



Mille Lacs Band of Ojibwe Indians

*Executive Branch of Tribal Government
Office of the Chief Executive*

Via E-mail

Virgil Wind
Chief Executive
Mille Lacs Band of Ojibwe
43408 Oodena Drive
Onamia, MN 56359

August 27, 2024

Charlene Briner
Interim Director
Office of Cannabis Management
St. Paul, MN 55155

Re: Mille Lacs Band Comments on Draft OCM Cannabis Rules

Dear Interim Director Charlene Briner:

My name is Virgil Wind, and I have the honor of serving as the new Chief Executive of the Mille Lacs Band of Ojibwe, a sovereign and federally recognized tribe located in East-Central Minnesota. We govern through a three-branch system dedicated to the well-being of our people. Our government's efforts are sustained through a blend of grant funding and other revenue, primarily derived through the success of our business ventures.

It is with great appreciation and respect that we offer our comments on your Draft Cannabis Rules. We are grateful for the opportunity to contribute to this significant rulemaking process, which has far-reaching implications for tribal communities.

Section No.	Section Name	Comment/Question
9810.1000	License Limits	Will the OCM add language clarifying limitations on licensees holding more than one type of license?
9810.1001	Disqualifying Offenses	Do the listed restrictions apply to the Board of Directors, officers of the company, key employees, or all the above?
9810.1003	Petitioning the Office	Other than the peer review requirement, will the OCM publish guidance on standards for scientific research? Prior to OCM approval or denial of a petition, will the OCM accept comments from subject matter experts or the public?
9810.1100	General Operations	Specifically listing "federal" regulations could create confusion surrounding the supremacy of federal or state law. Alternatively, this section could require compliance "with all applicable regulations."

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9810.1301	Track & Trace, System Administration	Similar to other states, subpart one will create a monopoly for one vendor. Will the OCM impose price limits charged to cannabis businesses when it selects its statewide monitoring system?
9810.1302, subp. 8(E)	Track & Trace, Inventory & Tracking Requirements – Outages & Manual Reporting	Cannabis businesses will not always have control over power or internet outages. Will the OCM allow for manual recording during such outages provided that the cannabis business notifies the OCM?
9810.1400	Packaging & Labeling Requirements	Some cannabis product packaging will be small. Will the OCM allow the required symbols and statements to appear on an exterior bag? Alternatively, will the OCM allow smaller symbol sizes and fonts for small products?
9810.1500	Security	Several sections require automatic notification to local law enforcement. Has the OCM conferred with law enforcement agencies as to how they will interface with such alerts?
9810.1500, subp. 3(A)(2)	Security - Testing Security Measures	Ceasing all cannabis business functions is a significant disruption. If the cannabis business appropriately requests an extension but the OCM does not immediately respond, perhaps the extension can be presumed to be granted until the OCM officially responds.
9810.1500, subp. 9(D) and 9(E)	Security - Video Surveillance Requirements	The surveillance requirements for cultivation will create a tremendous amount of data. Retaining such large amounts of data for 90 days will be extremely expensive. The statewide tracking system will be able to detect inventory anomalies on a daily and weekly basis. When anomalies occur, surveillance footage can be saved specific to such event. Therefore, a standard retention period of two weeks would be sufficient and much less cost prohibitive.
9810.1500, subp. 15	Security - Outdoor Cultivation	Has the OCM explored alternatives to complete perimeter fencing?
9810.2000	Cultivation	License applications do not appear to have a section related to assessing minimal financial viability. Cultivation is an especially capital-intensive business. Requiring proof of adequate capitalization may help ensure only reputable cultivators receive such a license.
9810.2000, subp. 2	Cultivation - Authorized Activities	Will the public be able to request copies of cultivation plans from the OCM? Such plans are likely to contain proprietary information.
9810.2204, subp. 1	Ingestible Cannabis Product Manufacturing	Several sections distinguish between “endorsements” and “licenses.” However, the draft rules do not contain a

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	Requirements – Authorized Activities	definition of an “endorsement,” nor do they articulate the legal differences between an endorsement and a license.
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Thank you again for taking our comments into consideration. Also, please feel free to contact me at virgil.wind@millelacsband.com if you have any questions.

Sincerely,



Virgil Wind
Chief Executive
Mille Lacs Band of Ojibwe