

WINNEBAGO TRIBE OF NEBRASKA

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RESOLUTION #20-91

Submitting the Tribal Hemp Plan and Certification to the U.S. Department of Agriculture

WHEREAS, the Winnebago Tribe of Nebraska is a federally recognized Indian Tribe organized pursuant to Section 16 of the Act of June 18, 1934 (48 Stat. 984), (25 U.S.C. § 476) as amended by the Act of June 15, 1935 (49 Stat. 378); and

WHEREAS, pursuant to Article IV, Section 1(c) of the Winnebago Tribal Constitution and its inherent powers of self-government, the Tribal Council is vested with the power, inter alia, “to safeguard and promote the peace, safety, morals, and general welfare of the Tribe”; and

WHEREAS, pursuant to Article IV, Section 1(e), of the Winnebago Tribal Constitution and its inherent powers of self-government, the Tribal Council is vested with the power, inter alia, “to manage all economic affairs and enterprises of the Tribe”; and

WHEREAS, pursuant to Article IV, Section 1(l) of the Winnebago Tribal Constitution and its inherent powers of self-government, the Tribal Council is vested with the power, inter alia, “to adopt resolutions regulating the procedure of the Tribal Council, tribal officials and other tribal agencies”; and

WHEREAS, pursuant to Article IV, Section 1(n) of the Winnebago Tribal Constitution and its inherent powers of self-government, the Tribal Council is vested with the power, inter alia, “to encourage the commerce of the community and discover markets for the sale of all products of the tribal members”; and

WHEREAS, pursuant to Article IV, Section 1(o) of the Winnebago Tribal Constitution and its inherent powers of self-government, the Tribal Council is vested with the power, inter alia, “to charter subordinate organizations for economic or political purposes and to regulate the activities of cooperative associations”; and

WHEREAS, under Public Law 115–334, the Agriculture Improvement Act of 2018 (2018 Farm Bill), the U.S. Department of Agriculture will begin accepting and approving State and Tribal Plans for primary regulatory authority over domestic hemp production; and

WHEREAS, the Hemp is a commodity that can be used for numerous industrial and horticultural purposes including fabric, paper, construction materials, food products, cosmetics, production of cannabinoids (such as cannabidiol or CBD), and other products; and

WHEREAS, the Winnebago Tribe of Nebraska is interested in participating in the Domestic Hemp Production Program to promote economic development within the Winnebago Tribe's Reservation; and

WHEREAS, the Winnebago Tribe of Nebraska intends to regulate its own hemp production; and

WHEREAS, the U.S. Department of Agriculture must approve the Winnebago Tribe of Nebraska's plan prior to the monitoring and the regulation of hemp production on the Winnebago Tribe's Reservation; and

WHEREAS, the Winnebago Tribe of Nebraska will submit its Tribal Plan that meets all requirements under federal statute and interim final regulations to the U.S. Department of Agriculture for approval; and

WHEREAS, the Winnebago Tribe of Nebraska, pursuant to Section 297B(a)(2)(A)(vii) of the Agriculture Improvement Act of 2018, certifies it has the resources and personnel necessary to carry out each of the practices and procedures identified in Section 297B(a)(2) of the Act.


NOW THEREFORE BE IT RESOLVED that the Winnebago Tribe of Nebraska Tribal Council endorses or supports the Winnebago Tribe of Nebraska's participation in the 2018 Farm Bill Domestic Hemp Production Program and designates the Chairperson and his designee authority to execute and file such documents as necessary for the application and award on behalf of the Winnebago Tribe of Nebraska.

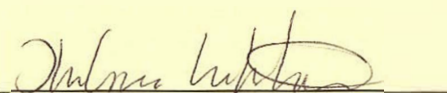
C E R T I F I C A T I O N

We, the undersigned Officers of the Winnebago Tribal Council, hereby certify that on 3 February 3, 2020 , at a meeting duly convened by the Winnebago Tribal Council, the Tribal Council voted to adopt the above Resolution by a vote of 5 for, 2 against, 0 abstentions, with the Chairman not voting and 1 Member(s) not present.

Dated this 3 day of February, 2020.

Attest:


Coley Brown, Chairman
Winnebago Tribal Council


Thelma Whitewater, Secretary
Winnebago Tribal Council

INTRODUCTION

The Agriculture Improvement Act of 2018, Public Law No. 115-334, Title X, §10113, amended the Agricultural Marketing Act of 1946 to allow domestic hemp production in the United States. The Winnebago Tribe of Nebraska is a federally-recognized Indian Tribe as defined in Section 297A(2). Under Section 297B(a)(1), an Indian Tribe may have primary control over the production of hemp within the Indian Tribe's territory if the Tribe submits a plan to the U.S. Department of Agriculture (USDA) and the Secretary approved it. Therefore, the Winnebago Tribe of Nebraska submits its plan to monitor and regulate the production of hemp on the Winnebago Indian Reservation.

It is the declared policy of the Winnebago Tribe of Nebraska that hemp is a valuable agricultural crop and commodity that can be cultivated within the exterior boundaries of the Winnebago Indian Reservation. The purpose of this plan is to:

- promote the cultivation of hemp and the development of new and/or expansive commercial markets through the sale of hemp products to the maximum extent permitted by law;
- enable Licensees and affiliated postsecondary institutions to conduct research regarding the cultivation of hemp and the creation of hemp products within the exterior boundaries of the Winnebago Indian Reservation; and
- regulate hemp as an agricultural commodity in compliance with federal and Tribal law.

The Winnebago Tribe has drafted a plan to regulate the production of hemp in compliance with federal and Tribal law. The Winnebago Tribe has signed a resolution authorizing this plan and included the required certification to be submitted to the USDA. Under Section 297B(a)(2), a Tribal plan must include:

1. A practice to maintain relevant information regarding land on which hemp is produced;
2. A procedure for testing delta-9 tetrahydrocannabinol concentration levels of hemp produced;
3. A procedure for the effective disposal of hemp plants and products;
4. A procedure to comply with enforcement procedures;
5. A procedure for conducting annual inspections of a random sample of hemp producers;
6. A procedure for submitting section 297C(d)(2) information to the Secretary of Agriculture; and
7. A certification from the Indian Tribe that it has resources and personnel to carry out the Tribal plan.

DEFINITIONS

1. "Applicant" means a person or entity, who applies for a License and Permit.
2. "Corrective Action Plan" or "CAP" means a plan established by the Tribe to correct a negligent violation, including: (1) a date for correcting the negligent violation; (2) a requirement to periodically report to the Tribe regarding compliance with the Plan for at least the next two calendar years; (3) Tribe shall conduct inspections to determine if CAP has been implemented.
3. "Commercial sale" means the sale of a product in the stream of commerce at retail or at wholesale, including online sales.

4. “Cultivate” or “cultivating” means planting, watering, growing, and harvesting a hemp plant or crop.
5. “Federally-defined THC level for hemp” means the application of the measurement of uncertainty to the reported delta-9 tetrahydrocannabinol (THC) content concentration level on a dry weight basis that produces a distribution or range that includes 0.3% or less.
6. GPS coordinates” means latitude and longitude coordinates derived from a global positioning system (GPS).
7. “Handling” means possessing or storing hemp plants for any time period on premises owned, operated, or controlled by a Licensee to cultivate or process hemp. Handling also includes possessing or storing hemp plants in a vehicle for any time period other than during its actual transport from the premises of a Licensee from the premises of another Licensee. Handling does not include possessing, storing, or transporting finished hemp products.
8. “Hemp” means the plant *Cannabis sativa* L. and any part of that plant, including the seeds 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 0.3 percent on a dry weight basis, or as otherwise defined in federal law.
9. “Hemp product” means a finished product with the Federally defined THC level for hemp, that is derived from, or made by, processing a hemp crop, and that is prepared in a form available for commercial sale.
10. “Key participant” means a person or persons who have a direct or indirect financial interest in the entity producing hemp. A key participant also includes persons in a corporate entity at executive levels including chief executive officer, chief operating officer and chief financial officer.
11. “Law enforcement agency” means the Winnebago Tribe of Nebraska Police Department, United States Drug Enforcement Agency, or other federal law enforcement agency or drug suppression unit but does not include any state law enforcement agency except in those cases where the Tribe and State have entered into a cross-deputization agreement.
12. “License” means a valid certificate, in a specified format prescribed by the USDA, issued by the Winnebago Tribe of Nebraska to grow, handle, store, process, transport, or market hemp.
13. “Licensed hemp producer” or “Licensee” means the Winnebago Tribe of Nebraska or entity licensed by the Tribe to cultivate hemp within the exterior boundaries of the Winnebago Indian Reservation. If the Tribe passes a resolution to expand Licensees to include individual persons, then this definition is amended to include such person or persons.
14. “Lot” means a contiguous area in a field, greenhouse, indoor growing structure, or buildings where hemp will be grown, handled, stored, or processed, which can include a field name or building name.
15. “Lot identification” means the unique identifier established by the Applicant for each unique GPS coordinates where hemp will be grown, handled, stored, or processed, which can include a field name or building name.

16. “Measurement of Uncertainty (MU)” means the parameter, associated with the result of a measurement, that characterizes the dispersion of the values that could reasonably be attributed to the particular quantity subject to measurement.
17. “Permit” means a tribally issued certificate/license that authorizes a Licensee to plant, grow, or store hemp, any part of hemp, or hemp-related products in a specifically described location.
18. “Person” means a partnership, corporation, limited liability company, association, postsecondary institution, or other legal entity;
19. “Postsecondary institution” means a postsecondary institution that meets the requirements of 20 U.S.C. §1001.
20. “Process” or “processing” means to convert any portion of a hemp crop into a hemp ingredient, hemp product, or other marketable form.
21. “Reservation” means the reservation of the Winnebago Tribe of Nebraska.
22. “Testing facility” means a Drug Enforcement Administration (DEA) registered laboratory that must include a validated testing methodology that uses postdecarboxylation or other similarly reliable methods, including, but are not limited to, gas or liquid chromatography with detection. The total THC concentration level shall be determined and reported on a dry weight basis. The registered laboratory may also be an accredited ISO/IEC 17025 facility, the standard published by the International Organization for Standardization (the “ISO”) titled “General requirements for the competence of testing and calibration laboratories”, or an accreditation standard approved by the Winnebago Tribe of Nebraska.
23. “THC” means delta-9 tetrahydrocannabinol concentration.
24. “Tribal Court” means the courts of the Winnebago Tribe of Nebraska as established pursuant to the Tribe’s Constitution and Bylaws and Tribal Code.
25. “Tribe” means the Winnebago Tribe of Nebraska, which is recognized as eligible by the United States Secretary of the Interior for the special programs and services provided by the United States to Indians because of their status as a federally recognized tribe and are recognized as possessing powers of self-governance.
26. “Tribal police” or “Tribal law enforcement” shall mean the Winnebago Tribe of Nebraska Tribal Police.

SITE REGISTRATION

As a component of the license application, each applicant shall submit a site registration application for a permit. A Permit is required for each location site that hemp is planted, grown, handled, processed or stored. The Tribe shall adopt a uniform permitting application and process for approval or denial of location Permits. Permits may only be issued to Licensees. No Licensee shall have the expectation of privacy with respect to any location site that is issued a Permit. Licensees, whether present or not, shall allow representatives of the Tribe and/or federal law enforcement agencies access to the location site with or without cause and with or without advance notice. The Tribe may collect fees that are reasonable to process location Permit Applications and location site modifications. Non-payment of fees shall result in an Application for a Permit to be denied. The site registration application shall include, at a minimum:

1. The street address and legal description of each lot, greenhouse, or building where hemp is produced;
2. If hemp is produced or is intended to be produced in a lot: Global Positioning System (GPS) coordinates at the approximate center of the lot; number of square feet or acres of each lot; and a map of the production area showing clear boundaries of the lot.
3. If hemp is produced or is intended to be produced in a greenhouse or other building: GPS coordinates at the approximate center of the greenhouse or building; approximate dimension or square feet of the greenhouse or building; and a map of the production area showing clear boundaries of the greenhouse or building.

LICENSE REGISTRATION

An Applicant who wishes to grow, process, handle, transport, or store hemp within the Winnebago Tribe of Nebraska's jurisdiction must possess a valid License to do so. The Tribe shall determine the appropriate number of hemp Licenses allowed within the exterior boundary of the Winnebago Reservation. The Tribe shall adopt a uniform licensing application form and a process for approval or denial of Licenses. Any business that provide products or services related to the hemp industry shall be organized under the Winnebago Tribe of Nebraska's Tribal Code. A Licensee who has had a License terminated shall not be eligible to reapply to the program for a period of five years from the date of License termination. Applicants must undergo a criminal background check as part of an application for licensing. The Tribe may require other background checks. When applying for a License, any owners, directors, and managers with signature authority, must each submit to relevant background checks. The Tribe may collect fees that are reasonable in the processing of License applications. Failure to pay the License fees will result in the denial of an application.

1. Hemp license applications shall include at a minimum:
 - a. Full name, residential address, telephone number, and e-mail address, if available.
 - b. If Applicant is a business entity, the legal name of the business, the principal business location address, the Key Participants, the full name of the Applicant with signature authority, title, and e-mail address.
 - c. Documentation showing either a valid ownership, tenancy, or other legal interest in the proposed location.
 - d. Street address, , legal description and GPS coordinates for each lot, greenhouse, or building where hemp will be grown, handled, processed, or stored.
 - e. Information regarding any other hemp growing or processing facility owned or licensed by Applicant that is licensed in any other jurisdiction.
 - f. Proof of insurance that includes worker's compensation insurance and general liability insurance.
 - g. Business and operations plan that includes: proposed acreage or indoor square footage to be planted or used for processing; description of facility proposed and number of employees; name of proposed facility manager; security plan with security system(s) and lighting plan

showing outside lighting, and centrally alarmed and monitored security system service agreements; list of pesticides and chemicals proposed for use; description and plan of all equipment and methods employed to stop any impact to adjacent uses including assurances of no odor detected from outside the location; disposal plan of hemp and related by-products; statement of previous farming experience; and planned source of seeds.

2. Any Application missing the required information shall be subject to denial. The Tribe shall notify the Applicant via e-mail. If an Application is not corrected or supplemented within 30 calendar days after the Tribe's notification, the Tribe shall deny the application.

3. The Tribe shall notify Applicants by letter or e-mail whether the Application has been conditionally approved or denied. If the Tribe sends a letter to the Applicant, it will be to the address listed on the Application.

RECORDS

1. The Winnebago Hemp Program's reporting requirements at a minimum, must report and maintain records on the following information:

- Retain information about locations including the legal description, and Lot identification information for every location where the Tribe has approved hemp to be grown;
- Information about approved growing, processing, handling, and storage locations to share with the Tribe, Tribal police, and other law enforcement agencies whose representatives request registered Lot information, including the legal descriptions and GPS coordinates;
- All Applications for licensure; grants and denials of Licenses; receipt of fees; distribution of fees; and revenues to the Tribe;
- The Tribe will create a quarterly report to summarizing the Program's official actions, activities, investigative reports, and reports received about any hemp business.
- shall submit to USDA, by the first of each month, a report providing the contact information and the status of the license or other authorization issued for each producer covered under the individual State and Tribal plans

2. Not more than thirty days after receiving and compiling the following information, the Tribe shall submit to the Agricultural Marketing Service (AMS)/USDA, by the first of each month, the Tribal Hemp Production Report providing the contact information and the status of the license or other authorization issued for each Licensee, whether an individual or entity,: (1) the Licensee's legal (and common) name; (2) the Licensee's telephone number, e-mail address, residential or business address, mailing address, or another form of contract information; (3) the Lot identification for each field, facility, or other place where hemp is licensed to be grown; (4) the license number issued by the Hemp Program; and (5) whether the Licensee's License is in good standing.

3. A Licensee shall report their hemp crop acreage to Farm Service Agency (FSA). The Licensee must provide, at a minimum: street address and geospatial location for each lot or greenhouse where hemp will be produced; acreage and indoor square footage dedicated to production of hemp; and License identification.

4. A Licensee shall submit a complete and current Planting Report form to the Tribe within fifteen days after every planting, including replanting, of seeds or propagules in an outdoor lot. Each Report

shall identify: (1) the correct variety name of seeds as designated upon approval of an acquisition request or as approved by the Tribe; (2) the Lot identification as listed in the Licensee's application; and (3) the primary intended use of the harvest for each planting.

5. A Licensee who does not plant hemp in an approved outdoor lot listed in the Licensee's application, shall submit a Planting Report, on or before May 31, stating that hemp has not and shall not be planted at that location.

6. A Licensee shall submit a complete and current Greenhouse/Indoor Planting Report form to the Tribe within fifteen days after establishing plants at an indoor location. Each Report shall identify: (1) the correct variety name of seeds as designated upon approval of an acquisition request or as approved by the Tribe; (2) the Lot identification as listed in the Licensee's application; and (3) the primary intended use of the harvest for each planting.

7. In addition to the initial Greenhouse/Indoor Planting Report, a Licensee with an approved greenhouse or indoor growing location Permit shall submit quarterly reports for each Lot identification to the Tribe. These reports are due no later than March 31, June 30, September 30, and December 31. All required forms, reports, and records submitted to the Tribe shall be kept for a minimum of three calendar years. Licensees and the Hemp Program are each responsible for storing such records.

8. A Licensee shall submit a complete and current Harvest/Destruction Report form to the Tribe at least fifteen days prior to the intended harvest date or intended destruction date of a failed crop.

9. For the purpose of information sharing with law enforcement, the Tribe shall collect the following information to provide to the Secretary of Agriculture: (1) the contact information for each Licensee; (2) a legal description of the land on which hemp is cultivated by each Licensee; and (3) for each Licensee, the status of their license or other required authorization from the Tribe; and any changes to the status.

SAMPLING AND TESTING FOR DELTA-9 THC CONCENTRATION

Hemp cultivated from each registered lot must be tested for THC concentration prior to harvest by a DEA-registered testing facility at the Licensee's expense. A Licensee shall not remove a harvest from a lot that has not been sampled and tested for compliance with the allowable THC concentration levels on a dry weight basis. A Licensee must arrange for a tribal designated person to collect samples from the flower material from the cannabis plants and ensure the sampling of each lot is no more than 15 days prior to harvest for the purpose of determining that the harvest does not exceed allowable THC concentration levels on a dry weight basis.

The method used for sampling must ensure that the flower material sample is collected that represents a homogeneous composition of the lot. Samples of hemp plant material from one lot shall not be commingled with hemp plant material from other lots. During a scheduled sample collection, the Licensee or an authorized representative of the Licensee shall be present at the registered lot.

Compliance testing for hemp cultivated under this plan shall be conducted by testing facilities registered by the DEA and may also have an ISO/IEC 17025 accreditation, the standard published by the International Organization for Standardization or an accreditation standard approved by the Tribe. The testing procedure must include a validated testing methodology that uses postdecarboxylation or other similarly reliable methods. The testing methodology must consider the potential conversion of delta-9

tetrahydrocannabinolic acid (THC-A) in hemp into THC and the test result measures total available THC derived from the sum of the THC and THC-A content. Testing methodologies include, but are not limited to, gas or liquid chromatography with detection. The total THC concentration level shall be determined and reported on a dry weight basis.

The tests results shall identify the lot identification and be certified directly to the Tribe by the testing facility prior to harvest. Each Licensee must ensure the laboratory conducting the test of the sample reports the test results for all samples tested to the USDA. For each sample tested pursuant to this plan, the Licensee shall obtain a certificate of analysis from a testing facility that includes, at a minimum: (1) information identifying the hemp as a sample tested by the laboratory and provided by the Licensee; (2) the date the hemp was sampled, tested, and the testing methodology used to analyze the sample; (3) the THC concentration levels contained in the sample; and (4) a statement indicating whether the sample contained a THC concentration level more than the federally-defined limit of THC concentration level, including Measurement of Uncertainty. The Tribe must promptly notify USDA, either by electronic or certified mail of any samples from a registered lot that do not meet the definition of hemp and a record demonstrating the disposal of all plants and materials from the sampled lot.

Annual Inspections of a Random Hemp Sample: The Tribal law enforcement shall have the authority to conduct random inspections of Licensees and all permits to verify compliance with all requirements of the license issued. Inspection may include sampling by the Tribe's inspectors for test to determine THC concentration levels in hemp or hemp products or any other Tribally defined purpose. Inspections may be conducted at any time during regular business hours. Inspectors shall be granted unrestricted access to the site. All samples collected by the Tribe's inspectors shall become property of the Tribe and no compensation shall be owed by the Tribe for such samples. The Tribe shall keep test results for all hemp and hemp products tested for a minimum of three years. Testing of hemp shall be conducted pursuant to standards adopted by the Tribe using post-decarboxylation or other similarly reliable methods for the test of delta-9 THC concentration.

DISPOSAL OF HEMP PLANTS AND PRODUCTS

Hemp that contains a higher THC concentration level than the federally defined limit shall be disposed of by the Licensee in compliance with the Tribe's rules and all applicable federal, state and local laws, regulations, rules, and other requirements. Lots tested and not certified by the DEA-registered laboratory at or below the acceptable hemp THC level may not be further handled, processed or enter the stream of commerce.

If hemp contains a higher THC concentration level than the federally-defined limit, the harvest shall be promptly disposed of by the Licensee according to the following disposition: (1) hemp stalks may be harvested, processed, and used for fiber and/or any other lawful purpose; and (2) hemp seed may be harvested, processed, rendered non-viable for food products, provided it is sourced from hemp grown with seed certified pursuant to the Tribe's seed certification program, or otherwise received certification by other seed agencies recognized by the Tribe.

Licensees shall have fourteen calendar days from the date of notification of test results higher than the federally defined THC concentration for hemp to contact the Tribe in writing and apply for retesting or propose destruction or on-site utilization. All hemp plant material not disposed of must be destroyed or utilized on-site in a manner approved of and verified by the Tribe. Hemp subject to destruction or on-site utilization shall not be removed from the location unless otherwise authorized by the Tribe. Methods of destruction or on-site utilization may include, but are not limited to, incineration, composting, tilling into

the soil, or grazing by livestock. Except for hemp seeds rendered non-viable, all hemp subject to destruction or on-site utilization shall not be added to or processed into any consumable product.

Any Licensee that fails to submit a Crop Destruction Report shall have its License revoked, shall be banned from participating in the Hemp Program in the future, and shall be subject to a civil penalty of up to \$2,500. A Licensee, whose hemp must be destroyed, is required to submit a Crop Destruction Report at least fifteen days prior to the proposed crop destruction. The Report shall contain the following:

- Lot identification of the hemp crop to be destroyed;
- Variety/strain of the hemp crop;
- Date of proposed destruction;
- Proposed method of destruction;
- Whether the destruction will be a complete destruction of all hemp at the site;
- Photos of the hemp site proposed for destruction;
- License number of the Licensee; and
- Licensee's signature.

The Commission shall promptly notify the USDA by certified mail or electronically of any occurrence of cannabis plants or plant material that do not meet the definition of hemp and attach the records demonstrating the appropriate disposal of all of those plants and materials in the lot.

VIOLATIONS AND ENFORCEMENT PROCEDURES

If the Tribe determines that the Licensee has negligently violated the requirements of the Hemp Tribal Code, including: (1) failing to provide a legal description of land on which the Licensee cultivates hemp; (2) failing to obtain a License or other required authorization from the Tribe, as applicable; and (3) producing *Cannabis sativa* L. with a tetrahydrocannabinol concentration of more than the federally defined THC level for hemp, currently 0.3% on a dry weight basis.

A Licensee who receives a negligent violation determination shall comply with a corrective action plan (CAP) established by the Tribe to correct the negligent violation. The CAP will include, at a minimum, the following terms:

- (1) A reasonable date by which the Licensee shall correct the negligent violation.
- (2) A requirement that the Licensee shall periodically report to the Tribal government, as applicable, on its compliance with the Tribal plan for a period of not less than the next 2 years from the date of the negligent violation.
- (3) A Licensee that negligently violates a Tribal plan shall not as a result of that violation be subject to any criminal enforcement action by the Federal or Tribal government.
- (4) A Licensee that negligently violates a Tribal plan three times in a 5-year period shall be ineligible to produce hemp for a period of 5 years beginning on the date of the third violation.
- (5) The Tribe shall conduct an inspection to determine if the CAP has been implemented as submitted..

If the Tribe determines that a Licensee within the exterior boundaries of the Winnebago Indian Reservation has violated the Hemp Tribal Code with a culpable mental state greater than negligence, the Tribe shall immediately report the Licensee to: (1) the United States Attorney General; the Tribe's chief law enforcement officer; and the Tribe's General Counsel.

Any person, including a key participant, with a State or Federal felony conviction relating to a controlled substance is subject to a 10-year ineligibility restriction on participating in the Tribal Plan and producing hemp from the date of the conviction. An exception applies to a person who was lawfully growing hemp under the 2014 Farm Bill before December 20, 2018, and whose conviction also occurred before that date. Any producer growing hemp lawfully with a license, registration, or authorization under a pilot program authorized by 7 U.S.C. § 5940 before October 31, 2019 shall be exempted from this section. Any applicant who materially falsifies any information in the Tribe's application shall be deemed ineligible to participate in the Tribe's hemp program.