor or retailer or any other type of Tribally licensed cannabis-related business.

(3) “Cannabis” refers to 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 resin, excluding hemp or its derivatives unless clearly required by context.

(4) “Cannabis Compliance Office” or “CCO” means the Tribal regulatory office established in Chapter Two of this Ordinance.

(5) “Cannabis Control Board” (“CCB”) means the Tribal Board established in Chapter Two of this Ordinance.

(6) “Concentrate” means the resin extracted from any part of the plant of the genus cannabis.

(7) “Consumer” means a person, twenty-one years of age or older, who purchases approved AUC or AUC products for personal use, but not for resale to others.

(8) “Cultivation” means the planting and growing of AUC under a license issued in this Ordinance either indoors or outdoors that includes the related activities such as cloning, harvesting, drying, curing, grading and trimming of cannabis.

(9) “Edible cannabis product” or “edible” means any foodstuff, beverage, tincture, oil, or other product containing cannabis or cannabis extract and intended for oral consumption.

(10) “Inherently hazardous substance” means a liquid chemical, compressed gas or commercial product that has a flash point at or lower than 38 degrees Celsius or 100 degrees Fahrenheit, including, but not limited to, butane, propane and diethyl ether. “Inherently hazardous substance” does not include any form of alcohol or ethanol.

(11) “Key participant” means a sole proprietor, a partner in partnership, a member or manager in a limited liability company or a person with executive managerial control in a corporation. A person with executive managerial control includes persons such as a chief executive officer, chief operating officer, chief financial officer, limited liability company manager, or other positions regardless of title with authority to direct or influence the financial and business affairs of the enterprise.

(12) “Law enforcement agency” means the Saint Regis Mohawk Tribal Police Department and any federal, state, or local law enforcement agency that may also have jurisdiction over an activity under this Ordinance.

(13) “Operating plan” means a set of documents submitted by an applicant detailing its operations, and which, when approved by the CCB, shall be enforceable by the CCO.

(14) “Plant” means a living plant of the Cannabis genus (sativa and indica species), excluding hemp, capable of producing its own food through photosynthesis and is in a grow medium.

(15) “Premises” or “licensed premises” shall refer to where a licensee’s cannabis activity occurs.

(16) “Processor” means a licensee that processes (manufactures), packages and labels AUC and AUC cannabis products for sale in licensed cannabis retail stores.

(17) “Products” or “cannabis products” means any concentrated cannabis, oils, or cannabis-infused or extracted products, or products which otherwise contain or are



derived from cannabis, authorized for sale to, and for use by, a cannabis consumer as approved by the Tribe.

(18) “Residence” means a fully enclosed permanent structure used or intended for human occupancy. Recreational vehicles, trailers, motorhomes, tents or other vehicles or structures which are used, designed or intended as temporary housing shall not constitute a residence for purposes of this Ordinance.

(19) “Retail store” or “store” means a facility licensed by the Tribe in which approved AUC and AUC products are sold and offered for sale to consumers.

(20) “Saint Regis Mohawk Tribal Council” means the elected Tribal Council of the Saint Regis Mohawk Tribe consisting of three elected Chiefs and three elected Sub Chiefs.

(21) “Saint Regis Mohawk Tribal Police” means the law enforcement department for the Saint Regis Mohawk Tribe with police authority over tribal territory.

(22) “Saint Regis Tribal Court” means the trial level court under the Tribal Court system that consists of the Chief Judge and associate Tribal Court members as established under tribal law.

(23) “Seed” means the fertilized, un-germinated, matured ovule, containing an embryo or rudimentary plant, of a cannabis plant that is flowering.

(24) “Seedling” means a cannabis plant that has germinated and has not flowered and is not harvestable.

(25) “Sensitive Sites” means the following areas that are protected under this Ordinance by certain proximity provisions: tribal government offices, recreation centers, churches and places of worship, public parks, libraries, game arcades, elementary schools, secondary schools, playgrounds, youth centers such as the Akwesasne Boys and Girls Club, athletic fields and other site designated by the CCO.

(26) “Serious felony” means an applicant is not currently subject to and has not discharged a sentence for a conviction of an offense under state or federal law or the law of any other jurisdiction within the past five (5) years involving: (1) manufacturing, distributing, or possessing with intent to manufacture or distribute, a controlled substance other than cannabis, for which a maximum term of imprisonment of ten years or more is prescribed by law; or (2) a “violent felony” for which a minimum sentence term of one and a half years is prescribed by law.

(27) “THC” means Delta-9-tetrahydrocannabinol; Delta-8-tetrahydrocannabinol and the optical isomers of such substances.

(28) “Tribal Cannabis Exchange” (“TCE”) means the entity responsible for allotting quantities of cannabis and cannabis extract to Processors; allotting as necessary quantities of prepackaged cannabis and cannabis products to Retail Stores; establishing as necessary prices for cannabis and cannabis products transferred through the exchange; and issuing revenue stamps to be affixed to cannabis and cannabis products before they are offered for sale.

(29) “Tribal Member” or “Member” means a person who is enrolled in the Tribe under the Tribe’s Membership Code or a person who is eligible to be enrolled regardless of where they reside as verified by the Tribal Clerk.

(30) “Tribal Member-Owned Business” or “Tribal Member Business” means an entity that is more than fifty percent (50%) owned and controlled by a tribal member. “Controlled” means to have controlling interest whereby a person holds a majority of a company's voting stock, giving them significant influence over any corporate actions. A person or group of persons having a controlling interest will be able to direct the course of a company and make strategic and operational decisions. A non-tribal member owning an interest in a Tribal Member-Owned Business may not avoid being deemed to have “control” through the use of management agreements, license agreements or other instruments, agreements or arrangements designed to grant control to non-tribal members.

(31) “Tribal tracking system” or “system” means a database approved or established by the Tribe that licensees will be required to use to track and account for cannabis transactions and activities on tribal territory.

(32) “Tribal territory” means all lands with the boundaries of the Treaty of 1796 and all other lands over which the Tribe has jurisdiction.

(33) “Tribe” shall mean the Saint Regis Mohawk Tribe, a federally recognized Indian tribe located in Akwesasne, New York. References to “Tribe” shall also include the Tribe’s Cannabis Compliance Office and/or Cannabis Control Board.

## **CHAPTER TWO - REGULATION BY THE TRIBE**

### **Section 2.01 Cannabis Control Board.**

(a) Creation of Board. The Tribal Council establishes the Saint Regis Mohawk Tribal Cannabis Control Board (“CCB”) to: (1) provide oversight on behalf of the Tribal Council over the Tribe’s Cannabis Compliance Office on all cannabis regulatory matters; (2) to issue cannabis licenses and render other administrative decisions regarding cannabis licensure; and (3) to carry out any other oversight and regulatory powers delegated by the Tribal Council.

(b) CCB Powers and Duties. The CCB’s duties and powers shall include, but not be limited to:

1. Accept, review, approve, or disapprove cannabis license applications including those required under this Ordinance including, but not limited to, applications for cultivation, processing and retail store licenses;
2. Adopt rules to impose and collect any fees or fines necessary to the regulation of cannabis including fees imposed under this Ordinance;
3. Adopt cannabis regulations and rules after consultation with the CCO.
4. Approve the issuance of cannabis orders recommended by the CCO under Tribal Ordinances, including this Ordinance, including but not limited to: orders to cease



and desist, closures of facilities, suspension and revocation of licenses as necessary to protect public safety;

5. Monitor the regulation of all activities of cannabis licensees;

6. Keep accurate records of all matters within the CCB's duties.

(c) Board Composition. The CCB shall have five (5) full members and two (2) alternate members (referred collectively as "members"). Members shall be appointed by the Tribal Council and shall serve staggered terms.

(d) Qualifications. Members of the Board shall have the following qualifications:

1. They must be at least twenty-five (25) years old (on date of appointment);
2. They must possess good moral character and not have been convicted of a serious crime as defined in the Tribe's Election and Referendum Ordinance, as amended;
3. They must be willing to take, and must pass, a background check administered by the Tribe and/or Tribal Police;
4. They must be willing and capable of maintaining communications through technology (email, texts, mobile phone) so as to be accessible to the Board;
5. At least three (3) full members must be Tribal Members;
6. At least three (3) full members must have knowledge and experience in any one of the following areas:
  - a. business experience in the cannabis industry;
  - b. specialized knowledge or education in a cannabis field (including but not limited to medicine, pharmacology; laboratory testing; agriculture, regulation or law);
  - c. regulation of the cannabis industry; or
  - d. public health and safety.

(e) Alternate Qualifications.

1. Alternate members must be tribal members and are not required to have any special qualifications.

(f) Other Board Requirements.

1. No member of the CCB shall actively participate in, or be employed by, a cannabis business that is regulated by the Tribe under this or other cannabis Ordinance or law.

2. CCB members will be entitled to compensation according to the standard schedule of fees and compensation provided for tribal boards, committees and commissions.

3. The CCB will adopt their own Bylaws and will nominate a Chairperson by motion and majority vote for a one (1) year term or until a successor is elected. The Chairperson will preside over all meetings and perform all duties of that office as required under approved Bylaws. The CCB will also nominate and elect other Officers (Vice-Chair, Treasurer, Secretary) with duties and requirements to be set forth in approved By-Laws. The CCB will schedule and hold regular meetings.

4. Members of CCB may be removed by Tribal Council, either by the Council itself or upon recommendation by the Board. They may be removed based upon violation of any provision of this, or other cannabis Ordinance, failure to perform duties as a member, excessive absences from meetings, failure to recuse oneself due to a conflict of interest or conduct unbecoming a member.

5. Member vacancies will be filled by the Tribal Council under the same procedure used for appointment. Members appointed to fill vacancies will serve the remainder of the vacant seat.

(f) The CCB will provide regular reports to the Tribal Council summarizing, among other things, their official actions, activities, investigative reports, and reports

received from licensed businesses to keep the Tribal Council fully informed as to the status of their activities.

Section 2.02 Cannabis Compliance Office.

(a) Creation of Office. The Tribal Council establishes the Saint Regis Mohawk Tribal Cannabis Compliance Office (“CCO”) to provide day-to-day regulation of all cannabis activities on Tribal territory.

(b) Powers and Duties. The powers and duties of the CCO shall include but not be limited to:

1. Handle all aspects of cannabis license applications process, including providing notice to the community about application forms, deadlines for applications, in-take of applications, review of applications and providing recommendations to the CCB concerning license applications;
2. Assist the CCB in developing regulations implementing cannabis laws, including this Ordinance; and policies, procedures, protocols and forms necessary for all cannabis regulation and administration;
3. Inspect and monitor adult use cannabis businesses, operations and facilities for regulation and enforcement;
4. Work with law enforcement and other appropriate agencies to investigate violations of this Ordinance and all cannabis laws, take or recommend appropriate enforcement actions; and report criminal activity to appropriate law enforcement agencies;
5. Ensure that all Tribal cannabis laws comply with requirements under tribal and federal law;
6. Develop and administer a tribal tracking system to record, collect and track cannabis activities and data on Tribal territory;



7. Report on a regular basis to the CCB and the Tribal Council, the Tribal Police Department and other appropriate governmental and law enforcement agencies; and

8. With the approval of the CCB, retain consultants, advisors and agents to assist with any of the duties described above, except that the CCO may not contract with any person having an ownership interest in, or control of, any Cultivator, Processor, or Retail Store licensed by the Tribe.

Section 2.03 Tribal Cannabis Exchange.

(a) Creation of Exchange. The Tribal Council establishes the Saint Regis Mohawk Tribal Cannabis Exchange (“TCE”) to ensure that Processor licensees and Retail Store licensees have access to cannabis, cannabis extract, and cannabis products, as applicable, at prices established by the CCO according to objective standards. Upon the effective date of this ordinance, the CCO shall establish the TCE within the CCO.

(b) Powers and Duties. The powers and duties of the TCE shall include but not be limited to:

1. Determine, through consultation with Processors and Retail Stores, the demand for bulk cannabis flower and trim, cannabis extract, prepackaged cannabis products, and prepackaged flower;
2. Establish prices for bulk and prepackaged cannabis, cannabis extract, and other cannabis products sold through the exchange, which shall be not less than 80 percent of published wholesale prices for adult use cannabis and cannabis products nationwide, or, if available, New York State;
3. Set quantities, on a quarterly basis, of bulk flower and trim that a Cultivator must make available to Processors at the price determined by the TCE and prepackaged flower that a Cultivator must make available to Retail Stores at the

price determined by the TCE, except that the total amount shall not exceed the quarterly amount in the Cultivator's approved operating plan;

4. Set quantities, on a quarterly basis, of bulk cannabis extract that a Tier II Processor must make available to other Processors at the price determined by the TCE and prepackaged cannabis products that a Processor must make available to Retail stores at the price determined by the TCE, except that the total amount shall not exceed the quarterly amount in the Processor's approved operating plan;

5. Monitor Cultivators and Processors to determine compliance with their obligations under their approved operating plans;

6. Allot bulk cannabis or cannabis extract to Processors for purchase at prices determined by the CCO;

7. Allot prepackaged cannabis and cannabis products to Retail Stores at prices determined by the CCO; and

8. Collect per-gram fees and issue revenue stamps that shall be affixed to cannabis and cannabis products before transfer to a Retail Store.

(c) The CCO shall not store or transport cannabis to facilitate the operation of the TCE.

## **CHAPTER THREE - AUC BUSINESS LICENSES**

### **Section 3.01 Cannabis Business Licenses.**

(a) This Ordinance shall authorize the issuance of business licenses that will include, but not be limited to:

1. AUC Cultivation licenses;
2. AUC Processing licenses;
3. AUC Retail store licenses; and
4. AUC Consumption lounge licenses

5. Any other types of AUC business licenses as deemed necessary by the Tribe, including without limitation nursery cultivation, microbusinesses, transportation and testing or testing sample collector licenses.

(b) At its discretion, the CCO, after consultation with the CCB, may issue combined licenses such as Cultivation/Processing or Retail/Processing provided that all required application information is provided, and fees paid.

(c) If deemed necessary by the CCB, the Tribe may apply for a testing facility license.

#### Section 3.02 Nature of Business Licenses.

(a) All licenses are issued as a revocable privilege and not as a matter of right to licensees.

(b) The number of business licenses issued overall will be determined by the Tribe based upon factors such as market conditions, market or product saturation, increase in crime, abuse of license privileges; and other relevant factors.

#### Section 3.03 License Term.

All licenses shall have a term of five (5) years, unless revoked pursuant to this Ordinance, and may be renewed through a renewal application process established by the CCO.

#### Section 3.04 Threshold Eligibility Requirements.

(a) As a threshold, in order to be considered for a business license a person must:

1. Be a tribal member;
2. Be 21 years old or older;
3. Not have been convicted of a serious felony as defined in this Ordinance

(b) If a tribal member-owned business, tribal members must own and control more than 50% of the business, and all persons owning or controlling the business must:



1. Be 21 years old or older; and
2. Not have been convicted of a serious felony, as defined in this Ordinance.

**Section 3.05 Cannabis Retailers in Operation prior to Licensing.**

(a) Any person or business operating a business that is open to the public and is selling cannabis prior to obtaining a license shall be deemed ineligible to obtain a license, unless the person or business:

1. Ceases operation within 48 hours of the enactment of this Ordinance;
2. Remains closed to the public until a license is obtained; and
3. Pays an additional fee determined by the CCO, which shall be no greater than \$300 for each day the business was open to the public without a license.

(b) The CCB has the authority to provide a waiver of subsection (a) on a case-by-case basis if circumstances warrant such a waiver.

**CHAPTER FOUR - LICENSE APPLICATIONS**

**Section 4.01 Information Required for Pre-Clearance.**

(a) Applicants for all types of business licenses will be required to submit, at a minimum, the following basic information to obtain pre-clearance to operate an AUC business.

1. Name, date of birth, Social Security Number, residential address, telephone number (mobile included), and email address;
2. For member-owned businesses, the full name of the business, the principal business location address, EIN number, the full name, date of birth, title, telephone number (mobile included), and email address of each individual who will be a key participant in the business;
3. Proof of tribal membership or, if a member-owned business, proof that the entity is more than fifty percent (50%) owned and controlled by a tribal member;

4. A Criminal History Report covering the past five (5) years for each individual member;

5. For member-owned businesses, copies of business organization documents such as articles of incorporation, LLC operating agreement, partnership agreement, shareholder agreements, management and license agreements and any other agreement which affects or relates to ownership and control of a member-owned business;

6. Type of license(s) for which application will be made;

7. Financial statements of the applicant and key participants

8. Location of proposed site including GPS coordinates for the site;

9. Any deed, lease or agreement establishing applicant is entitled to possession of the premises; and

10. Other information as required by the CCO.

(b) Each applicant for pre-clearance shall agree to participate in the TCE if asked to do so.

(c) The CCO shall begin to accept pre-clearance applications immediately upon enactment of this Ordinance.

(d) The CCO shall not accept an application for a Cultivation license, Processing license, or Retail Store license from an applicant who has not received pre-clearance from the CCO.

#### Section 4.02 Cultivation Applications.

(a) Applicants for Cultivation licenses shall provide an operating plan, which shall address, at a minimum:

1. Whether the facility will be an indoor or outdoor facility (or both);

2. A legible and accurate diagram of the planned cultivation facility or facilities (whether indoor, outdoor or both)
3. Applicant's plan for security and surveillance of the site(s);
4. Information on employees (number, names, and identification of key employees);
5. Plan to abate noise, odors and hazardous wastes;
6. The number of plants the Cultivator will grow;
7. Agree to follow the TCE requirements in this Ordinance and in CCB regulations; and
8. Any other information required by the CCO.

(b) The CCO shall, on the effective date of this ordinance, begin to accept applications for Cultivation licenses from any applicant who has received pre-clearance.

(c) A Cultivation licensee may apply to change tiers by submitting a revised operating plan and the difference in application and licensing fees, prorated for the time remaining on the license.

(d)

In determining whether to grant a Tier III Cultivation license, the CCB may consider factors including but, not limited to:

1. Unmet demand for cannabis among licensed Processors and Retailers;
2. Commitment to participate in the TCE; and
3. Needs of the applicant for its own extraction and processing.

#### Section 4.03 Processing Applications.

(a) Applicants for Processing licenses shall provide an operating plan, which shall address, at a minimum:



1. A legible and accurate diagram of the planned processing facility;
2. Whether the facility will be located within or in connection with a cultivation facility;
3. Applicant's plan for security and surveillance of the site(s);
4. Information on employees (number, names, and identification of key employees);
5. Plan to abate noise, odors and hazardous wastes;
6. A description of the types of cannabis products the applicant proposes to manufacture, including whether the applicant proposes to extract cannabis, and if so, complete descriptions of methods and equipment;
7. If the applicant proposes to extract cannabis, an agreement to sell up to 30 percent of extract produced through the TCE, if directed by the TCE;
8. An agreement to sell up to 30 percent of cannabis products produced through the TCE, if directed by the TCE; and
9. Any other information required by the CCO.

(b) The CCO shall begin to accept applications for Processing licenses no later than 30 days after the effective date of this ordinance.

(c) After 180 days of operation, a Processing licensee may apply to change tiers by submitting a revised operating plan and the difference in application and licensing fees, prorated for the time remaining on the license.

#### Section 4.04 Retail Store Applications.

(a) Applicants for Retail Store licenses shall provide an operating plan, which shall address, at a minimum:

1. A legible and accurate diagram of the planned store, including areas that are open to members of the public who are 21 years of age or older;
2. Proof that the store is not located within 500 feet of any sensitive sites;

3. Whether the store has its own separate ingress and egress as required by this Ordinance;
4. Applicant's plan for security and surveillance of the store;
5. Information on employees (number, names, and identification of key participants); and
6. Any other information required by the CCO.

(b) The CCO shall begin to accept applications for Retail Store licenses within 30 days of the effective date of this ordinance.

#### Section 4.05 Consumption Lounge Applications

(a) Applicants for Consumption Lounge licenses shall provide an operating plan, which shall address, at a minimum:

1. A legible and accurate diagram of the planned lounge, including areas that are open to members of the public who are 21 years of age or older;
2. Proof that the lounge is not located within 500 feet of any sensitive sites;
3. Proof that the Applicant has a Retail license
4. Whether the lounge has its own separate ingress and egress as required by this Ordinance;
5. Applicant's plan for security and surveillance of the lounge including prevention of underage sales;
6. Applicant's plan for employee training;
7. Information on employees (number, names, and identification of key participants); and
8. Any other information required by the CCO.

(b) The CCO shall begin to accept applications for Consumption Lounge licenses within 30 days of the effective date of this ordinance.

## **CHAPTER FIVE - AUC LICENSE APPROVAL**

### **Section 5.01 Initial Review by CCO.**

(a) Role of the CCO. The CCO shall be responsible for processing license application including, but not limited to:

1. Preparation of application forms;
2. Providing notice to the community about application forms, deadlines for applications;
3. In-take and review of applications to make sure they are complete and application fees have been paid;
4. Making pre-clearance determinations; and
5. Providing recommendations to the CCB concerning approval or denial of license applications.

### **Section 5.02 Role of the CCB.**

(a) The CCB shall be responsible for processing AUC license applications including, but not limited to:

1. Receipt of the completed applications from the CCO;
2. Review by the CCB of the applications;
3. Scheduling any meeting with applicants to discuss the applications and obtain additional information;
4. The CCB will formally meet within 30 days of receipt of a completed application to decide whether to approve or deny an application;
5. The CCB will issue a written decision via letter to applicant.



### Section 5.03 Tribal Court Review.

(a) Final decisions of the CCB may be appealed by an applicant to the Saint Regis Mohawk Tribal Court (trial level).

1. The appeal shall be filed with the Tribal Court Clerk within thirty (30) days of the date of the CCB's final decision.

2. The Tribal Court shall review the appeal based upon the administrative record before the CCB.

3. The Tribal Court will base its decision upon the "arbitrary and capricious" standard of review.

a. The arbitrary and capricious standard of review means that the CCB's decision will only be set aside only if there has been a clear error of judgment.

b. Review under the standard is narrow and the reviewing court may not substitute its judgment for that of the CC.

c. The Tribal Court must determine whether the decision was based on a consideration of the relevant factors and whether there was clear error.

4. The Tribal Court's decision shall be final and non-appealable.

### Section 5.04 Conditional Licenses.

1. The CCO and CCB may decide to issue conditional licenses to applicants if that is deemed necessary. The applicant still must complete and submit a complete application form. The award of a conditional licenses will contain terms that must be satisfied before a permanent license is granted.

## **CHAPTER SIX - AUC LICENSE FEES**

### Section 6.01 Application Fees.

(a) There shall be a non-refundable application fee for pre-clearance. This fee shall be \$100 per individual listed on the application.

(b) There shall be a non-refundable application fee for all licenses issued under this Ordinance. The initial application fees for licenses shall be:

1. Cultivation License Application Fees:

| Type of Cultivation Facility | Application Fees |
|------------------------------|------------------|
| Tier I<br>0-250 plants       | \$500            |
| Tier II<br>251-500 plants    | \$500            |
| Tier III<br>Over 500 plants  | \$1,500          |

(c) Additional Tiers may be created through regulations adopted by the CCB.

2. Processor License Application Fees:

| Type of Processor Facility  | Application Fees |
|---|------------------|
| Tier I (Preparation of edibles only; no extraction permitted)   | \$250            |
| Tier II (Preparation of all products permitted by the CCO, including the use of solvents in extraction) | \$500            |

3. Retail Store License Application Fees

|                   |         |
|-------------------|---------|
| All retail stores | \$2,500 |
|-------------------|---------|

4. Consumption Lounge Application Fees

|                         |         |
|-------------------------|---------|
| All Consumption Lounges | \$2,500 |
|-------------------------|---------|

Section 6.02 Annual License Fees.

(a) Annual License fees shall be paid by all license holders and shall be paid through flat-rate annual payments of fees as set forth below. Cultivators and Processors shall also pay per-gram fees on any cannabis or cannabis products and affix the appropriate revenue stamps to the cannabis or cannabis products before transferring the cannabis or cannabis products to the Retail Store.

1. Flat Rate Fees

The CCO shall have discretion to accept the payment of flat rate fees in monthly or quarterly installments.

a. Cultivation

| Type of Cultivation Facility | Fee     |
|------------------------------|---------|
| Cultivation<br>Tier I        | \$1,000 |
| Cultivation<br>Tier II       | \$2,500 |
| Cultivation<br>Tier III      | \$5,000 |

b. Processing

| Type of Processor Facility | Fee     |
|----------------------------|---------|
| Tier I                     | \$1,000 |
| Tier II                    | \$3,500 |

c. Retail Store

| Type of Store     | Fee     |
|-------------------|---------|
| All retail stores | \$5,000 |

d. Consumption Lounge

| Type of Lounge          | Fee     |
|-------------------------|---------|
| All Consumption Lounges | \$5,000 |

2. Per-Gram Fees

a. Fee schedule

| Type of Product  | Fees                 |
|--|----------------------|
| Cannabis Flower  | \$.50/gram           |
| Concentrate or vaporizer cartridges  | 5% of sales          |
| Edibles (including tinctures, oils, or beverages tested by a certified testing facility) | 5% of sales          |
| Tinctures, oils, or beverages (untested)   | \$14.00/fluid ounce  |
| Topical (ointment or cream)  | \$1.00/fluid ounce   |
| Transdermal patches (tested)   | \$1.75/100 mg of THC |
| Transdermal patches (untested)   | \$1.00/patch         |

3. Single Serving Products (sold in Consumption Lounges)

a. The CCO has the authority to amend the fee schedule provided in this section with advanced notice to licensees.

| Type of Product | Fees       |
|-----------------|------------|
| Cannabis Flower | \$.50/gram |



|  |                      |
|--|----------------------|
| Concentrate or vaporizer cartridges  | 5% of sales          |
| Edibles (including tinctures, oils, or beverages tested by a certified testing facility) | 5% of sales          |
| Tinctures, oils, or beverages (untested)   | \$14.00/fluid ounce  |
| Topical (ointment or cream)  | \$1.00/fluid ounce   |
| Transdermal patches (tested)   | \$1.75/100 mg of THC |
| Transdermal patches (untested)   | \$1.00/patch         |

b. The TCE shall collect this fee from Cultivators and Processors before issuing revenue stamps and before any cannabis or cannabis products are transferred to a Retail Store. For licensees holding multiple licenses, this shall include the transfer of cannabis or cannabis products to the site used as a Retail Store.

c. Cultivators and Processors may include per grams fees in their sales to Retail Stores, and, if applicable, may add per-gram fees to the prices established by the TCE.

(b) The CCO with the approval of the CCB shall have authority to:

1. Impose additional fees;
2. Adjust fees from one level to another based upon plant count or production amounts;
3. Revise the application fee amounts for licensees for new and renewed licenses.

## **CHAPTER SEVEN - RETAIL SALE OPERATIONS**

### **Section 7.01 Store Sales Restrictions.**

- (a) Cannabis Retail stores may only offer for sale and sell cannabis, cannabis products and other products listed in this section or approved by the CCO.
- (b) Stores may not offer for sale or sell alcohol.
- (c) Cannabis or cannabis products may not be consumed within the store premises unless the Cannabis Retail store has an additional consumption lounge license and the consumption lounge is completely separated from the remainder of the premises by solid partitions without openings other than doors.

Section 7.02 Approved Products.

- (a) A cannabis retail store will be permitted to sell:
  - 1. Flower
  - 2. Pre-roll
  - 3. Concentrate
  - 4. Vaporizer cartridges
  - 5. Edible cannabis products (including food, tinctures, oils, and beverages)
  - 6. Topical products (including ointment, creams, and transdermal patches)
  - 7. Other cannabis products approved by the Tribe
  - 8. Other products not containing cannabis as permitted by the CCO.

Section 7.03 Prohibited Sales. A retail store may not:

- (a) Sell cannabis and cannabis products to any person under the age of 21.
- (b) Make sales that exceed the following single day transaction amounts to any particular purchaser:

| Product | Single day transaction limit per purchaser |
|---------|--|
|         |  |

|  |          |
|--|----------|
| Cannabis   | 3 ounces |
| Cannabis concentrate, including vaporizer cartridges | 24 grams |

For purposes of determining the amount of cannabis concentrate sold, edible cannabis products shall be considered to have 1 gram of cannabis concentrate per 100 mg of THC. The CCO may by rule establish other equivalency amounts for different types of cannabis products.

- (c) Sell or offer for sale cannabis and cannabis products unless obtained from a processor, distributor or cultivator licensed by the CCO.
- (d) Sell or offer for sale cannabis and cannabis products using: (1) a vending machine; or (2) an internet sales platform.
- (e) Sell or offer for sale cannabis or cannabis products to a visibly intoxicated person.
- (f) Sell or offer for sale cannabis or cannabis products that do not meet the tracking, packaging, labeling and testing requirements in this Ordinance; or
- (g) Sell or offer for sale cannabis or cannabis products unless revenue stamps have been affixed to the product.

#### Section 7.04 Verification of Age of Consumers.

- (a) Prior to any sale of cannabis or cannabis products, the licensee shall verify that the individual is 21 years of age or older by means of an approved form of government-issued photographic identification containing a date of birth.
- (b) Prior to any sale of cannabis products through a drive through sales window the licensee shall verify that all persons in the vehicle are twenty-one (21) years old or older by means of an approved form of government-issued photographic identification containing a date of birth.

Section 7.05 Retention of Sales Records.

(a) At point of sale, the retailer shall retain, at a minimum the following information from consumers: (1) payment method; (2) amount of payment; (3) time of sale; (4) product quantity; and (5) other product descriptors. This data must be inputted into the Tribe's approved tracking system.

Section 7.06 Comply with all other Regulations

(a) Retail stores shall also comply with this Ordinance and all rules and regulations issued under this Ordinance that apply to cannabis businesses and facilities such as, but not limited to, security, surveillance, health and safety and audit and inspection requirements.

**CHAPTER EIGHT – CONSUMPTION LOUNGE OPERATIONS**

Section 8.01 Consumption Lounge Sales Restrictions.

- (a) Cannabis Consumption Lounges may only offer for sale and sell cannabis, cannabis products and other products listed in this section or approved by the CCO.
- (b) Consumption Lounges may not offer for sale or sell alcohol or tobacco.

Section 8.02 Approved Products.

- (a) A cannabis Consumption Lounge will be permitted to sell:
  - a. Pre-roll
  - b. Concentrate
  - c. Vaporizer cartridges
  - d. Edible cannabis products (including food, tinctures, oils, and beverages)
  - e. Other cannabis products approved by the Tribe



- f. Other products not containing cannabis as permitted by the CCO.

Section 8.03 Prohibited Sales. A Consumption Lounge may not:

- i. Sell cannabis and cannabis products to any person under the age of 21.
- ii. Make sales that exceed the following single day transaction amounts to any particular purchaser:

| Product  | Single day transaction limit per purchaser |
|--|--|
| Cannabis   | 3 ounces                                   |
| Cannabis concentrate, including vaporizer cartridges | 24 grams                                   |

For purposes of determining the amount of cannabis concentrate sold, edible cannabis products shall be considered to have 1 gram of cannabis concentrate per 100 mg of THC. The CCO may by rule establish other equivalency amounts for different types of cannabis products.

- iii. Sell or offer for sale cannabis and cannabis products unless obtained from a processor, distributor or cultivator licensed by the CCO.
- iv. Sell or offer for sale cannabis and cannabis products using: (1) a vending machine; (2) a drive-through sales window; or (3) an internet sales platform.
- v. Sell or offer for sale cannabis or cannabis products to a visibly intoxicated person.
- vi. Sell or offer for sale cannabis or cannabis products that do not meet the tracking, packaging, labeling and testing requirements in this Ordinance; or
- vii. Sell or offer for sale cannabis or cannabis products unless revenue stamps have been affixed to the product.

#### Section 8.04 Verification of Age of Consumers.

- (a) Prior to any sale of cannabis or cannabis products, the licensee shall verify that the individual is 21 years of age or older by means of an approved form of government-issued photographic identification containing a date of birth.

#### Section 8.05 Retention of Sales Records.

- (a) At point of sale, the Consumption Lounge shall retain, at a minimum the following information from consumers: (1) payment method;
- (2) amount of payment;
- (3) time of sale;
- (4) product quantity; and
- (5) other product descriptors.

This data must be inputted into the Tribe's approved tracking system.

#### Section 8.06 Comply with all other Regulations

- (a) Consumption Lounges shall also comply with this Ordinance and all rules and regulations issued under this Ordinance that apply to cannabis businesses and facilities such as, but not limited to, security, surveillance, health and safety and audit and inspection requirements.

### **CHAPTER NINE - CULTIVATION OPERATIONS**

#### Section 9.01. General Requirements.

- (a) Permitted Activity. An adult-use cultivator license shall authorize the licensee to acquire, possess, cultivate and sell cannabis. It also allows the licensee to harvest, dry, cure, grade and trim cannabis and create pre-rolled marijuana

cigarettes consisting solely of flower, trim, and unflavored paper wrapper, without additives. The cultivator may package and label flower, trim, and pre-rolls for retail sale and may transport cannabis to Processors and Retail Stores.

(b) No Retail Sales. A cultivator shall not sell or offer to sell cannabis, plants, immature plants or seedlings to consumers.

(c) No Extracting. A cultivation facility shall not engage in the processing of concentrates unless it has a license to do so.

(d) Plant Count Cap. The CCB may establish through regulations a cap on the total number of plants to be permitted, either on aggregate basis for all cultivation licensees or for each individual licensee.

1. The CCB shall make this determination from time to time based on ensuring a supply of cannabis that is adequate to meet estimated consumer demand, but that does not result in excess supply.

2. Cultivators shall be required to sell cannabis flower and trim, subject to the approved operating plan, to processors or retail stores as directed by the TCE at prices determined by the CCO.

#### Section 9.02. Facility Requirements.

(a) Security. Licensees must follow all CCO-mandated requirements regarding:

1. Perimeter fencing of premises;
2. Locks, cameras, alarms and other security and surveillance measures;
3. Procedures limiting visitor access and general access by the public; and
4. Any other security and surveillance measures required by the CCO.

(b) Code compliance. Licensees must follow all Tribal building codes including but not limited to:

1. Building codes (requiring complete roof enclosure for indoor facilities)

2. Electrical codes
3. Plumbing, water and septic or sewer
4. Ventilation and HVAC
5. Environmental compliance
6. Good agricultural practices

(c) Outdoor facility compliance. Outdoor cultivation facilities must comply with, at a minimum, the following rules:

1. Sites shall not be accessible to, or visible to the public; and
2. Licensee must avoid adverse impacts or public nuisance.

## **CHAPTER TEN - PROCESSING OPERATIONS**

### **Section 10.01 Permitted Activity.**

(a) A cannabis processor license authorizes the licensee to buy or acquire cannabis or cannabis extracts from a licensed cultivator or processor; and to possess, store and process cannabis and cannabis products. Processing shall include, but not necessarily be limited to, blending, extracting, infusing, packaging, labeling, branding or otherwise making or preparing cannabis products and transporting cannabis products to a Retail Store. Processing shall not include the cultivation of cannabis.

### **Section 10.02 Limitation on Sales or Transfers.**

(a) A processor may process adult use cannabis products only for sale or distribution to licensed cannabis retail stores or other licensed processors.

### **Section 10.03 No Retail Sale.**



(a) A licensed processor may not sell or offer to sell adult use cannabis products to consumers.

#### Section 10.04 Purchase and Acquisition of Cannabis and Cannabis Extract.

(a) A processor shall purchase all cannabis necessary for its processing from a licensed cultivation facility. A processor shall purchase all cannabis extract necessary for the creation of other cannabis products from a licensed Tier II processor.

#### Section 10.05 Cannabis Extraction.

(a) A Tier I processor shall not process cannabis concentrate by any method other than using water, lipids, mechanical separation, or sub-freezing temperature.

(b) A Tier II processor may process cannabis concentrate by extraction using water, lipids, mechanical separation, sub-freezing temperature, gases, solvents or other chemicals or chemical processes approved by the CCO.

1. The CCO shall be obligated to establish rules specifically regulating the use by processors of inherently hazardous substances prior to issuing any licenses for processors utilizing inherently hazardous substances.

2. Such regulation must ensure the safety of employees, invitees and others with respect to the use of inherently hazardous substances.

3. The CCO shall require any applicant applying for a processor license to disclose whether or not it intends to utilize any inherently hazardous substance.

#### Section 10.06 Processing of Edible Products.

(a) Edible cannabis products to be sold or offered for sale to a consumer:

1. May be processed in geometric shapes or in the shape of a cannabis leaf.

2. Must be processed in a manner that results in the cannabinoid content within the product being homogeneous throughout the product or throughout each element of the product that has a cannabinoid content.
3. Must be processed in a manner that results in the amount of cannabis concentrate within the product being homogeneous throughout the product or throughout each element of the product that contains cannabis concentrate.
4. Must have a universal symbol stamped or embossed on each serving of the product, except that the CCO may determine by rule that, for a particular type of product, such stamping or embossing is impracticable and is not required.
5. May not be processed in the distinct shape of a human, animal or fruit.
6. May not contain more than 10 milligrams of THC per serving of the product and may not contain more than 100 milligrams of THC per package of the product.
7. May not contain additives that are:
  - a. Toxic or harmful to human beings;
  - b. Specifically designed to make the product more addictive or that are misleading to consumers; or
  - c. Specifically designed to make the product appeal particularly to a person under 21 years of age; and
8. May not involve the addition of cannabis to a trademarked food or drink product, except when the trademarked product is used as a component of or ingredient in the edible cannabis product and the edible cannabis product is not advertised or described for sale as containing the trademarked product.

Section 10.07. Participation in TCE.

- (a) Processors shall sell cannabis extract and other cannabis products to Processors and Retail Stores as directed by the TCE, at prices determined by the CCO, subject to the limits in the Processor's approved operating plan.

(b) The TCE shall not require a processor to produce cannabis extract or another cannabis product in a manner or of a form not routinely produced by the processor.

(c) Processors shall be required to produce products for other licensees if they are offered reasonable prices to be determined by the CCO.

## **CHAPTER ELEVEN - TRACKING**

### **Section 11.01 Obligations of Cultivation Licensees.**

(a) Cultivation Facility. A Cultivation licensee shall maintain a record-keeping system that is approved by the CCO and, at a minimum:

1. Uses tracking ID numbers for all plants, inventory and transfers and sales; and
2. Puts tracking ID on all product transferred or sold or in inventory.

(b) Information Required to be Inputted, Recorded. At a minimum the licensee shall record and input in the tracking system:

1. Cannabis crop planted;
2. Harvested cannabis crops;
3. Records of all testing and sampling of crops;
4. Records all sales or transfers of harvested cannabis (transferee, buyer, amounts in pounds) including tracking ID numbers;

### **Section 11.02 Obligations of Processor Licensees**

(a) Processing Facility. A processor licensee shall maintain a record-keeping system that is approved by the CCO and, at a minimum:

1. Uses tracking ID numbers for all plants, inventory and transfers and sales; and
2. Puts tracking ID on all product transferred or sold or in inventory.

(b) Information Required to be Inputted, Recorded. At a minimum, the licensee shall record and input in the tracking system:

1. Cannabis received from any cultivator and cannabis extract received from any other processor;
2. Cannabis the license processes in its facility (flower, concentrates and other cannabis products);
3. Records of all licensee's sales or transfers of cannabis and cannabis products (transferee, buyer, amounts in pounds) including tracking ID numbers;

(c) Tracking ID numbers. It is the responsibility of the processor licensee to:

1. Use tracking ID numbers for all products that are produced, transferred and sold;
2. Put tracking ID on all product transferred or sold or in inventory.

#### Section 11.03 Obligations of Retail Licensees.

(a) A retail licensee shall maintain a record-keeping system that is approved by the CCO and, at a minimum:

1. Records cannabis and cannabis products received from processor or cultivator;
2. Records amount of product received and from whom;
3. Records cannabis and cannabis products by category that are received by the processor;
4. Records inventory of cannabis and products;
5. Records all sales or transfers of cannabis products (amount sold, date of sale, price, fee imposed, age of buyer, name of product);

(c) Tracking ID numbers. All cannabis and products in inventory or sold must have tracking ID numbers.

## **CHAPTER TWELVE - STORE/FACILITY LOCATION**



Section 12.01 Location of Stores and Facilities. Due to the threat of exposure to children, young adults and the general public, any building housing a cannabis retail stores, processing, or cultivation facilities, unless otherwise permitted by the CCO, shall not be located within 500 feet of a sensitive site, as defined in this Ordinance.

Section 12.02 Restrictions on Retail Store Buildings. At a minimum, retail stores shall observe the following building structure restrictions:

- (a) Stores may be attached to an existing store building. However, the store must have ingress and egress to the outside separate from any other premises or use, including any foyer, hallways or other common area.
- (b) Retail stores may only sell cannabis products described under the Ordinance or otherwise allowed by the CCO and may not house any other retail or commercial business or offer for sale or sell any products or services not approved by the CCO; and
- (c) Stores shall be designed and constructed to a certain minimum standard approved by the CCO.

## **CHAPTER THIRTEEN - TESTING OF CANNABIS AND PRODUCTS**

13.01 Testing of Cannabis and Products.

- (a) Every processor of cannabis shall contract with an independent laboratory, approved by the CCO, to test the cannabis and cannabis products it produces.
- (b) The CCO may assign an approved testing laboratory which the processor must use.
- (c) Processors shall make laboratory test reports available to licensed distributors and licensed retailers for all cannabis products they produce.

(d) License retail stores shall maintain accurate documentation of laboratory test reports for each product offered for sale. Such documentation shall be entered into the Tribe's monitoring system and made publicly available by the retailer.

(e) Onsite laboratory testing is permissible subject to regulation; however, such testing shall not be certified by the CCO and does not exempt the licensee from the requirements of quality assurance testing by an independent testing laboratory.

(f) The CCO shall have the authority to require any licensee to submit cannabis or cannabis products to one or more independent laboratories for testing. The CCO may issue regulations related to all aspects of third-party testing and quality assurance including, but not limited to:

1. Minimum testing and sampling requirements;
2. Testing and sampling methodologies;
3. Testing reporting;
4. Retesting; and
5. Product quarantine, hold, recall and remediation.

(g) The CCO may waive any or all testing requirements until it determines that licensees may legally transfer cannabis or cannabis products to independent laboratories capable of performing such testing.

## **CHAPTER FOURTEEN - LABELING AND PACKAGING**

### **Section 14.01 Labeling Requirements.**

(a) Cannabis and cannabis products to be sold, or offered for sale, must be labeled with the following information, as applicable to a product:

1. License numbers of the cultivation facility, the processing facility and the retailer;
2. Identity statement and universal symbol;

3. Health and safety warning labels as required by rules adopted by the CCO;
4. Batch number;
5. A net weight statement;
6. Information on the THC potency of the cannabis or cannabis product;
7. Information on the amount of THC and cannabidiol per serving of the cannabis or cannabis product and, for edible cannabis products, the number of servings per package;
8. Information on gases, solvents and chemicals used in cannabis extraction;
9. Instructions on usage;
10. For adult use cannabis products:
  - a. the amount of cannabis concentrate per serving of the product, as measured in grams, and the amount of cannabis concentrate per package of the product, as measured in grams;
  - b. a list of ingredients and possible allergens; and
  - c. a recommended use date or expiration date;
11. For edible cannabis products, a nutritional fact panel.

Section 14.02 Packaging Requirements. Cannabis and cannabis products to be sold, or offered for sale must be packaged in the following manner, as applicable based on the cannabis or cannabis product to be sold:

- (a) Must be prepackaged in child-resistant and tamper-evident packaging or must be placed in child-resistant and tamper-evident packaging at the final point of sale to a consumer.
- (b) Must be prepackaged in opaque packaging or an opaque container or must be placed in opaque packaging or an opaque container at the final point of sale to a consumer.

- (c) For multi-serving liquid adult use cannabis products must include an integral measurement component and a child-resistant cap; and
- (d) Must conform to all other applicable requirements and restrictions imposed by rule by the CCO.

Section 14.03 Other Allowable Labeling and Packaging. Cannabis and cannabis products to be sold to a consumer may include on the label or the packaging of the cannabis or cannabis product:

- (a) A statement of compatibility with dietary practices.
- (b) Depictions of geometric shapes or cannabis leaves.
- (c) Use of the terms “organic”, “organically cultivated” or “organically grown” in accordance with requirements adopted by rule by the CCO; and
- (d) Any other information that has been preapproved by the CCO.

Section 14.04 Labeling and Packaging Prohibitions. Cannabis and cannabis products to be sold to a consumer:

- (a) May not be labeled or packaged in violation of a federal trademark law or regulation or in a manner that would cause a reasonable consumer confusion as to whether the cannabis or cannabis product was a trademarked product.
- (b) May not be labeled or packaged in a manner that is specifically designed to appeal particularly to a person under 21 years of age.
- (c) May not be labeled or packaged in a manner that obscures identifying information on the label or uses a false or deceptive label.
- (d) May not be sold or offered for sale using a label or packaging that depicts a human, animal or fruit; and
- (e) May not be labeled or packaged in violation of any other labeling or packaging requirement or restriction imposed by rule by the CCO.



## CHAPTER FIFTEEN- ADVERTISING AND MARKETING

### Section 15.01 General Requirement: No Deceptive, False or Misleading Statements.

(a) A licensed AUC business shall not engage in advertising that is misleading, deceptive or false. A licensee shall not make any misleading, deceptive or false assertions or statements on any product, any sign, or any document provided to a consumer.

### Section 15.02 Advertising: All Media.

(a) A licensed AUC business may advertise on television radio, a print publication or via the internet only where at least 71.6 percent of the audience is reasonably expected to be at least 21 years or older.

### Section 14.03 No Safety Claims.

(a) A licensed AUC business may not engage in advertising that asserts its products are safe because they are regulated by the Tribe or because they are tested.

### Section 15.04 Outdoor Advertising.

(a) A licensed AUC business shall not advertise on any outdoor sign that is within 500 feet of a sensitive area.

### Section 15.05 No Content that Targets Minors.

(a) A licensed AUC business shall not include in any form of advertising or signage any content that specifically targets any individual under the age of 21, including but not limited to cartoon characters or similar images.

### Section 15.06 Advertising or Marketing Directed Toward Location-Based Devices.

(a) A licensed AUC business may not engage in advertising via marketing directed towards location-based devices, including but not limited to cellular phones, unless

the mobile device application installed on the device includes a permanent and easy opt-out feature.

Section 15.07 Pop-Up Advertising.

(a) A licensed AUC business shall not utilize unsolicited pop-up advertising on the internet.

Section 15.08 Event Sponsorship.

(a) A licensed AUC business may sponsor a charitable, sports, or similar event, but the business shall not engage in advertising at, or in connection with, such an event unless the business has reliable evidence that at least 71.6 percent of the audience at the event and/or viewing the event is reasonably expected to be at least 21 years or older.

## **CHAPTER SIXTEEN - HEALTH AND SAFETY RULES**

Section 16.01 Health and Safety Rules. The CCO shall adopt labeling, packaging and other necessary health and safety rules for cannabis and cannabis products to be sold or offered for sale by a licensee to a consumer. Rules adopted pursuant to this subsection must establish mandatory health and safety standards applicable to the cultivation of cannabis, the manufacture of cannabis products and the packaging and labeling of cannabis and cannabis products sold by a licensee to a consumer. Such rules must address, but are not limited to:

- (a) Requirements for the storage, warehousing and transportation of cannabis and cannabis products by licensees;
- (b) Sanitary standards for cannabis establishments, including, but not limited to, sanitary standards for the manufacture of cannabis and cannabis products; and
- (c) Limitations on the display of cannabis and cannabis products at retail stores.

## **CHAPTER SEVENTEEN - SECURITY AND SURVEILLANCE RULES**

Section 17.01 Security and Surveillance

- (a) All licensed facilities shall have a security system to prevent and detect diversion, theft or loss of cannabis and cannabis products utilizing commercial grade equipment which shall, at a minimum, include alarms, motion detectors and video cameras.
- (b) All businesses shall ensure that all security system equipment and recordings in a secure location so as to prevent theft, loss, destruction or alterations.
- (c) The CCO shall establish rules governing security systems and video monitoring.

Section 17.02 Additional Security.

- (a) In addition to the requirements listed above in this Section, each store and facility shall have a back-up alarm system approved by the CCO that shall detect unauthorized entry during times when no employees are present at the store or facility and that shall be provided by a company supplying commercial grade equipment.
- (b) A business shall limit access to any surveillance areas solely to persons that are essential to surveillance operations, law enforcement agencies, security system service employees, the CCO or the CCO's authorized representative, and others when approved by the CCO.
- (c) A business shall make available to the CCO upon request a current list of authorized employees and service employees who have access to any surveillance room. A business shall keep all on-site surveillance rooms locked and shall not use such rooms for any other function.
- (d) A business shall keep illuminated the outside perimeter of any facility that is operated under the business' license.
- (e) A business shall keep all security equipment in full operating order and shall test such equipment no less than semi-annually at each store or facility. Records of security tests must be maintained for five years and made available to the CCO upon request.

(f) Stores and facilities must be securely locked and protected from unauthorized entry at all times. The licensee shall be responsible for ensuring the integrity of the security of the stores and facility and the maintenance of sanitary operations when permitting access to the facility.

(g) The licensee shall maintain a visitor log of all persons other than employees or emergency personnel responding to an emergency that access any secured areas, which shall include the name of the visitor, date, time and purpose of the visit. The visitor log shall be available to the CCO at all times during operating hours and upon request.

## **CHAPTER EIGHTEEN - VIOLATIONS; PENALTIES**

18.01 General. The CCO may impose penalties on licensee for license violations and penalties upon non-compliant cannabis businesses (i.e., those operating without obtaining a Tribal AUC business license). Any penalties, orders or decisions of either the CCB or CCO are enforceable by the Tribal Court, which has jurisdiction over any and all matters arising under this Ordinance. The penalties authorized in Sec. 18.02 – 18.07 are in addition to any criminal or civil penalties that may be imposed pursuant to other applicable laws or rules.

### **18.02 Monetary Penalties.**

(a) The CCO shall adopt rules setting forth potential amounts of monetary penalties to be imposed based upon specific categories of unauthorized conduct including major and minor license violations.

(b) All monetary penalties imposed must be paid by the licensee to the CCO in the form of cash or in the form of a certified check or a cashier's check.

18.03 License Suspension. A licensee whose license has been suspended may not, for the duration of the period of suspension, engage in any activities relating to the operation of the cannabis business.



18.04 License Revocation. A licensee whose license has been revoked shall cease immediately all activities relating to the operation of the cannabis business the licensee was previously licensed to operate and shall ensure that all adult use cannabis and adult use cannabis products in the possession of the licensee are forfeited to the CCO for destruction.

18.05 Cease and Desist Orders. The CCO may issue cease and desist orders upon any persons who operate any AUC businesses without a Tribal license or upon licensees who operate in violation of this Ordinance. Such orders may include a requirement that the person hold cannabis plants, cannabis, or cannabis products in a secure location pending further instruction from the CCO.

18.06 Imposition of Monetary Penalty Upon Suspension or Revocation. In addition to suspending or revoking a licensee's license, the CCO may impose a monetary penalty on the licensee.

18.07 Order for Destruction of Cannabis or Cannabis Products. If the CCO issues a final order imposing a monetary penalty on or a license suspension, revocation of a licensee or operation without a license, the CCO may specify in the order, in addition to any other penalties imposed in the order, that all or a portion of the cannabis or cannabis products in the possession of the licensee or party are not authorized and are subject to destruction. A person subject to a final order directing the destruction of cannabis or cannabis products shall forfeit the cannabis and cannabis products described in the order.

18.08 Investigation. If the CCO is notified by a law enforcement agency that there is a pending investigation of a person subject to an order, the CCO may not destroy any cannabis or cannabis products of that person until the destruction is approved by the law enforcement agency.

18.09 Voluntary Surrender. The CCO may negotiate the voluntary surrender of a license in combination with or in place of any other penalties under this chapter.

The agreement may stipulate a time during which the licensee may not apply for a new license.

## **CHAPTER NINETEEN - GROWING PLANTS FOR PERSONAL USE**

19.01 Personal Cannabis Plants. Adult tribal members may grow and possess up to six (6) mature cannabis plants and six (6) immature plants within his/her private residence for personal use.

19.02 Eligibility. Tribal members must be 21 years old or older.

19.03 Requirements for Personal Plant Grow.

(a) Persons who grow and possess plants must, at a minimum, comply with the following requirements:

1. Cannabis may not be grown (cultivated) openly or publicly.
2. In no event can more than 12 plants of any size be grown or kept within, or on the same legal parcel as, any single-family dwelling.
3. Cannabis cannot be grown in a two-family (duplex), multi-family (apartment building) or single-family attached dwelling (ex. townhouse sharing a common wall with another unit).
4. All cannabis must be grown and kept in a locked and enclosed space.
5. Cannabis cannot be sold.

## **CHAPTER TWENTY - MISCELLANEOUS**

20.01 Sovereign Immunity. Nothing in this Ordinance shall be interpreted as waiving or diminishing the sovereign immunity of the Saint Regis Mohawk Tribe or its subordinate entities, agencies, officers, agents, employees, instrumentalities, or authorize in any form a prospective waiver of such sovereign immunity.

20.02 Regulations. The CCO and CCB may issue regulations as appropriate for the proper administration of this Ordinance and will be processed following the Tribal Procedures Act and include notice to, and review by, the Community.

20.03 Effective Date. This Ordinance shall be effective upon approval by the Tribal Council.

20.04 Amendments. This Ordinance may be amended by the Tribal Council and shall be processed following the Tribal Procedure Act and include notice to, and review by, the Community. Any changes to fees, fee structure, monetary penalties may be made by the CCO in consultation with and with the approval of the CCB and Tribal Council without notice to, and review by, the Community.

20.05 Severability. The provisions of this Ordinance shall be severable and if any part or provision shall be held void by any Court of competent jurisdiction, the decision of the Court so holding shall not affect or impair any of the remaining parts or provisions of this Ordinance.