

Sisseton-Wahpeton Oyate Medical Cannabis Code

TRIBAL ORDINANCE

**SISSETON-WAHPETON OYATE OF THE LAKE TRAVERSE RESERVATION
MEDICAL CANNABIS CODE**

TABLE OF CONTENTS

TITLE I	GENERAL PROVISIONS.....	1
TITLE II	DEFINITIONS.....	5
TITLE III	MEDICAL CANNABIS AUTHORIZED.....	10
TITLE IV	REGULATORY DUTIES.....	11
TITLE V	LICENSING.....	20
TITLE VI	GENERAL PROHIBITIONS.....	25
TITLE VII	REPORTING.....	28

Tribal Council approved amendments to the Medical Cannabis Code on December 12th, 2024 by Motion No. 96
Tribal Council approved amendments to the Medical Cannabis Code on April 24th, 2024 by Motion No. 100.
Tribal Council approved amendments to the Medical Cannabis Code on August 2, 2023 by Motion No. 67.
Tribal Council approved amendments to the Medical Cannabis Code on May 31, 2023 by Motion No. 119.
Tribal Council approved amendments to the Medical Cannabis Code on December 7, 2022 by Motion No. 52, and ratified such changes on March 7, 2023 by Motion No. 42.
Tribal Council approved Amendments to Medical Cannabis Code on December 22, 2021 by Motion No. 74.
Tribal Council adopted the Sisseton-Wahpeton Oyate Medical Cannabis Code on November 2, 2021 by Motion No. 11.

**SISSETON-WAHPETON OYATE
CHAPTER 81
MEDICAL CANNABIS CODE**

TITLE I – GENERAL PROVISIONS

81-01-01 TITLE.

This Code shall be known as the Medical Cannabis Code of the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation (the “Reservation”).

81-01-02 FINDINGS.

1. Cannabis has been used as a medicine for at least 5,000 years of recorded history. Modern medical research has confirmed the beneficial uses for Medical Cannabis in treating or alleviating the pain, nausea, and other symptoms associated with a variety of debilitating medical conditions, including cancer, multiple sclerosis, and HIV/AIDS, as found by the National Academy of Sciences' Institute of Medicine in March 1999.
2. Studies published since the 1999 Institute of Medicine report continue to show the therapeutic value of Medical Cannabis in treating a wide array of debilitating medical conditions. These include relief of the neuropathic pain caused by multiple sclerosis, HIV/AIDS, and other illnesses and injuries that often fail to respond to conventional treatments, and relief of nausea, vomiting, and other side effects of drugs used to treat HIV/AIDS and hepatitis C, thereby increasing the chances of patients continuing life-saving treatment regimens.
3. Medical Cannabis has many accepted medical uses in the United States, having been recommended by thousands of licensed physicians to more than one million patients in states with Medical Cannabis laws. A wide range of medical and public health organizations, including the American Academy of IV Medicine, the American College of Physicians, the American Nurses Association, the American Public Health Association, the Leukemia & Lymphoma Society, the Epilepsy Foundation, and many others, have recognized Medical Cannabis's medical utility.
4. The Medical Cannabis Program and the Cannabis Commission shall be deemed to be arms of the Sisseton-Wahpeton Oyate of the Reservation and retain the sovereign immunity of the Sisseton-Wahpeton Oyate as it applies to the Program and Commission.

81-01-03 PURPOSE AND SCOPE.

This Code shall be construed to promote the following:

1. That the Sisseton-Wahpeton Oyate hereby exercises its inherent sovereign authority to enact legislation and possesses primary regulatory authority over all commerce, including Medical Cannabis on the Reservation and those lands subsequently acquired by the Tribe.
2. That pursuant to the Treaty with the Sioux – Sisseton and Wahpeton Bands, 15 Stat. 505, considerable emphasis of the Treaty promotes agricultural improvement and prosperity. Specifically, Article X of the Treaty recognizes the right to “adopt such rules, regulations, or laws for ... the agricultural prosperity of the Members . . .”.
3. Pursuant to the Revised Constitution and By-Laws of the Sisseton Wahpeton Oyate, the Tribal Council shall hold the authority to “engage in any business that will further the economic development of the Tribe and its Members, and to use tribal funds or other resources for such purposes.”
4. The purposes of this Code are to:
 - a. Civilly regulate those persons and lands within the Reservation to protect and promote the health, safety, and welfare of individuals and entities on the Reservation with respect to Medical Cannabis; and
 - b. Ensure that seriously ill people on the Reservation have the right to obtain and use Medical Cannabis for medical purposes (i) where that medical use is deemed appropriate and has been recommended by a Practitioner in a Bona fide practitioner-patient relationship where the Practitioner has determined that the patient's health would benefit from use of Medical Cannabis in the treatment of a serious medical condition, or (ii) where the seriously ill person is a medical cannabis Cardholder which card has been issued by a State or tribal authority, or (iii) where the seriously ill person holds a Medical cannabis card issued by a website in accordance with the terms in this Code; and
 - c. Establish protocols for the cultivation/manufacture (growing), packaging, distribution, advertisement, and rules governing the locations and operations of retail Medical Cannabis outlets on the Reservation to meet the needs of Tribe Members and/or Qualified Patients and Designated Caregivers on the Reservation.
5. The purposes of this Code shall be carried out in a manner consistent with balancing the needs of medical patients and their care providers for access to Medical Cannabis with the need to limit societal and environmental impacts that are sometimes associated with Medical Cannabis production.

81-01-04 SPECIFIC APPLICABILITY.

This Code shall apply to Medical Cannabis and shall take precedence over any tribal laws of general applicability.

81-01-05 SOVEREIGN IMMUNITY NOT WAIVED.

By the adoption of this Code the Tribe does not waive its sovereign immunity or consent to suit in any court, whether the court is tribal, federal, or state, and the adoption of this Code shall not be construed to be a waiver of the sovereign immunity of the Tribe, its offices, departments, agents, subsidiaries, corporations, or enterprises nor a consent to suit against the Tribe in any court.

81-01-06 SEVERABILITY.

If any clause, sentence, paragraph, section or part of this Code shall be adjudicated by the Tribal or Appellate Court to be invalid or unconstitutional, such judgment shall not affect, impair, or invalidate the remainder, but shall be confined in its operation to the clause, sentence, paragraph, section, or part, directly involved in the controversy in which the judgment was rendered.

81-01-07 AMENDMENT.

This Code may be amended only upon an affirmative vote of a majority of the Tribal Council of the Sisseton-Wahpeton Oyate.

81-01-08 EFFECT OF HEADINGS.

Headings shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the provisions of any portion of this Code.

TITLE II – DEFINITIONS

81-02-01 DEFINITIONS.

The following definitions shall apply:

1. “Allowable amount of cannabis” means three (3) ounces of cannabis or less of quantities of cannabis products established by regulations promulgated by the Commission.
2. “Applicant” means an individual or person authorized to sign for a business entity, that has applied to participate in the Sisseton Wahpeton Oyate Medical Cannabis Program awaiting approval.

3. “Bona fide practitioner-patient relationship” means that a practitioner and patient have a treatment or consulting relationship (on a live in-person basis or through a video connection on the internet) during the course of which the practitioner has completed an assessment of the patient’s medical history and current medical condition, the practitioner has consulted with the patient with respect to the patient’s debilitating medical condition and the practitioner is available to or offers to provide follow up care and treatment to the patient (on a live in-person basis or through a video connection on the internet). A “bona fide practitioner-patient relationship” shall also include a medical cannabis card obtained through an internet website so long as the internet website requires that a practitioner and patient have a treatment or consulting relationship through such website or other video connection during the course of which the practitioner has completed an assessment of the patient’s medical history and current medical condition, and the medical practitioner has consulted with the patient with respect to the patient’s debilitating medical condition. The Commission shall identify websites which shall treated as establishing a bona-fide practitioner-patient relationship.
4. “Cannabis products” means any concentrated cannabis, cannabis extracts, and products that are infused with cannabis or an extract thereof and are intended for use or consumption by humans. The term includes edible cannabis products, beverages, topical products, ointments, oils, and tinctures.
5. “Cardholder” a qualifying patient or a designated caregiver who has been issued and possesses a valid registry identification card issued by the Tribe, or issued by an authorized State or other tribal authority, or issued by a third party satisfying the bona fide practitioner-patient relationship described above.
6. “CBD” means cannabidiol.
7. “Commercial Sales” means the sale of a product in the stream of commerce at retail or at wholesale, including sales on the internet.
8. “Commission” means the Cannabis Commission within the Tribe delegated with the regulation of Medical Cannabis. The Commission shall be established by the Tribal Council. The Cannabis Commission may also be authorized to regulate Industrial Hemp and other cannabis or cannabis-related industries, as provided by SWO law and policy.
9. “Consumable Product” means a Medical Cannabis Product intended for human or animal consumption.
10. “Debilitating medical condition” means any of the following:

Debilitating Pain
Anxiety
Depression
Insomnia

Headache/Migraine
Post-Traumatic Stress Disorder (PTSD)
Addiction
Diabetes – Neuropathy
Heart Disease
ADD/ADHD
Autism
Bi-Polar Disorder
PMS
Fibromyalgia
Lupus
Hepatitis C
Lyme Disease
Parkinsons
Alzheimers
Arthritis
Irritable Bowel Syndrome and Inflammatory Bowel Disease including Ulcerative Colitis and Crohn’s Disease
Intractable Pain
Anorexia
Cancer associated with severe/chronic pain, nausea or severe vomiting, or cachexia or severe wasting
Tourettes Syndrome
Amyotrophic lateral sclerosis (ALS)
Sleep Apnea
Glaucoma
Multiple Sclerosis
HIV/AIDS
Severe Nausea
Seizures or Seizure Disorders, including those characteristics of epilepsy
Severe and persistent muscle spasms, including those characteristics of multiple sclerosis.

The addition of other medical conditions or treatments may only be accomplished by amending this Code.

11. “Facility” means a greenhouse, building, or other enclosed area used and controlled by a licensee under the Sisseton-Wahpeton Oyate Medical Cannabis Program to produce, possess, process, package, store or sell Medical Cannabis or Medical Cannabis products and/or in which the business records, receipts, or other funds of the operation are maintained (excluding offsite facilities dedicated to storage of those records and financial institutions).
12. “Financial source” means any person or entity that, directly or indirectly extends financing (as equity or debt) to a licensed program or business.
13. “Indian” means any person who is a member of a federally recognized Indian tribe, band, group, pueblo, or community.

14. “Intended for Consumption” means intended for a human or animal to ingest, inhale, topically apply to the skin or hair, or otherwise absorb into the body.
15. “Jurisdiction” or “Jurisdiction of the Tribe” means the Tribe’s criminal, regulatory, and adjudicatory jurisdiction exercised on all lands lying in the territory within the original confines of the Reservation as described in Article III of the Treaty of February 19, 1867 and those lands subsequently acquired by the Sisseton-Wahpeton Oyate, regardless of whether such land is held in trust, fee, or subject to restrictions; provided that as to non-Members the jurisdiction of the Tribe extends to such lands within the Reservation that are held in trust, have been allotted, or are subject to restrictions.
16. “Law Enforcement Officer” means any person employed by Sisseton-Wahpeton Law Enforcement who is authorized to make arrests for violations of the laws or ordinances and that the person is employed to enforce.
17. “Law Enforcement” or “SWLE” means the Sisseton-Wahpeton Law Enforcement.
18. “Licensed facility” shall mean any Facility which has been appropriately licensed in accordance with the provisions of this Code.
19. “Medical Cannabis” means all parts of any plant of the genus cannabis, whether growing or not, in its natural and unaltered state, except for drying or curing and crushing or crumbling. The term does not include fiber produced from the mature stalks of such plants, or oil or cake made from the seeds of such plant. The term does not include the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than three-tenths of one percent of a dry weight basis.
20. “Medical Cannabis Plant Monitoring System” means a system that includes, but is not limited to, testing and data collection established and maintained by the licensed facility and available to the Commission for the purposes of documenting each Medical Cannabis plant for monitoring plant development through the life cycle of the Medical Cannabis plant from seed plant to final packaging.
21. “Medical Cannabis Program” shall mean a program for the growth, distribution, sales, marketing, testing, product development of Medical Cannabis on the Tribal Lands through licensing of the rights to such activities to a tribally owned business, a district owned business and individual members of the Tribe, all as more specifically described in this Code and under the regulations to be promulgated pursuant to the Code.
22. “Medical use” means the acquisition, administration, cultivation, manufacture, delivery, harvest, possession, preparation, transfer, transportation, or use of cannabis or paraphernalia relating to the administration of cannabis to treat or alleviate a qualifying patient’s and/or

Cardholder's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.

23. "Member" means an enrolled Member of the Tribe as defined by the Constitution of the Sisseton-Wahpeton Oyate of the Reservation.
24. "Non-Volatile Solvent" means any solvent used in the extraction process that is not a volatile solvent.
25. "Person/s" or "Individual/s" means all-natural persons and all legal entities, including but not limited to corporations, foundations, organizations, business trusts, estates, limited liability companies, partnerships, limited liability partnerships, associations, or any other form of business entity (regardless of jurisdiction of formation) as well as tribal, federal, state, local or international governmental entities. Sisseton-Wahpeton Oyate Tribal entities including any agencies, offices, enterprises, corporations, and political subdivisions, such as Community governments of Sisseton-Wahpeton Oyate Tribe which apply for a license.
26. "Practitioner" means a physician who is licensed with authority to prescribe drugs to humans.
27. "Public lands" means lands that have been set aside by the Sisseton-Wahpeton Oyate for the collective use or enjoyment of tribal members including but not limited to parks, trails, roadways, or ditches.
28. "Qualifying (or qualified) patient" means (i) a person who has been diagnosed by a practitioner, in a bona fide practitioner-patient relationship with such person, as having a debilitating medical condition, and such practitioner has determined that the patient's health would benefit from use of Medical Cannabis in the treatment of such serious medical condition, or (ii) a person that holds a validly issued medical cannabis card from a state or tribal authority other than the Tribe, or (iii) a person that holds a medical cannabis card obtained through an internet website so long as the internet website requires that a practitioner and patient have a treatment or consulting relationship through such website or other video connection during the course of which the practitioner has completed an assessment of the patient's medical history and current medical condition, and the medical practitioner has consulted with the patient with respect to the patient's debilitating medical condition.
29. "Registry identification card" means a document issued by either (i) the individual identified by the Commission that designates a person as a registered qualifying patient or registered designated caregiver, or (ii) the medical cannabis card issued by a Native American tribal governmental authority, or State Medical Marijuana card (iii) a medical cannabis card issued by a third party to a qualifying patient in any state.
30. "Tribal Courts" or "Courts" means the Sisseton-Wahpeton Oyate Tribal Court and the Sisseton-Wahpeton Oyate Supreme Court.

31. "Tribal Lands" means all lands lying in the territory within the original confines of the Reservation as described in Article III of the Treaty of February 19, 1867, and those lands subsequently acquired by the Sisseton-Wahpeton Oyate.
32. "Tribe" or "Tribal" means the Sisseton-Wahpeton Oyate of the Reservation and includes its activities, programs, agencies, departments, divisions, instrumentalities, economic development enterprises, and their respective officials.
33. "Volatile Solvent" means any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures.
34. "Written certification" means a document dated and signed by a practitioner, stating that in the practitioner's professional opinion the patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's debilitating medical condition or symptom associated with the debilitating medical condition. This document shall affirm that it is made in the course of a bona fide practitioner-patient relationship and shall specify the qualifying person's debilitating medical condition.

TITLE III MEDICAL CANNABIS AUTHORIZED

81-03-01 SISSETON-WAHPETON OYATE MEDICAL CANNABIS PROGRAM.

The Tribal Council of the Sisseton-Wahpeton Oyate of the Reservation hereby authorizes the Sisseton-Wahpeton Oyate Medical Cannabis Program, which shall operate within the boundaries of the Reservation and shall be implemented in accordance with this Code, any applicable regulations, and any compacts or agreements between the Sisseton-Wahpeton Oyate and any other governmental entity.

81-03-02 USE OF MEDICAL CANNABIS AUTHORIZED.

The Tribal Council of the Sisseton-Wahpeton Oyate of the Reservation hereby authorizes the possession and use of Medical Cannabis within the boundaries of the Reservation provided that Medical Cannabis is used in accordance with this Code and accompanying regulation and the cardholder does not possess more than the allowable amount of cannabis.

81-03-03 ALLOWABLE AMOUNTS OF MEDICAL CANNABIS.

1. A Licensed Facility may not dispense, and a registered qualifying patient or caregiver may not possess more than three (3) ounces of Medical Cannabis in any seven (7) day period.
2. An individual may own up to four (4) plants in the area(s) applicable, such as an individual's land, which is one hundred percent owned by the individual, or within the Sisseton-Wahpeton

Oyate one hundred percent owned lands, where federal funds are not utilized and a permit is obtained.

81-03-04 MEDICAL CANNABIS REGISTRATION.

An individual shall be considered a qualifying patient if (i) such person receives a written certification from a medical practitioner stating that in the practitioner's professional opinion the patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's debilitating medical condition or symptoms associated with the debilitating medical condition, or (ii) such person holds a valid medical cannabis registry card issued by a state government or by a tribal government, or (iii) such person holds a medical cannabis card issued by a third party website in accordance with the definition of qualifying patient. The Commission shall promulgate regulations regarding the process for obtaining such written certifications and the maintenance of a registry of qualifying patients and designated caregivers.

81-03-05 MEDICAL CANNABIS REGISTRATION FOR PATIENTS UNDER THE AGE OF 18.

An individual under the age of eighteen (18) may not be issued a registry identification card or participate in the Sisseton-Wahpeton Medical Cannabis Program unless:

1. The qualifying patient's practitioner has explained the potential risks and benefits of the medical use of cannabis to the custodial parent or legal guardian with responsibility for health care decisions of the qualifying patient; and
2. The custodial parent or legal guardian with responsibility for health care decisions for the qualifying patient ("Designated caregiver") consents in writing to:
 - a. Allow the qualifying patient's medical use of cannabis;
 - b. The person serves as the qualifying patient's designated caregiver; and
 - c. The designated caregiver controls the acquisition, dosage, and frequency of the medical use of cannabis by the qualifying patient.

TITLE IV REGULATORY DUTIES

81-04-01 SISSETON-WAHPETON OYATE CANNABIS COMMISSION.

The Sisseton-Wahpeton Oyate of the Lake Traverse Reservation hereby creates the Cannabis Commission and delegates certain authority to the Cannabis Commission to carry out the policies and requirements established by this law for all Medical Cannabis activities within the Reservation and those lands and property subsequently acquired by the Sisseton-Wahpeton Oyate. The Cannabis Commission may also be authorized to regulate Industrial Hemp and other cannabis or

cannabis-related industries, as provided by SWO law and policy. This Code does not limit, expand, or otherwise affect the authority of the Commission as may be provided by other SWO law.

1. Appointment and Officers.

a. The Commission shall have five (4) regular members comprised of three (3) Sisseton-Wahpeton Oyate tribal members and one (1) ex-officio Tribal Council Members. The Tribal Council may appoint one (1) additional Sisseton-Wahpeton Oyate Tribal Council Member to serve as an alternate provided that the alternate only participates in Commission activities if a regular member is absent. The Tribal Council shall appoint commissioners, the alternate, and the Ex-Officios. To regulate Medical Cannabis in accordance with this Chapter, minimum qualifications for the Commission require that each Commissioner:

- 1) Must demonstrate experience and knowledge in government affairs, agriculture, cannabis, hemp, business, or law, or Tribal government regulatory experience; and have an understanding of applicable laws regarding cannabis and hemp and the cannabis and hemp industries;
- 2) Have a completed and approved federal, state, and tribal background check conducted prior to voting on any matters;
- 3) Shall not have been convicted of a felony relating to a controlled substance under Tribal, State, or Federal law.

b. The Commission shall elect from among its Members a Chair, Vice-Chair, Secretary and Treasurer. In the absence of the Chair, the Vice-Chair shall preside and in the absence of both the Chair and Vice-Chair, the Secretary shall preside.

c. Officers.

1) Commission Chair.

- a) The Commission Chair serves as the Commission meeting facilitator and promotes good board leadership and governance.
- b) The Commission Chair keeps the board focused on issues that promotes the Department's mission, vision and strategic direction.
- c) The Commission Chair establishes meeting agendas.
- d) The Commission Chair shall vote only in the event of a tie.

2) Commission Vice-Chair.

a) The Vice-Chair shall keep full and accurate financial records, make periodic reports to the Commission, and submit a complete annual report in written form to the Tribal Council.

b) The Vice-Chair shall preside over meetings in the absence of the Chair.

3) Commission Secretary

a) The Commission Secretary shall keep complete and accurate records of all meetings and actions taken by the Commission.

b) The Commission Secretary shall preside in the absence of the Chair and the Vice-Chair

2. Meetings.

Meetings of the Commission shall be held at regular intervals as provided in the Regulations promulgated under the Commission's authority. Emergency meetings may be held upon twenty-four (24) hours actual notice, and business transacted, provided that not less than a majority of the full Commission concurs with the proposed action.

3. Voting.

A majority of the full Commission notwithstanding the existence of any vacancies shall constitute a quorum for the transaction of business. No action shall be taken by a vote of less than a majority of such full Commission.

4. Conflict of Interest.

a. The Commission shall prohibit any conflict of interest in the operation of their duties. This includes but is not limited to matters involving the selection, services and actions of the Commission including actions taken in and the procurement of supplies, equipment, other property, construction, and services.

b. During their tenure and for one (1) year thereafter, no Commissioner who exercises any responsibilities or functions with regard to Tribal projects, shall voluntarily acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any licensed cannabis project, or in any contract or proposed contract relating to any licensed cannabis project.

c. A Commissioner shall not participate in any action by the Commission relating to application, contracts, licenses, or other business in which they have any personal, financial, or familial interest. Any violation of the foregoing provisions of this Section shall constitute misconduct.

5. Compensation.
 - a. Members of the Commission may receive a stipend, as eligibility and budget permits, and shall be reimbursed for any reasonable and documented expenses actually incurred in connection with their performance of duties and responsibilities.
 - b. The Commission shall establish a proposed budget delineating the Commission's compensation and training and ensure the budget complies with funding guidelines and tribal law and policy.
6. Terms of Office. Commissioners shall serve a term of four (4) years; there are no conditions on how many terms a Commissioner may serve.
7. Removal, Vacancy and Interim Appointment.
 - a. Removal by Tribal Council. A Commissioner may be removed only for cause by the Tribal Council, with a preference for non-removal in order to provide stability and predictability to the Commission.
 - b. Resignation. A Commissioner may resign at any time and the resignation shall be made in writing to the Commission and Tribal Council.
 - c. Interim Tribal Council Functions. The Tribal Council may function as the Cannabis Commission in the interim period that it takes for the appointments to the Cannabis Commission to occur but in no case may the Tribal Council serve as the Cannabis Commission past March 31, 2022.

81-04-02 AUTHORITY AND DUTIES OF CANNABIS COMMISSION.

The Sisseton-Wahpeton Oyate Cannabis Commission shall have the duty and authority to regulate Medical Cannabis on the Reservation. In furtherance of this duty and authority:

1. Medical Cannabis Producers must obtain a license from the Commission prior to engaging in such activity.
2. Licensed growers of Medical Cannabis and producers of Medical Cannabis Products (collectively "Medical Cannabis Producers") shall provide to the Commission the legal description and GPS coordinates sufficient for locating the land area and each field, greenhouse, or structure where the person cultivates cannabis, or intends to cultivate cannabis, or produce the products.
3. Notwithstanding any rule of regulation to the contrary, the inclusion of Medical Cannabis as an ingredient in a consumable product shall not by itself render the product misbranded or adulterated.

4. All Medical Cannabis Producer Applications approved shall be maintained for a period of at least five (5) years.

81-04-03 INSPECTIONS.

The Commission shall have the authority and responsibility to conduct inspections of Medical Cannabis Producers and all registered land areas to verify compliance with all requirements of the license issued in accordance with the provisions of this Title. Inspection may include sampling by the Commission inspectors for testing to determine cannabis or cannabis product THC levels or for any other Commission defined purpose. Inspections and testing shall be conducted at a minimum annually, and may be conducted randomly, or otherwise.

81-04-04 REGULATORY AUTHORITY.

1. The Commission shall provide oversight to ensure compliance with this Code and all applicable regulations or intergovernmental compacts. The Commission shall serve as the licensing authority for facilities, programs, and person required to be licensed as set forth within this Code. The Commission shall administer background investigations as part of the licensing process. The Commission may issue temporary licenses pending completion of the application process and background investigations. All licensing decisions by the Commission are final with no right to appeal to the Tribal Council.
2. The Commission shall monitor the compliance of the Sisseton-Wahpeton Oyate Medical Cannabis Program's internal controls and in tracking Medical Cannabis revenues. To carry out its regulatory duties, the Commission shall have unrestricted access to all areas of a facility and to all its records. The Commission shall have authority to take enforcement actions, including suspension or revocation of any license, when appropriate.
3. The jurisdiction, supervision, powers, and duties of the Commission extend to all facilities, Programs, and persons licensed pursuant to this Code.
4. The Commission shall have the functions, powers, and duties specified herein as well as those necessary or proper to enable it to carry out fully and effectually all the purposes of this Code. These functions, powers, and duties include but are not limited to, the power:
 - a. To regulate the purchase, production, possession, processing, packaging, storing, transporting, transferring, selling and receipt of Medical Cannabis Products on the Reservation in accordance with the provisions of this Code and applicable regulations;
 - b. To grant, deny, issue, renew, refuse, suspend, cancel, or revoke temporary and final licenses necessary for the lawful operation of a Medical Cannabis Program or Facility on the Reservation pursuant to this Code;

- c. To conduct background investigations, or cause such investigations to be conducted, for all persons needing licenses;
 - d. To obtain and process fingerprints, or designate a law enforcement or other Tribal agency to obtain and process fingerprints;
 - e. To inspect, examine and monitor all of the activities of a Facility and Program licensed by the Oyate and have immediate access to review, inspect, examine, photocopy and audit all records;
 - f. To ensure that the applicable taxes and fees are levied and collected pursuant to the Tax Code and any other tribal law;
 - g. To investigate and aid in the prosecution of every violation of this Code and cooperate in the prosecution of offenders before any tribal, state, or federal court of competent jurisdiction;
 - h. To promulgate and issue regulations necessary to comply with applicable internal control standards; and
 - i. To promulgate such regulations as are necessary for implementation of this Code which when adopted will have the force of law.
5. The Commission has no power to purchase, produce, possess, process, package, store, transport, transfer, or sell Medical Cannabis or Medical Cannabis products. The Commission may not revoke or refuse to issue or renew a temporary or final license on the basis that manufacturing, distributing, dispensing, possessing, or using Medical Cannabis is prohibited by federal law.

81-04-05 COMMISSION RULEMAKING AUTHORITY.

- 1. Not later than 60 (Sixty) days after the Cannabis Commission is seated, the Commission shall create regulations that supplement and implement this Code, with such regulations being adopted by a majority vote of the Commission. Such regulations shall include:
 - a. Requirements to prevent the sale, diversion, or distribution of Medical Cannabis and Medical Cannabis products to persons under the age of 18, except as prescribed by a practitioner and as otherwise provided for in 81-03-05;
 - b. Requirements to prevent revenue from the sale of Medical Cannabis and Medical Cannabis products from going to criminal enterprises, gangs, and cartels;

- c. Requirements to prevent the diversion of Medical Cannabis Products from the Reservation, the State of South Dakota, and the State of North Dakota, where it is legal under state law in some form, to other states where it is illegal in all forms;
- d. Requirements to prevent Tribal Medical Cannabis activity from being used as cover or a pretext for trafficking of other illegal drugs or illegal activity;
- e. Requirements to prevent violence and the use of firearms in the cultivation and distribution of Medical Cannabis and Medical Cannabis products on the Reservation;
- f. Requirements to prevent drugged driving and the exacerbation of other adverse public health consequences associated with Medical Cannabis use on the Reservation;
- g. Requirements to prevent the growing of Medical Cannabis on public land and the attendant public safety and environmental dangers posed by Medical Cannabis production on public lands. For purposes of this Code, a Licensed Facility, owned and operated by the Oyate or a tribal member, shall not constitute public lands, provided that adequate security measures are in place to limit access to the general public;
- h. Requirements to prevent Medical Cannabis possession or use on federal property. For purposes of this Code, a Licensed Facility, owned and operated by the Oyate or a tribal member, shall not constitute federal property, provided that adequate security measures are in place to limit access to the general public;
- i. Procedures for the granting, denying, issuance, renewal, refusal, suspension, cancellation, or revocation of temporary and final licenses for a Facility, the Program, and Persons needing to be licensed;
- j. Procedures for obtaining such written certifications of medical need, Medical Cannabis cards, and the maintenance of a registry of qualifying patients and designated caregivers;
- k. Procedures for the use of Medical Cannabis at schools within the Reservation, if such use is permitted by the applicable school board;
- l. A schedule of application, registration, and renewal fees necessary to cover the costs to implement this Code;
- m. Security requirements for Facilities on the Reservation, including lighting, physical security, video, and alarm requirements;

- n. Requirements for the transportation of Medical Cannabis and Medical Cannabis products including seed-to-sale tracking included as part of a Medical Cannabis Plant Monitoring System;
- o. Labeling requirements for Medical Cannabis and Medical Cannabis Products sold or distributed by the Program;
- p. Health and safety requirements and standards for the manufacture of Medical Cannabis Products and the production of Medical Cannabis;
- q. Restrictions on the advertising, marketing, signage, and display of Medical Cannabis and Medical Cannabis products, including but not limited to a prohibition on mass-market campaigns that have a high likelihood of reaching minors;
- r. Employment and training requirements, including requiring that each Licensed Facility have a photo identification badge system for each person who works at the Facility;
- s. Restrictions governing visits to Licensed Facilities, including requiring the Facility to log visitors and issue temporary badges for all visitors on site;
- t. Restrictions on the display of Medical Cannabis and Medical Cannabis products, including ensuring that Medical Cannabis and Medical Cannabis products may not be displayed in a manner that is visible to the general public from a public right-of-way;
- u. Restrictions or prohibitions on additives to Medical Cannabis and Medical Cannabis Products, including but not limited to those that are toxic, designed to make the product more addictive, designed to make the product more appealing to children, or misleading to consumers;
- v. Restrictions on the use of pesticides and other chemicals that might harm human health;
- w. Standards for the safe manufacture of Medical Cannabis extracts and concentrates;
- x. Specifications for a Medical Cannabis Plant Monitoring System;
- y. Requirements for random sample testing which may done on or off- site to ensure quality control, including by ensuring that Medical Cannabis and Medical Cannabis Products are accurately labeled for potency. The testing analysis shall include testing for such substances as the following, in the discretion of the Commission: residual solvents; poisons or toxins; harmful chemicals; dangerous molds or mildew; filth; and harmful microbials such as E. Coli or salmonella and pesticides;

- z. Standards for the operation of Medical Cannabis testing facilities, including requirements for equipment and qualifications for personnel;
- aa. Procedures for collecting fees levied;
- bb. Minimum internal control standards designed to reasonably assure that: (i) assets are safeguarded and accountability over assets is maintained; (ii) liabilities are properly recorded and contingent liabilities are properly disclosed; (iii) financial records including records relating to revenues, expenses, assets, liabilities, and equity/fund balances are accurate and reliable; (iv) transactions are performed in accordance with the Commission's general or specific authorization; (v) access to assets is permitted only in accordance with the Commission's approved procedures; (vi) recorded accountability for assets is compared with actual assets at frequent intervals and appropriate action is taken with respect to any discrepancies; (vii) functions, duties and responsibilities are appropriately segregated and performed in accordance with sound practices by qualified personnel; and (viii) all persons subject to this Code comply with this Code and applicable regulations;
- cc. Provisions establishing civil penalties for the failure to comply with this Code or regulations adopted hereunder; and
- dd. Reservation of Rights. The Tribe reserves the right to amend the provisions of this Code and the regulations at any time for any reason. Nothing in this Code shall be construed to limit the Tribe's legislative or regulatory authority to enact or promulgate legal requirements that apply to all licensees. This provision shall apply to all licenses, vendors, and commercial entities, without regard to when they received a license or entered into an agreement with the Sisseton-Wahpeton Oyate.
- ee. Create a process that will ensure that all cultivation, dispensary, and manufacturing is to be on one hundred (100%) percent Tribally owned or individual trust lands.
- ff. Create a process that will allow the importation and transportation of cannabis products from within the original Sisseton-Wahpeton Oyate boundaries and from other federally recognized Indian tribes.
- gg. Create a policy on testing, and for it to be conducted through state cannabis testing facilities unless the Tribe owns and operates one, then that facility may be used along with the state cannabis testing facilities.
- hh. Create regulations for the licensing of manufacturing and sale of hemp derived edible products.
- ii. Create regulations for the use and cultivation of cannabis through greenhouse growing establishments.

- jj. Create regulations for the use of research and development waivers for sun grown cannabis.
- kk. Create regulations and license for the manufacturing of cannabis products.
- ll. Create regulations requiring cannabis product packaging.

TITLE V LICENSING

81-05-01 MEDICAL CANNABIS PROGRAM.

1. The Medical Cannabis Applicants and Facilities shall apply for a license and any required subsequent renewals as required by the regulations adopted by the Commission.
2. Every application for a license or renewal shall be accompanied by a nonrefundable fee established by the Commission. This application or renewal fee shall be in addition to fingerprinting, photographing, and background check costs. Fingerprinting, photographing, and background check fees will be as established by the Commission. All temporary and final licenses expire after one year and must be renewed annually.
3. All licensed Medical Cannabis Facilities must keep accurate records and follow accepted cash handling practices, including regular bank runs and cash drops, and maintain a general ledger of cash transactions.
4. All licensed Medical Cannabis Facilities must submit copies of annual financial statements within one hundred twenty (120) days after the close of each fiscal year to the Commission and to the Tribal Council. These annual financial statements shall conform to generally accepted auditing standards.
5. All persons (whether individual or entities), facilities, financial sources, licensed facilities, or tribal members included in any for-profit business entity conducting a retail business as set forth in this Code, with the purpose of selling Medical Cannabis to a qualifying patient or other person shall comply with the requirements of Chapter 53, SWO Business License Ordinance, Chapter 67, SWO Tax Code, and any other law now or in the future made applicable to Medical Cannabis.

81-05-02 MEDICAL CANNABIS FACILITY LICENSING.

1. This Code authorizes ten (10) retail facility licenses to operate on trust lands within the exterior boundaries of the Sisseton-Wahpeton Oyate Lake Traverse Reservation, the square footage of each retail facility shall be up to eight thousand (8,000) square feet. The awarding and costs of the licenses are to be determined by the Cannabis Commission Regulations.
2. This Code authorizes ten (10) small indoor cultivation facility licenses to operate on trust lands within the exterior boundaries of the Sisseton-Wahpeton Oyate Lake Traverse

Reservation, the square footage of each cultivation facility shall be up to five thousand (5,000) square feet. The awarding and costs of the licenses are to be determined by the Cannabis Commission Regulations.

3. This Code authorizes three (3) medium indoor cultivation facility licenses to operate on trust lands within the exterior boundaries of the Sisseton-Wahpeton Oyate Lake Traverse Reservation, the square footage of each cultivation facility shall be from five thousand (5,000) square feet to fifteen thousand square feet (15,000). The awarding and costs of the licenses are to be determined by the Cannabis Commission Regulations.
4. This Code authorizes three (3) large indoor cultivation facility licenses to operate on trust lands within the exterior boundaries of the Sisseton-Wahpeton Oyate Lake Traverse Reservation, the square footage of each cultivation facility shall be from fifteen thousand (15,000) square feet to thirty thousand square feet (30,000). The awarding and costs of the licenses are to be determined by the Cannabis Commission Regulations.
5. This Code authorizes five (5) manufacturing facility licenses to operate using non-volatile solvents on trust lands within the exterior boundaries of the Sisseton-Wahpeton Oyate Lake Traverse Reservation, the square footage of each manufacturing facility shall be up to two thousand five hundred (2,500) square feet. The awarding and costs of the licenses are to be determined by the Cannabis Commission Regulations.
6. This Code authorizes three (3) manufacturing facility licenses to operate using non-volatile solvents on trust lands within the exterior boundaries of the Sisseton-Wahpeton Oyate Lake Traverse Reservation, the square footage of each manufacturing facility shall be from two thousand five hundred (2,500) square feet to five (5,000) thousand square feet. The awarding and costs of the licenses are to be determined by the Cannabis Commission Regulations.
7. This Code authorizes only one (1) manufacturing facility license for the Sisseton-Wahpeton Oyate operate allowing the use of volatile solvents on trust lands within the exterior boundaries of the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation. The costs of the specialty license is to be determined by the Cannabis Commission Regulations.
8. All production, possession, processing, packaging, and storing of Medical Cannabis must take place in a secure facility located on the Sisseton-Wahpeton Reservation. The secure facility may only be accessed by licensed persons, authorized visitors, emergency personnel, and law enforcement. The facility must be licensed by the Commission to lawfully operate on the Reservation.
9. All Licensed Facilities shall be constructed, maintained, and operated in a manner that adequately protects the environment and the health and safety of the public. The Commission shall identify the environmental, health, and public safety standards with which the Licensed Facility must comply. At a minimum, the Facility must be constructed to meet the Uniform Building Codes then in effect, including all uniform fire, plumbing, electrical, mechanical, and related codes and be operated so as not to create or allow erosion or result in contaminated runoff into any stream, creek, river, or other body of water.

10. The Commission may limit the size, location, capacity, and hours of operation depending on adverse impacts on the Oyate, environment, and surrounding area. The Licensed Facility must have an air treatment system that ensures off-site odors do not result. No Licensed Facility may be located within one thousand (1,000) feet of a school or child-care center
11. A Licensed Facility shall post clear and legible signs indicating that the use or consumption of Medical Cannabis at the Facility is illegal. No Medical Cannabis or Medical Cannabis product testing may be done on-site. All such random sample testing must be done off-site by a registered Medical Cannabis testing facility approved by the Commission.
12. All entrances to a Licensed Facility must always be locked and strictly controlled. The Commission shall prescribe those procedures necessary to ensure proper security and control of a Licensed Facility.
13. No person under the age of eighteen (18) may be present at a Licensed Facility. The entrance to a Facility must be clearly and legibly posted with a notice indicating that persons under the age of eighteen (18) are precluded from entering the Facility.
14. A Licensed Facility shall provide adequate security on the premises, as approved by the Commission, including lighting and alarms, to ensure the safety of persons, to prevent unauthorized access, and to protect the Facility from theft.
 - a. These measures may include continuous video surveillance of all areas identified by the Commission, such as entrances, exits, areas immediately surrounding the Facility, and areas where Medical Cannabis and/or cash is located. The Commission will determine the length of time such surveillance must be retained.
 - b. These measures may also include the use of professional armed guards licensed or registered by relevant authorities as determined by the Commission.

81-05-03 LICENSING OF INDIVIDUALS.

1. Excluding persons who are only qualified patients, persons with valid identification cards, or designated caregivers receiving Medical Cannabis from the Medical Cannabis Program, the following persons must be licensed by the Commission to lawfully operate on the Reservation:
 - a. All owners, operators, managers, officers, directors, volunteers, employees, agents, and contractors (excluding licensed professionals);
 - b. All other persons having a significant influence over a licensed Medical Cannabis Facility and Dispensary; and

- c. All persons having a direct financial interest in a licensed Medical Cannabis License, Business or Property.
2. All such persons needing to be licensed must apply to the Commission. At a minimum, the application must request the following information:
 - a. Full name, other names used (oral or written), social security number, birth date, place of birth, citizenship, gender and all languages spoken and/or written;
 - b. Current, and for the previous five (5) years, business and employment positions held, ownership interests in those businesses, business and residential addresses, and driver's license numbers;
 - c. The names and current addresses of at least three (3) personal references, including one personal reference with whom the applicant was acquainted during each period of residence listed above;
 - d. Current business and residential telephone numbers, and all cell phone numbers;
 - e. A description of any existing and previous business relationships with other tribes, including any ownership interests in the businesses;
 - f. A description of any existing and previous business relationships with the Medical Cannabis industry generally, including ownership interests in the businesses;
 - g. The name and address of any licensing or regulatory agency with which the person has filed an application for a license or permit related to Medical Cannabis, whether such license or permit was granted;
 - h. For each felony conviction or ongoing felony prosecution, the charge, the name and address of the court involved, and the date of disposition, if any;
 - i. For each misdemeanor conviction or ongoing misdemeanor prosecution (excluding minor traffic violations) within ten (10) years of the date of the application, the name and address of the court involved and the date of disposition, if any;
 - j. For each criminal charge (excluding minor traffic charges), whether or not there is a conviction, if such criminal charge is within ten (10) years of the date of the application, the criminal charge, the name and address of the court involved, and the date of disposition, if any;
 - k. A current photograph;
 - l. Fingerprints; and

- m. Copy of SWO Tribal ID Card.
3. The Commission shall investigate the background of every individual applicant before the applicant may be licensed. As part of the investigation, the Commission shall:
 - a. Verify the applicant's identity through items such as a social security card, driver's license, birth certificate or passport;
 - b. Contact each personal and business reference provided in the license application, when possible;
 - c. Conduct a personal credit check of the applicant;
 - d. Conduct a civil history check for past or outstanding judgments, current liens, past or pending lawsuits, and any other information deemed to be relevant;
 - e. Conduct a criminal history records check using fingerprints;
 - f. Based on the results of the criminal history records check, as well as information acquired from an applicant's self-reporting or from any other source, obtain information from the appropriate court regarding any past felony and/or misdemeanor convictions or ongoing prosecutions within the past ten (10) years; a felony will not prevent an individual from obtaining a license, unless it is any felony regarding distribution of illegal substances and/or controlled substances.
 - g. Inquire into any previous or existing business relationships with the Medical Cannabis industry;
 - h. Verify the applicant's history and current status with any licensing agency by contacting the agency; and
 - i. Take other appropriate steps to verify the accuracy of the information.
 4. The Commission shall ensure that all records and information obtained because of a background investigation shall remain confidential and shall not be disclosed to any persons who are not directly involved in the licensing or employment processes.
 5. All applicants approved for a license under this Code shall expressly indemnify, release, and hold harmless the Sisseton-Wahpeton Oyate from and against any and all liability from state or federal criminal/civil judgements and any liability whatsoever related to any license issued under this Code and regarding any and all activities conducted by any licensee, their agent, employees, and representatives.

81-05-04 FINANCIAL SOURCE LICENSING.

1. Any person (whether individual or entity) extending financing (whether equity or debt), directly or indirectly, to the licensed Medical Cannabis Program must be licensed by the Commission prior to extending that financing, provided that any person who is extending financing at the time of the adoption of this Code shall be licensed by the Commission as soon as practicable.
2. These licenses shall be reviewed quarterly for continuing compliance and renewal. In connection with such a review, the Commission shall require the financial source to update all information provided in the previous application.
3. Any agreement between a tribal entity licensed under the Medical Cannabis Program and a financial source shall include a provision for the agreement's termination without further liability on the part of the tribal entity licensed under the Medical Cannabis Program, except for the bona fide repayment of all outstanding principal sums (exclusive of interest) owed as of the date of termination or upon revocation or non-renewal of the financial source's license by the Commission acting in good-faith.
4. The Commission may, at its discretion, exclude from the licensing requirements of this section, financing provided by a bank, savings and loan, or other financial institution regulated by a tribal, state, or federal government or financing provided by any agency of a tribal, state, or federal government.
5. Investment must be in the form of bank transfer or check and verified by the commission.
6. Sale or transfer of a license is prohibited.
7. At least 51% of a licensed business must be owned by a Sisseton-Wahpeton Oyate tribal member, or an authorized tribal entity, or a tribal district owned business entity.

TITLE VI GENERAL PROHIBITIONS

81-06-01 GENERAL PROHIBITIONS.

1. Nothing in this Code shall operate or be construed to allow the State of South Dakota, the State of North Dakota, or any political subdivision thereof the ability to impose criminal, civil, regulatory, or land use laws within the jurisdiction of the Sisseton-Wahpeton Oyate of the Reservation.
2. Nothing in this Code shall be deemed to conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. § 841, or otherwise permit any activity that is unlawfully and constitutionally prohibited under that Act.

3. Nothing in this Code shall be construed to:
 - a. Allow persons to engage in conduct that endangers others or causes a public nuisance;
 - b. Allows the use of Medical Cannabis for nonmedical purposes;
 - c. Allows any activity related to the cultivation, distribution, or consumption of Medical Cannabis that is otherwise illegal.

4. To the extent practicable, this Code shall operate to:
 - a. Prevent the distribution of Medical Cannabis to persons under 18 years of age, except as prescribed by a practitioner and as otherwise provided for in 81-03-05;
 - b. Prevent revenue from the sale of Medical Cannabis from going to organized criminal enterprises, gangs, and cartels;
 - c. Prevent the diversion of Medical Cannabis from the Sisseton-Wahpeton Oyate of the Reservation where it is legal under state law or Tribal Code in some form to states where Medical Cannabis is illegal;
 - d. Prevent Medical Cannabis activity that is legal under this Code from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;
 - e. Prevent violence and the use of firearms in the cultivation and distribution of Medical Cannabis;
 - f. Prevent drugged driving and the exacerbation of other adverse public health consequences associated with the use of Medical Cannabis;
 - g. Prevent the growing of Medical Cannabis on public lands and the attendant public safety and environmental dangers posed by Medical Cannabis production on public lands; and
 - h. Prevent the possession and use of Medical Cannabis on federal property.

5. This Code shall not be construed to:
 - a. Prohibit a recipient of a federal grant or an applicant for a federal grant from prohibiting the manufacture, delivery, possession, or use of Medical Cannabis to the extent necessary to satisfy federal requirements for the grant;
 - b. Prohibit a party to a federal contract or a person applying to be a party to a federal contract from prohibiting the manufacture, delivery, possession, or use of Medical

Cannabis to the extent necessary to comply with the terms and conditions of the contract or to satisfy federal requirements for the contract; or

- c. Require a person to violate a tribal, state, or federal law or exempt a person from a tribal, state, or federal law or obstruct the enforcement of a tribal, state, or federal law.

81-06-02 LIMITATION ON RETAIL ACTIVITY.

No Person or Business Entity, unless licensed by the Sisseton-Wahpeton Oyate Cannabis Commission, may purchase, produce, possess, process, package, store, transport, transfer, or sell Medical Cannabis or-Medical Cannabis, or products on a retail basis on the Reservation.

81-06-03 PRODUCTION FOR INDIVIDUAL USE.

No individual may produce Medical Cannabis products on the Reservation for individual use except as outlined in 81-03-03 (2).

81-06-04 DRIVING UNDER THE INFLUENCE.

Nothing in this Code is intended to allow driving under the influence of Medical Cannabis or driving while impaired by Medical Cannabis or to supersede laws related to driving under the influence or driving while impaired.

81-06-05 PERSONS UNDER THE AGE OF 18.

Nothing in this Code is intended to permit the transfer of Medical Cannabis, with or without remuneration, to a person under the age of 18 or to allow a person under the age of 18 to purchase, possess, use, transport, grow, or consume Medical Cannabis except as prescribed by a practitioner and as otherwise provided for in 81-03-05.

81-06-06 EMPLOYMENT.

Nothing in this Code is intended to require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of Medical Cannabis in the workplace or to affect the ability of employers to have policies restricting the use of Medical Cannabis by employees or discipline employees who are under the influence of Medical Cannabis in the workplace.

81-06-07 POSSESSION OF FIREARMS.

The possession of firearms shall be prohibited at Licensed Facilities except for law enforcement or security personnel authorized to carry such firearm by the Board or by federal law.

81-06-08 TRANSPORTATION OF CANNABIS

Every Cannabis Licensee that transports cannabis products within the boundaries of the Sisseton-Wahpeton Oyate shall obtain a transporter license from the Cannabis Commission.

81-06-09 TRANSPORTATION OF CANNABIS OUTSIDE THE BOUNDARIES OF THE LAKE TRAVERSE RESERVATION

Transportation of cannabis beyond the boundaries of the reservation is prohibited, unless it's done in accordance with applicable law and regulation of Cannabis Commission.

81-06-10 MANUFACTURING OF CANNABIS

Every manufacturer of a cannabis product or hemp derived consumer product must have a license through the Cannabis Commission and must comply with permissible methods of extraction and quality control requirements.

TITLE VII REPORTING REQUIREMENTS

81-07-01 LICENSEE REPORTING REQUIREMENTS.

Changes in Contact Information. Licensee shall report any changes in contact information to the Commission within fourteen (14) days of the change.

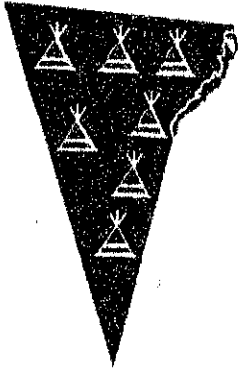
81-07-02 COMMISSION REPORTING REQUIREMENTS.

1. Retention. The Commission shall maintain information on Medical Cannabis licenses, license applications, and other relevant information regarding land on which cannabis is produced, including a legal description of the land, for a period of not less than five (5) calendar years.
2. Commission Recordkeeping and Reporting Requirements are as follows:
 - a. Commission shall retain for a period of at least five (5) calendar years, all information required to be collected or submitted pursuant to this Chapter.
 - b. The Commission shall report annually to the Tribal Council on the fee amount, the acres of Medical Cannabis in production and the revenue generated from Medical Cannabis.

81-07-03 CONFIDENTIALITY.

Except as required by reporting and to law enforcement, the Commission shall protect the privacy of the following collected information: proprietary information, all personally identifiable

information including name; physical address; drivers' licenses; social security numbers; GPS coordinates; telephone numbers; email address. Such information shall be shielded by the Commission to the maximum extent.



Sisseton - Wahpeton Oyate

LAKE TRAVERSE RESERVATION

PO BOX 509 • 12554 BIA HWY. 711
AGENCY VILLAGE, SOUTH DAKOTA 57262-0509
PHONE: (605) 698-3911

TRIBAL COUNCIL RESOLUTION NO. SWO-24-132

Amendment to Chapter 81 Medical Cannabis Code

WHEREAS, The Sisseton-Wahpeton Oyate is organized under a Constitution and By-laws adopted by the members of the Tribe on August 1-2, 1966, and approved by the Commissioner of Indian Affairs on August 25, 1966, and last amended effective November 15, 2006; and

WHEREAS, The Constitution ARTICLE III, Section 1, states that, the Sisseton-Wahpeton Oyate shall be governed by a Council, and ARTICLE VII, Section 1, states that, the Council shall have the following powers: (a) to represent the Tribe in all negotiations with Federal, State and local governments; (b) to acquire, own, use, manage, lease and otherwise encumber and to dispose of Tribal property, both real and personal, wherever situated; (c) to engage in any business that will further the economic development of the Tribe and its Members, and to use Tribal funds or other resources for such purposes; (d) to make rules governing the relationship of the members of the Tribe, to Tribal property, and to one another as members of the Tribe; (e) to hire employees and agents, including legal counsel, directly or as independent contractors, and to compensate them for their services; (f) to deposit Tribal funds to the credit of the Tribe, without limitations of the amount in any account; (g) to take any action by ordinance, resolution, or otherwise which are reasonably necessary through committees, boards, agents or otherwise, to carry into effect the for-going purposes; (h) to promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Sisseton-Wahpeton Oyate; (i) adopt resolutions regulating the procedures of the Tribal Council, its officials and committees in the conduct of Tribal Affairs; and

WHEREAS, the Sisseton-Wahpeton Oyate established and enacted into law a Medical Cannabis Code, Chapter 81 on or about November 2, 2021 by Motion #11; and

WHEREAS, that since establishing the Medical Cannabis Code, Chapter 81, the Tribal Council has amended the Code a number to times which have passed by motions and Resolutions specifically on December 22, 2021 by Motion #74, on December 22, 2022 by Motion #74 and ratified such changes on March 7th, 2023 by Motion #42, on May 31st, 2023 by Motion #119, and on August 2, 2023 by Motion #67; and

WHEREAS, the Sisseton-Wahpeton Oyate now amends the Medical Cannabis Code, Chapter 81 as follows:

81-04-01 SISSETON-WAHPETON OYATE CANNABIS COMMISSION.

1. Appointment and Officers.
 - a. The Commission shall have five (4) regular members comprised of three (3) Sisseton-Wahpeton Oyate tribal members and one (1) ex-officio Tribal Council Members. The Tribal Council may appoint one (1) additional Sisseton-Wahpeton Oyate Tribal Council Member to serve as an alternate provided that the alternate only participates in Commission activities if a regular member is absent. The Tribal Council shall appoint commissioners, the alternate, and the Ex-Officios. To regulate Medical Cannabis in accordance with this Chapter, minimum qualifications for the Commission require that each Commissioner:

Explanation: *The Tribal Council specifies that all members of the Cannabis Commission will be comprised of Sisseton-Wahpeton Oyate tribal members.*

1. (a)(2) Have a completed and approved federal, state, and tribal background check conducted prior to voting on any matters;

Explanation: *The Tribal Council specifies that the Commission shall have background checks completed through federal, state, and tribal jurisdictions prior to voting on any matters.*

81-04-05 COMMISSION RULEMAKING AUTHORITY.

- ff. Create a process that will allow the importation and transportation of cannabis products from within the original tribal boundaries and/or a federally recognized tribe.
- hh. Create regulations for the licensing of manufacturing and sale of hemp derived edible products.
- ii. Create regulations for the use and cultivation of cannabis through greenhouse growing establishments.
- jj. Create regulations for the use of research and development waivers for sun grown cannabis.



kk. Create regulations and license for the manufacturing of cannabis products.

ll. Create regulations requiring cannabis products packaging.

Explanation: *The Tribal Council provides additional requirements for the Cannabis Commission's regulations to include the matters dealing with transportation of cannabis, hemp derived edible products, greenhouse growing establishments, research and development waivers for sun grown cannabis, manufacturing, and requiring packaging regulations.*

81-06-03 PRODUCTION FOR INDIVIDUAL USE.

No individual may produce Medical Cannabis products on the Reservation for individual use except as outlined in 81-03-03 (2).

Explanation: *The Tribal Council provides clarification that an individual may not produce medical cannabis products on the Lake Traverse Reservation for individual use, however an individual is permitted to cultivate (grow) up to four (4) plants in permitted areas.*

81-06-08 TRANSPORTATION OF CANNABIS

Every Cannabis Licensee that transports cannabis products within the boundaries of the Sisseton-Wahpefon Oyate shall obtain a transporter license from the Cannabis Commission.

81-06-09 TRANSPORTATION OF CANNABIS OUTSIDE THE BOUNDARIES OF THE LAKE TRAVERSE RESERVATION

Transportation of cannabis beyond the boundaries of the reservation is prohibited, unless it's done in accordance with applicable law and regulation of Cannabis Commission.

81-06-10 MANUFACTURING OF CANNABIS

Every manufacturer of a cannabis product or hemp derived consumer product must have a license through the Cannabis Commission and must comply with permissible methods of extraction and quality control requirements.

Explanation: *Tribal Council clarifies the requirement that the Cannabis Commission shall create transportation licensing for transportation within the boundaries of the Lake Traverse Reservation and outside the boundaries of the Lake Traverse Reservation. Additionally, to clarify that any licensed manufacturing must comply with permissible methods of extraction and quality control.*

WHEREAS, Sections not identified in this Resolution shall remain in full effect.




NOW, THEREFORE BE IT RESOLVED, all amended sections included in this Resolution are duly passed in accordance with Tribal Council Resolution No. SWO-24-034 Accelerated Process as an emergency in reference to the political integrity, economic security or health and welfare of the Tribe and upon belief that it's in the best interests of the Oyate; and

FINALLY, BE IT RESOLVED, That the Tribal Council of the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation hereby adopts the amendments to Chapter 81 Medical Cannabis Code.

CERTIFICATION

We, the Undersigned duly elected Tribal Chairman and Tribal Secretary of the Sisseton-Wahpeton Oyate Tribal Council, do hereby certify that the above resolution was duly adopted by the Sisseton-Wahpeton Oyate Tribal Council, which is composed of 10 members (representing a total of 15 Tribal Council weighted votes and two Executive Committee votes for a total of 17 votes) of whom 7 constituting a quorum, were present at a Tribal Council meeting, duly noticed, called, convened and held at the TiWakan Tio Tipi, Agency Village, South Dakota, December 12, 2024, by a vote of 12 for, 0 opposed, 0 abstained, 0 absent from vote, 1 not voting, and that said Resolution has not been rescinded or amended in any way.



J. Garret Rerwike, Tribal Chairman
Sisseton-Wahpeton Oyate

ATTEST:



Curtis Bissonette, Tribal Secretary
Sisseton-Wahpeton Oyate

