The Prairie Band Potawatomi Nation (the “Nation”) is a Federally recognized Indian Tribe. The Farm Bill of 2018, Section 297 A, identifies an Indian Tribe by the meaning given in section 4 of the Indian Self Determination and Education Assistance Act (25 U.S.C. 5304). The Nation meets the definition of an Indian Tribe eligible to participate in the production of Hemp as defined in the Farm Bill of 2018. The Nation desires to have primary regulatory authority over the production of Hemp in the territory of the Nation. This Prairie Band Potawatomi Nation United States Department of Agriculture Tribal Hemp Plan (“Tribal Hemp Plan”) has been drafted by the Nation to assert its Tribal sovereignty and to regulate Hemp as an agriculture commodity in compliance with federal and Tribal laws. The Prairie Band Potawatomi Nation Tribal Council has signed a resolution authorizing this plan to be submitted to the United States Department of Agriculture (USDA).

The Nation’s administrative offices are located on the Prairie Band Potawatomi Nation Reservation in Mayetta, Kansas. All Hemp growers, processors, handlers, applicants, and agents within the jurisdiction of the Nation are bound by all Prairie Band Potawatomi Nation laws, including ordinances, codes, policies, and procedures. By receiving approval of the Nation to commence activity for any Hemp related business, an applicant submits to the jurisdiction of the Prairie Band Potawatomi Nation.

Plan requirements as outlined in SEC. 297B, Line 18, (2) Contents:

A. Maintain relevant information regarding land on which Hemp is produced in the territory of the Indian Tribe, including a legal description of the land for a period of not less than three (3) years;
B. Adhere to a procedure for testing, using post-decarboxylation or other similarly reliable methods, delta-9 tetrahydrocannabinol concentration levels of Hemp produced in the territory of the Indian Tribe;
C. Adhere to a procedure for the effective disposal of products that are produced in violation of this subtitle;
D. Adhere to a procedure to comply with the enforcement procedures under subsection; and
E. Any other practice or procedure.

Definitions. The Tribal Hemp Plan applies the following definitions:

“Acceptable Hemp THC Level” means when a laboratory tests a sample, it must report the delta-9 tetrahydrocannabinol content concentration level on a dry weight basis and the measurement of uncertainty. The acceptable Hemp THC level for the purpose of compliance with the requirements of state, tribal, or USDA Hemp plans is when the application of the measurement of uncertainty to the reported delta-9 tetrahydrocannabinol content concentration level on a dry weight basis produces a distribution or range that includes 0.3% or less. For example, if the reported delta-9 tetrahydrocannabinol content concentration level on a dry weight basis is 0.35% and the measurement of uncertainty is +/- 0.06%, the measured delta-9 tetrahydrocannabinol content concentration level on a dry weight basis for this sample ranges from 0.29% to 0.41%. Because 0.3% is within the distribution or
range, the sample is within the acceptable Hemp THC level for the purpose of plan compliance. This definition of “acceptable Hemp THC level” affects neither the statutory definition of Hemp, 7 U.S.C. § 1639o (1), in the 2018 Farm Bill nor the definition of “marihuana,” 21 U.S.C. § 802(16), in the CSA.

“Applicant” means a Person who submits an application to participate in the Prairie Band Potawatomi Nation Tribal Hemp Plan.

“Application” means a formal request to the Nation to plant Hemp.

“Approved Seed” means seed for which a certificate or other instrument has been issued by a review board or certifying agency authorized under the laws of the Nation, a state, federal law, any other federally recognized Indian Tribe, or U.S. territory or possession to certify Hemp seed varietals if cultivated to maturity would test at or below 0.3% delta-9-THC concentration on a dry weight basis.

“Business Entity” means any Person other than a natural person.

“Cannabis” means a genus of flowering plants in the family Cannabaceae.

“CSA” means Controlled Substances Act.

“Culpable Mental State greater than negligence” means to act intentionally, knowingly, willfully, or recklessly.

“Cultivate” means to plant, water, grow, or harvest a plant or crop.

“DEA” means Drug Enforcement Administration.

“FSA” means the Farm Service Agency.

“GPS” means Global Positioning System.

“Growing site” has the same meaning as “registered land area” as that term is defined in this section.

“Hemp” means all parts and varieties of the plant Cannabis sativa L. containing no greater than 0.3% total tetrahydrocannabinol on a dry weight basis.

“Hemp grower” means a Person licensed by the Prairie Band Potawatomi Nation to cultivate Hemp within the Territory of the Indian Tribe as defined in 7 C.F.R. 990.1.

“Key Participant” means a sole proprietor, a partner in partnership, or a person with executive managerial control in a corporation. A person with executive managerial control includes persons such as a chief executive officer, chief operating officer, and chief financial officer. This definition does not include non-executive managers such as farm, field, or shift managers.
“Licensee” has the same meaning as “Hemp grower” as that term is defined in this section.

“Lot” refers to a contiguous area in a field, greenhouse, or indoor growing structure containing the same variety or strain of Cannabis throughout. Under the terms of this part, “lot” is to be defined by the producer in terms of farm location, field acreage, and variety (i.e., cultivar) and to be reported as such to the FSA.

“Marijuana” means as defined in the CSA, “marihuana” means all parts of the plant Cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin. The term “marihuana” does not include Hemp, as defined in section 297A of the Agricultural Marketing Act of 1946, and does not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of such plant which is incapable of germination (7 U.S.C. 1639o). “Marihuana” means all Cannabis that tests as having a concentration level of THC on a dry weight basis of higher than 0.3%.

“Nation” means the Prairie Band Potawatomi Nation.

“Negligence” means the failure to exercise the level of care that a reasonably prudent person would exercise in complying with the rules set forth under the Tribal Hemp Plan.

“Non-retrievable” means the process utilized to render a substance “non-retrievable” shall permanently alter the substance’s physical or chemical condition or state through irreversible means and thereby render the substance unavailable and unusable for all practical purposes. A substance is considered “non-retrievable” when it cannot be transformed to a physical or chemical condition or state as a controlled substance or controlled substance analogue.

“Person” means a natural person, corporation, foundation, organization, business trust, estate, limited liability company, licensed corporation, trust, partnership, limited liability partnership, association, or other form of legal business entity, as well as a tribal, state or local government entity.

“Process” means to convert any portion of a Hemp crop into a Hemp ingredient, Hemp product, or other marketable form.

“Registered land area” means a contiguous lot, parcel, or tract of land registered with the Prairie Band Potawatomi Nation on which a licensee may cultivate Hemp. A registered land area may include land and buildings that are not used to cultivate Hemp.

“Reservation” means all territory within the exterior boundaries of the area recognized as the Prairie Band Potawatomi Nation’s Reservation and all other territory: (1) which is or in the future may be located outside of said boundaries; and (2) to which it is possible to extend the Nation’s jurisdiction or authority, including, without limitation, territory within the exterior boundaries of Indian country of the
Nation or of its members and all property held by the United States in trust for the Nation or for a member of the Nation.

“THC” means tetrahydrocannabinol and has the same meaning as delta-9 THC, measured post-decarboxylation.

Tribal Plan Section A: Maintain Relevant Producer and Land Information

The Prairie Band Potawatomi Nation Tribal Hemp Plan will outline the issuance of licenses to those who meet all requirements as set forth in this plan. The Nation will collect, maintain, and provide the USDA with contact information required by 7 C.F.R. 990.3(a)(1) of each licensee. The Nation will ensure the annual crop report with the information required in 7 C.F.R. 990.7 is submitted to the FSA for each of its licensees. The Nation will maintain and report to the USDA the status of licensed producers and any changes to the application packet of the licensee.

Eligible Applicants include:

1. Natural Persons age eighteen (18) and over
   a. Such Applicants may not have felony convictions relating to controlled substances within past ten (10) years.
2. Business Entity
   a. The Applicants’ Key Participants may not have felony convictions relating to controlled substances within past ten (10) years.

Any Person cultivating Hemp for commercial purposes is required to apply to the Prairie Band Potawatomi Nation for a license and must submit all required forms in the Nation’s license application packet.

The application will include: Legal Name / Address / Telephone Number / Email Address / EIN (if Business Entity) / Current registered legal description of land area where Hemp will be produced, GPS location, or other land identifier used by the Nation.

The Nation has established the following general requirements:

1. A full application must be submitted with payment made for the Nation’s license processing fee.
2. First time applicants are required to be fingerprinted and a background check ran for statewide and nationwide criminal history.
3. A license is good for up to five (5) years and licensees will have to be in compliance with the Tribal Hemp Plan in order to be eligible to renew for another license term.
4. Licenses are non-transferable and not permitted for re-sale.
5. Licensees will report crop acreage and all information required in 7 C.F.R. 990.7 to FSA with the corresponding license number included.
6. The Nation will retain for no less than three (3) years all the information submitted as part of the application packet.

**Tribal Plan Section B: Procedure for accurate and effective Sampling and Testing for THC**

**Testing**

The Prairie Band Potawatomi Nation will use an approved lab to perform the specimen testing for measurement of tetrahydrocannabinol (THC). The testing will be done within thirty (30) days prior to anticipated harvest date. The Tribal Hemp Plan outlines the procedures the Nation will take to provide an approved lab with samples. The lab used will report the test data in accordance with 7 CFR Part 990. The lab will use the USDA Laboratory Test Results Report to submit data to USDA.

1. A Hemp grower that does not test compliant for THC concentration as directed in the Tribal Hemp Plan will adhere to the guidance for negligent violations, corrective action plans, disposal, and/or remediation.
2. The testing method for THC concentration will use:
   a. Analytical testing of samples for delta–9 tetrahydrocannabinol concentration levels, which must use post-decarboxylation or other similarly reliable methods approved by the USDA and the Nation.
   b. Measurement of THC and THC acid (THCA) and the consideration of conversion of THCA into THC and report on a dry weight basis.
   c. High-performance liquid chromatography is the chromatography testing method we have selected.
3. The lab must meet the AOAC International Standard Method Performance Requirements for selecting the methods used for testing.
4. The lab will identify the measurement of uncertainty (MU), repeatability, and reproducibility for each validated method. The lab will use the measurement of uncertainty to determine the confidence interval around the THC threshold level of 0.3%. The MU and the percentage of THC in each test will be reported on the USDA Laboratory Test Results Page.

After December 31, 2022, the Nation will only use DEA-registered labs to conduct testing as required by 7 C.F.R. 990.25(g)(3).

The Lab will issue a laboratory test results report for each sample. The laboratory test report shall include the:

1. Laboratory Name / City / State / DEA Registration #
2. Producer ID
3. Producer name / Street / City / State
4. Sample Lot ID
5. Testing Date
6. Results Reported Date
7. Test: Initial or Re-test
8. Result % THC
9. Measurement uncertainty
10. Pass or Fail

Sampling

The Nation has established the following general guidelines to comply with sampling for the identification of delta-9 Tetrahydrocannabinol concentration in a “lot” of Hemp crop acreage. Sampling shall be sufficient at a confidence level of 95% that no more than 1% of the plants in each lot would exceed the acceptable Hemp THC level and ensure that a representative sample is collected that represents a homogeneous composition of the lot. Licensees must not harvest prior to the Hemp being sampled and tested for THC concentration.

1. Samples will be collected by an approved sampler; the sampler will be a designated Nation employee or an approved third-party vendor.
   a. Samplers must be trained under applicable Nation training procedures.
   b. The Nation will maintain information, available to licensees, on all approved samplers.
2. Fees for sampling will be paid by the licensee, not the Nation.
3. The licensee or an authorized representative of the licensee must be present at the growing site during sample collection.
4. The Nation requires the authorized sampler to have complete and unrestricted access during business hours to all Hemp plants and any land or buildings used for the cultivation or handling of Hemp.
5. The licensee is not authorized to harvest any of its crop prior to samples being taken, and if the crop is harvested prior to sampling, will result in failure to comply with the Tribal Hemp Plan, resulting in ineligibility for renewal for one (1) year.
   a. Nothing in this section shall prevent a Hemp grower from voluntarily collecting samples and testing Hemp and Hemp product for quality assurance and research and development purposes.
6. All samples collected will be specifically labeled and sealed appropriately from one lot before moving to sampling the next lot. The sampler will seal each bag with the identification number. This procedure will ensure plant material from one lot will not be comingled with Hemp plant material from other lots.
   a. The designated sampler will be provided with necessary equipment and supplies to carry out proper testing techniques.
7. The Tribal Sampling Guidelines to ensure adherence of the acceptable Hemp THC level are in accordance with the USDA guidelines:
   a. The licensee or authorized representative shall accompany the sampler throughout the sampling process:
      1) Surveillance of the growing site.
      2) The sampler shall verify the GPS coordinates of the growing site as compared with the GPS coordinates submitted by the licensee to USDA.
3) The sampler shall estimate the average height, appearance, approximate density, condition of the plants, and degree of maturity of the flowering material, meaning inflorescences (flowers/buds).

b. Samples shall be visually inspected and ground to establish the homogeneity of the plant material to establish that the growing site is of like variety prior to testing.

c. Time of Sampling:
   1) Within thirty (30) days prior to the anticipated harvest of Hemp plants, the sampler shall collect representative samples from such plants to be sent for THC concentration level testing.

d. Field Sampling:
   1) For purposes of determining the number of individual plants to select for sampling, the size of the growing site shall be considered. For sampling purposes, samples from separate “lots” must be kept separate and not be comingled.
   2) For lots of less than one acre, including greenhouses, select a minimum of one (1) plant, then take a cutting from the plant to form a sample. For lots of two (2) to ten (10) acres, including greenhouses, select a minimum of one (1) plant per acre, then take cuttings of each plant, then combine to form a composite sample.
   3) For growing sites larger than ten (10) acres, including greenhouses, the number of plants that will be selected to form a composite sample is based upon the Codex Alimentarius Recommended Methods of Sampling for the Determination of Pesticide Residues for Compliance with MRLS CAC/GL 33-1999.
      a) The sample size is estimated in a two-step process. The first step is to estimate the number of primary plants to be sampled. The second step is to adjust the estimate of primary plants by the acreage under cultivation.
      b) The initial number of primary plants is estimated using where \( p \) is the confidence level to detect Hemp plants having THC content greater than the acceptable Hemp THC level and \( i \) is the proportion of Hemp plants having THC content greater than the acceptable Hemp THC level. The values for \( i \) are based on past experience in the same or similar growing sites.

\[
n_o = \frac{\ln(1-p)}{\ln(1-i)}
\]

c) The initial primary plants estimate is adjusted by the number of acres to calculate the minimum number of primary plants for composting as follows:

\[
n = \frac{n_o}{1 + \left(\frac{n_o - 1}{A}\right)}
\]
where $n$ is the minimum number of primary plants to be selected for forming a composite sample, $n_0$ is the initial number of primary plants, and $N$ is the number of acres under cultivation.

e. Collecting Samples from each lot:
   1) The sampler shall always walk at right angles to the rows of plants, beginning at one point of the lot and walking towards another point on the opposite side of the lot.
   2) While walking through the growing site, the sampler shall cut at least “$n$” flowering material, meaning inflorescences (the flower or bud of a plant) at random but convenient distances. Avoid collecting too many specimens from the borders of the field/greenhouse.
   3) The cut shall be made five (5) to eight (8) inches from the main stem, terminal bud, or central cola of the flowering top of the plant. The sample size must be of adequate volume to accommodate laboratory tests.
   4) Utilize a paper sample bag for collecting sample cuttings. Ensure that each bag has the minimum number of cuttings, $n$, as calculated under 7(d)(3), or in the corresponding example tables.
   5) Seal each bag and record the sample number.

f. Sample identification:
   1) The sampler shall seal each bag with tamper resistant tape and record the sample identification number. The sample shall also be identified with the following information:
   2) The sample ID shall include: Sampler contact information; name and contact information of the producer; producer Hemp license or authorization number; date of sample; and “lot” ID; any other information that may be required by the Nation, mail delivery services, customers or groups of customers.

Tribal Inspections of Hemp Growing Sites:

1. The Nation will conduct site visits for inspections of Hemp grown to ensure compliance with Tribal Hemp Plan and verify Hemp is not produced with any violations.
2. Inspections will be completed no less than once annually and can be completed randomly and without notice.
3. All licensees shall grant the Nation unrestricted access to the registered land area(s) and accompanying facilities.

Tribal Plan Section C: Disposal.

The Nation has established the following disposal and remediation protocol for Hemp plants testing out of compliance above the acceptable delta-9 tetrahydrocannabinol concentration levels on a dry weight basis and the measurement of uncertainty:
1. Any sample test result that exceeds the acceptable Hemp THC level according to laboratory results obtained through Nation sampling and testing protocols shall be conclusive evidence that the lot represented by the sample is not in compliance.
   a. A licensee who believes the test results were in error may request retesting of the lot. Such retesting shall be performed in the same way and to the same standards as the original sampling and testing.

2. Lots shall be subject to disposal or remediation; all plants in the lot shall either be remediated to bring the lot under the acceptable Hemp THC concentration level, or all plants shall be disposed of in a manner that renders it non-retrievable.
   a. Additional sampling and testing of the post-remediated crop must occur to determine THC concentration levels before it is deemed compliant and can be entered into a stream of commerce.

3. It is the sole responsibility of the licensee to pay any fees associated with resampling, remediation, and/or disposal without compensation from the Nation.

4. Licensees will notify the Nation and the USDA of their intent to dispose or remediate noncompliant Hemp materials by submitting documentation in accordance with Nation regulations. As follow up, the licensee will provide verification of disposal or remediation documentation to the Nation and the USDA.
   a. The Nation may require verification of disposal or remediation by requiring pictures, videos, or other proof of disposal or remediation.
   b. The Nation may require in-person verification of disposal or remediation by assigned personnel, Nation law enforcement, or an approved reverse distributor during or after the process.

Disposal

Disposal means destroying noncompliant Hemp by performing any one or combination of the following on-farm activities: plowing under, mulching/composting, disking, bush mowing, deep burial, and burning.

Remediation

Remediation refers to the following processes by which noncompliant Hemp is rendered compliant:

1. Blending or shredding the entire plant into biomass plant material
   a. The entire lot containing noncompliant Hemp must be shredded to create a homogenous, uniform biomass using shredders, composters, or specialty mechanical equipment.
   b. All biomass plant material created in this process must be kept separate from any compliant Hemp stored in the area and clearly labeled as Hemp for remediation purposes before its removed to enter a stream of commerce.
   c. All biomass plant material that does not meet acceptable Hemp THC concentration levels must be disposed of, rendering the entire lot non-retrievable.
2. Disposing of floral materials and salvaging the remainder of the plant, retaining stalks, leaves, and seeds.
   a. Licensees may remove floral materials by hand or by mechanical means and are subject to the approved disposal methods provided in this plan.
   b. All remaining Hemp materials salvaged using this process must be kept separate and clearly labeled as Hemp for remediation purposes until the floral materials can be properly disposed of.

Collection of Information

The Nation will collect relevant data and information needed to ensure reports are submitted to the USDA, as required by 7 C.F.R. 990.7 and 7 C.F.R. 990.70, in the appropriate manner and on time.

The USDA reports will include:

1. Crop Acreage Report (FSA 578) to the FSA – annual
2. Laboratory Tests Results Report to USDA – thirty (30) days after the information is received
3. State and Tribal Hemp Disposal Report to USDA – thirty (30) days after the information is received
4. State and Tribal Hemp Remediation Report to USDA – thirty (30) days after the information is received
5. State and Tribal Hemp Annual Report to USDA - Dec 15th.

The following information will be included:

1. Hemp crop acreage
2. Reporting total acreage of Hemp planted, harvested, disposed, and remediated
3. License number
4. Street address
5. GPS location of lot or greenhouse where Hemp is produced
6. Acreage of greenhouse or indoor square footage dedicated to the production of Hemp

Information sharing will be accomplished by submitting these reports with correct and updated information. The Nation is aware of the real-time information sharing efforts on behalf of the USDA and law enforcement. The Nation supports the industry and the need for up-to-date information, specifically for transporting. The Nation will share the required information on the USDA forms provided.

Transportation

The Nation requires that the licensee or other persons delegated responsibility for the transportation of the Hemp crop or Hemp product carries the following documentation with the Hemp cargo during transport:

1. Copy of the Hemp grower’s License
2. Copy of the laboratory test results showing the Hemp crops or products are within acceptable Hemp THC concentration levels of the corresponding harvest lot in transit
3. Copy of an invoice/bill of lading with buyer and seller information
4. The transportation logs
5. Any other documentation that may be required by Nation regulation

A licensee may not transport live Hemp plants, viable seeds, leaf materials or floral materials not intended for resale to unlicensed or unapproved locations including trade shows, county fairs, educational or other events or to any other address not listed on that specific Hemp grower’s current approved growing license agreement without the prior written approval of the Nation’s Tax Commission.

**Tribal Plan Section D: Enforcement Procedures.**

The Prairie Band Potawatomi Nation has the authority through its Tribal Constitution and Tribal Sovereignty to adopt and enforce its own Tribal laws. The Nation has the ability by Tribal law to enforce existing and additional rules governing its Hemp production and commercialization.

1. All Licensees engaging in activities related to Hemp within the Nation’s jurisdiction shall abide by the license requirements provided for under the Nation’s Title 13 Business Licensing Code.
2. In addition, licensees are required to obtain all licenses required by applicable law to operate a business on territory of the Nation, including but not limited to compliance with the Nation’s: (1) building and safety regulations; (2) health and safety regulations; (3) leasing and land use laws; and (4) environmental laws. It is the sole responsibility of the licensee under this plan to comply with other applicable laws and regulations. The Tax Commission may assist licensees in identifying the necessary licenses required.

The Tax Commission will enforce the Nation’s regulations and perform the duties of the Nation under this Plan. The forms collected and all information entered on the forms will be used to maintain records and enforce procedures. Non-compliance with any of the established regulations will result in immediate action depending on violation and corrective action plan.

The Nation will conduct audits of licensees and issue corrective action plans for negligent violations. Negligent violations by a Hemp grower may lead to suspension or revocation of the Hemp grower’s license. The Nation will conduct both desk audits and site visit audits. When the Nation visits a licensee’s site, the licensee must provide access to any fields, greenhouses, storage facilities or other locations where the licensee cultivates Hemp. The Nation may also request records from the licensee to include production and planting data, testing results, and other information as determined by the Nation.

The Nation requires the following:

1. Licensees must report any changes of their contact information to the Nation in writing within fourteen (14) calendar days of the change.
2. Planting Report. Within fourteen (14) calendar days after the completed planting of any Hemp crop, each licensee shall submit a planting report that includes the GPS coordinates and a map showing the location and actual acreage or square feet of Hemp planted.

3. Pre-Harvest Notification. At least thirty-five (35) calendar days prior to harvest, each licensee shall submit a pre-harvest notification on a form provided by the Nation. This will initiate the sampling process. A licensee must notify the Nation immediately of any changes in the reported harvest dates in excess of seven (7) calendar days.

4. Post-Harvest Report. Within fourteen (14) calendar days post-harvest, each licensee shall submit a post-harvest report for plants that test within the acceptable limit on a form provided by the Nation. A licensee is not required to document the removal of male Hemp plants on a post-harvest report if the male Hemp plants are destroyed or utilized on the registered land area and are not transferred or sold.

Negligent Violations

A negligent violation of the USDA Plan includes:

1. Failure to provide a legal description of the land on which the Hemp is produced.
2. Failure to obtain a license before engaging in production; or
3. Hemp Producing plants that exceed Hemp THC concentration levels of 1.0% or more.

The Tribal Hemp plan will not consider Hemp licensees as committing a negligent violation if they produce plants exceeding the acceptable Hemp THC level if they used reasonable efforts to grow Hemp and the plant does not have a THC concentration of more than 1.0% on a dry weight basis.

The Nation will issue one (1) negligent violation at most for sampling and testing violations for an entire harvest from a distinct lot for plants that exceed the acceptable Hemp THC levels but remain under the 1.0% threshold for negligent violations. In addition, the Nation will not subject licensees to more than one negligent violation per calendar year if multiple violations are found on different lots operated by the licensee.

When the Nation determines that a negligent violation has occurred, the Nation will issue a Notice of Violation. This Notice of Violation will include a corrective action plan. The Nation will establish and review a corrective action plan with the licensee and its implementation will be verified during a future audit or site visit.

The corrective action plan will include:

1. A reasonable date by which the producer will correct the negligent violation(s).
2. A requirement that the licensee semi-annually report to Nation on its compliance with the plan for a period of not less than the next two (2) calendar years.

A licensee who has had three negligent violations in a five (5) year period is ineligible to produce Hemp for a period of five (5) years from the date of the third violation. Negligent violations are not subject to
federal, state, tribal or local government criminal enforcement action. Hemp found to be produced in violation of this part, such as Hemp cultivated on a property not disclosed by the licensee would be subject to the same disposal provisions as for plants testing above the acceptable Hemp THC level. Further, if it is determined a violation was committed with a culpable mental state greater than negligence, the Nation will report the violation to the Nation’s law enforcement and to the U.S. Attorney General.

If a Person produces Hemp without a license, this will be reported to the Nation’s law enforcement.

The Farm Bill of 2018 limited the participation of certain convicted felons in Hemp production. A person with a Tribal, State or Federal felony conviction relating to a controlled substance is subject to a ten (10) year ineligibility restriction from the date of the conviction of producing Hemp under the Act. An exception applies to a person who was lawfully growing Hemp under the Farm Bill of 2014 before December 20, 2018, and whose conviction also occurred before that date.

Tribal Plan Section E: Any other Practice or Procedure

Assignment of Nation license or Authorization Numbers:

B04862_0001, B04862_0002, B04862_003, etc.

Fee Schedule

1. The Prairie Band Potawatomi Nation Tribal Council establishes the following fees for the cultivation of Hemp for commercial purposes to be submitted along with the application:
   a. Prior to cultivation, a fee per applicant shall be submitted with the application to the Nation.
   b. A separate application is required for each non-contiguous location in which the applicant intends to grow Hemp.
   c. The license is valid for up to five (5) years from date of issuance by the Nation.
2. Upon expiration of license, a renewal fee per application shall be due to the Nation in which the licensee intends to continue to grow Hemp.
   a. If the renewal fee is not fully paid within 30 days after expiration of license, the license is forfeited.
   b. The forfeited license may be restored upon payment of any unpaid fee amount, plus a penalty of 15% of the unpaid fee amount, to the Nation.
   c. The Nation may waive the penalty upon receiving a signed statement from the licensee that the licensee did not cultivate Hemp during the period of nonregistration unless there is substantial evidence otherwise.
3. Renewed Licenses are valid for up to five years from date of issuance of renewal by the Nation.

Taxation
The Tax Commission, in accordance with applicable Nation law, shall enforce all applicable Nation taxes upon the growing, manufacturing, and selling of Hemp and Hemp products, subject to Tribal Council approval.

Pesticide Usage

The Tax Commission will only allow Licensees to use pesticide products that are registered for use on Hemp by the U.S. Environmental Protection Agency. The U.S. EPA provides a list of approved pesticides on its website and will continue to register more pesticides for use on Hemp on an ongoing basis.

1. The Licensee may not apply pesticides to Hemp unless they hold any required pesticide license and apply pesticides in accordance with Tribal or Federal regulations. The Licensee shall comply with the longest of any planting restriction interval on the product label prior to planting the Hemp. The Licensee may not use any pesticide in violation of the product label.
   a. The Nation may perform pesticide testing on a random basis if representatives of the Tax Commission have reason to believe that a pesticide may have been applied to Hemp in violation of the product label.
   b. Any Hemp seeds, plants, and materials bearing pesticide in violation of the label shall be subject to destruction without compensation from the Nation.

Seed Certification

The Tax Commission requires that all Hemp seed or propagules cultivated on lands within the jurisdiction of the Nation to be obtained from the following sources:

1. Sellers or distributors of seed approved by an approved seed program of a state, Federally Recognized Indian Tribe, or the USDA.
2. Other domestic sources approved by the Tax Commission in writing for research purposes and/or commercial development.
3. Other international sources consistent with USDA requirements on seed importation regulations and all other applicable federal law.

Licensees may not acquire or cultivate Hemp or Cannabis sativa L. seeds or propagules of wild, landrace, or unknown origin without first obtaining written approval from the Tax Commission.

Ineligible Applicants

Applicants that are ineligible to produce Hemp under the Tribal Hemp Plan include:

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