**Band Assembly Bill XX-XX-XX-23**

A Bill enacting a Cannabis Code within Title 16 – Corporations. This bill will create a Department of Cannabis Regulation within Mille Lacs Corporate Ventures, which will issue business licenses and create policies. The Cannabis Code allows for cultivation, manufacturing, retail, and testing. This bill also amends section 7 of Title 23 regarding possession of cannabis within a vehicle.

The District II Representative introduced the following Bill on the XX day of July, 2023.

**BE IT ENACTED BY THE BAND ASSEMBLY OF THE NON-REMOVABLE MILLE LACS BAND OF OJIBWE:**

**Section 1. Enacting a Cannabis Code.**

**§ 1. Purpose.**

1. The purposes of this statute are:
	1. To promote the health, safety, and security of the Mille Lacs Band of Ojibwe and its members, protect public health and safety, and to promote safe and responsible cannabis business activities on the Band’s sovereign land.
	2. To govern the issuance of cannabis business licenses and the cultivation, manufacturing, distribution and sale of cannabis and cannabis products on the Band’s sovereign land.

**§ 2. Definitions.**

1. **“Adult-Use Cannabinoid Product**” means a cannabinoid product that is approved for sale by the Department or is substantially similar to a product approved by the Department. Adult-use cannabinoid product includes edible cannabinoid products but does not include medical cannabinoid products.
2. **“Adult-Use Cannabinoid Concentrate”** means cannabis concentrate that is approved for sale by the Department or is substantially similar to a product approved by the Department. Adult-use cannabis concentrate does not include artificially derived cannabinoids.
3. **“Adult-Use Cannabis Flower”** means a cannabis flower that is approved for sale by the Department or is substantially similar to a product approved by the Department. Adult-use cannabis flower does not include medical cannabis flower, hemp plant parts, or hemp-derived consumer products.
4. **“Advertisement”** means any written or oral statement, illustration, or depiction that is intended to promote sales of cannabis flower, cannabinoid products, lower potency edible products, hemp-derived consumer products, or sales at a specific cannabis business and includes any newspaper, radio, internet and electronic media, or television promotion; the distribution of fliers and circulars; and the display of window and interior signs in a cannabis business.
5. **“Artificially Derived Cannabinoid”** means a cannabinoid extracted from a cannabis plant, cannabis flower, hemp plant, or hemp plant parts with a chemical makeup that is changed after extraction to create a different cannabinoid or other chemical compound by applying a catalyst other than heat or light. Artificially derived cannabinoid includes but is not limited to any tetrahydrocannabinol created from cannabidiol but does not include cannabis concentrate, cannabinoid products, or hemp-derived consumer products.
6. **“Band Assembly”** means the Band Assembly of the Mille Lacs Band of Ojibwe is the Legislative Branch of the Mille Lacs Band of Ojibwe responsible for passing acts and resolutions, allocating revenue, revision of statutes, overseeing the Department of Cannabis Regulation, and more.
7. **“Batch”** means
	1. A specific quantity of cannabis plants that are cultivated from the same seed or plant stock, are cultivated together, are intended to be harvested together, and receive an identical propagation and cultivation treatment; or
	2. A specific quantity of a specific cannabinoid product, lower potency edible product, artificially derived cannabinoid, or hemp-derived consumer product that is manufactured at the same time and using the same methods, equipment, and ingredients that is uniform and intended to meet specifications for identity, strength, purity, and composition, and that is manufactured, packaged, and labeled according to a single batch production record executed and documented during the same cycle of manufacture and produced by a continuous process.
8. **“Batch Number”** means a unique numeric or alphanumeric identifier assigned to a batch of cannabis flower or a batch of cannabinoid product, lower potency edible product, artificially derived cannabinoid, or hemp-derived consumer product.
9. **“Cannabinoid”** means any of the chemical constituents of hemp plants or cannabis plants that are naturally occurring, biologically active, and act on the cannabinoid receptors of the brain. Cannabinoid includes but is not limited to tetrahydrocannabinol and cannabidiol.
10. **“Cannabinoid Extraction”** means the process of extracting cannabis concentrate from cannabis plants or cannabis flower using water, lipids, gases, solvents, or other chemicals or chemical processes, but does not include the process of extracting concentrate from hemp plants or hemp plant parts or the process of creating artificially derived cannabinoids.
11. **“Cannabinoid Product”** means:
	1. cannabis concentrate;
	2. a product infused with cannabinoids, including but not limited to tetrahydrocannabinol, extracted or derived from cannabis plants or cannabis flower;
	3. any other product that contains cannabis concentrate; or
	4. a product infused with artificially derived cannabinoids.
12. **“Cannabinoid Profile”** means the amounts of each cannabinoid that the Department requires to be identified in testing and labeling, including but not limited to delta-9 tetrahydrocannabinol, tetrahydrocannabinolic acid, cannabidiol, and cannabidiolic acid in cannabis flower, a cannabinoid product, a batch of artificially derived cannabinoid, or a hemp-derived consumer product, expressed as percentages measured by weight and, in the case of cannabinoid products and hemp-derived consumer products, expressed as milligrams in each serving and package.
13. **“Cannabis Business”** means
	1. Cannabis Cultivator;
	2. Cannabis Manufacturer;
	3. Cannabis Retailer;
	4. Cannabis Wholesaler; or
	5. Cannabis Testing Facility.
14. **“Cannabis Concentrate”**
	1. means:
		1. The extracts and resins of a cannabis plant or cannabis flower;
		2. The extracts or resins of a cannabis plant or cannabis flower that are refined to increase the presence of targeted cannabinoids; or
		3. A product that is produced by refining extracts or resins of a cannabis plant or cannabis flower and is intended to be consumed by combustion or vaporization of the product and inhalation of smoke, aerosol, or vapor from the product; and
	2. does not mean:
		1. industrial hemp, artificially derived cannabinoids, or hemp-derived consumer products.
15. **“Cannabis Flower”** means the harvested flower, bud, leaves, and stems of a cannabis plant. Cannabis flower includes adult-use cannabis flower and medical cannabis flower. Cannabis flower does not include cannabis seed, industrial hemp, or hemp-derived consumer products.
16. **“Cannabis Plant”** means all parts of the plant of the genus Cannabis that is growing or has not been harvested and has a delta-9 tetrahydrocannabinol concentration of more than 0.3 percent on a dry weight basis.
17. **“Cannabis Seed”** means the viable seed of the plant of the genus Cannabis that is reasonably expected to grow into a cannabis plant. Cannabis seed does not include hemp seed.
18. **“Cannabis Worker”** means any individual employed by a cannabis business and any individual who is a contractor of a cannabis business whose scope of work involves the handling of cannabis plants, cannabis flower, artificially derived cannabinoids, or cannabinoid products.
19. **“Cultivation”** means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis plants, cannabis flower, hemp plants, or hemp plant parts.
20. **“Edible Cannabinoid Product”** means any product that is intended to be eaten or consumed as a beverage by humans; contains a cannabinoid, including an artificially derived cannabinoid, in combination with food ingredients; is not a drug; and is a type of product approved for sale by the Department, or is substantially similar to a product approved by the Department including but not limited to products that resemble nonalcoholic beverages, candy, and baked goods. Edible cannabinoid product includes lower potency edible products.
21. **“Intoxicated Cannabinoid”** means a cannabinoid, including an artificially derived cannabinoid, that when introduced into the human body impairs the central nervous system or impairs the human audio, visual, or mental processes. Intoxicating cannabinoid includes but is not limited to any tetrahydrocannabinol.
22. **“Mille Lacs Band of Ojibwe Department of Cannabis Regulation”** or **“Department”** means the Department within the Mille Lacs Corporate Ventures responsible for:
	1. Auditing and inspecting cannabis businesses for compliance with the Mille Lacs Band of Ojibwe Regulations for the Establishment and Operation of Cannabis Activities and the Minnesota Department of Health and Mille Lacs Band of Ojibwe Compact Agreement.
	2. Issuing notices of noncompliance, overseeing corrective action, and providing reports to the Band Assembly.
23. **“Nonintoxicating Cannabinoid”** means a cannabinoid that when introduced into the human body does not impair the central nervous system and does not impair the human audio, visual, or mental processes. Nonintoxicating cannabinoid includes but is not limited to cannabidiol but does not include any artificially derived cannabinoid.
24. **“Outdoor Advertisement”** means an advertisement that is located outdoors or can be seen or heard by an individual who is outdoors and includes billboard; advertisements on benches; advertisements at transit stations or transit shelters; advertisements on the exterior or interior of buses, taxis, light rail transit, or business vehicles; and print signs that are placed or located on the exterior property of a cannabis business.
25. **“Seed-to-Sale Electronic Tracking System”** means the system for integrated cannabis tracking, inventory, and verification established or adopted by the Department.
26. **“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. Volatile solvent includes but is not limited to butane, hexane, and propane.

**§ 3. The Department of Cannabis Regulation**

1. **Powers and duties.** The powers and the duties of the Department of Cannabis Regulation are:
	1. to fairly issue cannabis business licenses;
	2. to give an annual report to the Band Assembly; and
	3. to develop a policy, which shall:
		1. establish a system to protect, maintain, and improve the health and safety of the community;
		2. prevent unauthorized access to cannabis and cannabis products by individuals under 21 years of age;
		3. establish and regularly update standards for product testing, packaging and labeling;
		4. establish an online process for license applications;
		5. establish a process for fairly approving licenses;
		6. meet the market demand for cannabis and cannabis products;
		7. promote a craft industry for cannabis and cannabis products;
		8. support and prioritize the growth of the Band’s communities; and
		9. eliminate the illicit market for cannabis and cannabis products;

**§ 4. Seed-to-Sale Electronic Tracking System.**

1. Each cannabis operator who has been issued a license shall utilize the online seed-to-sale electronic tracking system utilized for plant tags, product identification, and chain of custody in order to track cannabis and cannabis products through cultivation, manufacturing, distribution and sale.
2. The Department shall contract with an outside vendor to establish an online seed-to-sale electronic tracking system for integrated cannabis tracking, inventory management, and verification from seed to disposal or sale to eligible customers.
3. The online seed-to-sale electronic tracking system must allow licensed cannabis businesses to submit monitoring data to the Department for reporting purposes as required by policy.

**§ 5. Approval of Cannabis Flower and Products.**

1. **General.** The Department shall inspect and approve types of cannabis flower and cannabinoid products eligible for retail sale.
2. **Products out of compliance.** The Department shall deem any cannabinoid products out of compliance that:
	1. appear to be a lollipop or ice cream;
	2. appear to be the likeness, or contains characteristics of, real or fictional, person, animal, or fruit;
	3. contains a synthetic cannabinoid;
	4. if the product is an edible product, contains an ingredient other than a cannabinoid that is not approved by the United States Food and Drug Administration for use of food; and
	5. is designed to appeal to individuals under 21 years of age.
3. **Products in compliance.** The following product formats for retail sale:
	1. raw cannabis flower;
	2. cannabis pre-rolls;
	3. cannabis concentrates, including products intended for combustion or vaporization;
	4. cannabis topicals;
	5. cannabis tinctures and/or oral products;
	6. cannabis edibles; and
	7. any another format as approved by the Department.

**§ 6. Agricultural and Food Safety Practices.**

1. **Plant propagation standards.** The Department must establish testing and labeling requirements for the methods used to grow new cannabis plants, including but not limited to growth from seed, clone, cutting, or tissue culture. The requirements must prohibit the cultivation of cannabis plants derived from genetic engineering.
2. **Agricultural best practices.**
	1. The Department must shall establish best practices for:
		1. the cultivation and preparation of cannabis plants; and
		2. the use of pesticides, fertilizers, soil amendments, and plant amendments in relation to growing cannabis plants.
3. **Edible cannabinoid product handling.**
	1. The Department must establish:
		1. best practices for safe food handling procedures to ensure the health and safety of the public; and
		2. finished product packaging and storage standards to guarantee the integrity of the product.
	2. An edible cannabinoid product must not be considered adulterated solely because the product contains tetrahydrocannabinol, cannabis concentrate, or any other materials extracted or derived from a cannabis plant or flower.
	3. All edible cannabinoid product handling and manufacturing must be conducted in a safe, sanitary environment that is separate from a premises where food is manufactured.
	4. Licensed manufacturers must establish and maintain standard operating procedures that demonstrate policies and employee training on clean room standards in locations where cannabinoid products are being produced.

**§ 7. Establishment of Environmental Standards.**

1. **Water standards.** The Department must establish appropriate water standards for cannabis businesses that promote and protect the integrity of its sovereign land and surrounding communities.
2. **Energy use.** The Department must establish appropriate energy standards that minimizes a cannabis business’ carbon footprint and environmental impact.
3. **Solid waste.** The Department must establish appropriate solid waste standards for the disposal of:
	1. cannabis flower and cannabinoid products;
	2. packaging;
	3. recyclable materials, including minimum requirements for the use of recyclable materials; and
	4. other solid waste.
4. **Odor.** The Department must establish appropriate standards and requirements to limit odors produced by cannabis businesses.
5. **Pesticide use.** All cannabis cultivators shall only apply pesticides deemed to be “Minimum Risk Pesticides” as defined by the United States Protection Administration.

**§ 8. License Issuance, Transfers, and Adjustments.**

1. **License availability.**
	1. The Department shall issue a separate, non-transferable cannabis business license for each cannabis activity authorized under this Code.
	2. A separate cannabis license must be issued for:
		1. cultivation;
		2. manufacturing;
		3. retail (without onsite consumption);
		4. retail (with onsite consumption); and
		5. testing.
2. **Issuance of license.**
	1. A cannabis license shall only be issued to a cannabis operator after the following materials have been provided to and reviewed by the Department:
		1. the specific cannabis activity proposed for licensure;
		2. the mailing and physical address of the cannabis business premises where cannabis activities are intended to take place;
		3. standard operating procedures outlining that the intended methods for operation are compliant with this Code;
		4. a list of proposed employees, including their names, addresses, dates of birth, and photo-copy of their driver’s license or other government-issued identification demonstrating the individual is over 21 years of age;
		5. criminal background checks if deemed necessary by the Department and conducted through a manner determined by the Department;
		6. a safety and security plan that guarantees the health and safety of the cannabis business, its employees, and the surrounding community compliant with § 10(i) of this Code;
		7. a floor plan identifying the square footage available and descriptions of each functional area of the cannabis business facility and premises.
	2. Cannabis business licenses must be renewed annual with the Department in order to identify any operational changes that have been made.
	3. In accordance with the Mille Lacs Band Cannabis Activities of the Minnesota Department of Health and Mille Lacs Band of Ojibwe Compact Agreement, the Mille Lacs Band will notify the Minnesota Department of Health, in writing, at least 30 days prior to commencing cannabis operations.
		1. The notice shall include:
			1. the nature of the planned cannabis activity;
			2. the entity or ownership of the business operating the facility;
			3. the location of the premises; and
			4. certification that the facility is located on Mille Lacs Band sovereign land.
		2. Upon receipt of this information, the Minnesota Department of Health will issue the cannabis facility a state license number for safe, compliant, and traceable statewide cannabis activity.
3. **Transfers and adjustments.**
	1. Cannabis business licenses are non-transferrable unless the Department determines grounds for license transfer are permissible. Permissible transfers may include, but are not limited to:
		1. change in legal business structure;
		2. change in ownership; or
		3. change in location.
			1. The Department may permit relocation of a licensed cannabis business through an application that requires:
				1. new address;
				2. updated floor and site plans for new location;
				3. changes to safety and security plan.

**§ 9. Inspection and License Violation.**

1. **Authority to inspect.**
	1. The Department has the authority to, upon presenting appropriate credentials to the owner, operator, or agent in charge at a licensed cannabis business and for any reason:
		1. enter any cannabis business without delay at a reasonable time;
		2. inspect and investigate a cannabis business during regular working hours and at other reasonable times in order to review the business’ conditions, equipment, records, and materials; and
		3. question the owner, operator, or agent in charge at the cannabis business.
	2. An owner, operator, or agent in charge at a cannabis business may not refuse the entry of a Department member for any reason.
2. **Violations.**
	1. If the Department finds probable cause to believe that any cannabis or cannabis product is being distributed in violation of this Code, the Department must enforce the cannabis business licensee to immediately cease distribution of products and may tag and withdraw the cannabis or cannabis products from distribution order.
	2. The Department may issue an administrative order to any cannabis business licensee that the Department determines has committed a violation of this Code. This may require the business to correct the violation or to cease and desist from committing the violation. The order must clearly state the deficiencies that constitute the violation and the time by which the violation must be corrected.
	3. A cannabis business licensee may submit, in writing, a request for reconsideration if the license holder believes the administrative order is in error. The Department must respond to the request within 15 business days from when the request was received.

**§ 10. Cannabis Business; General Operational Requirements and Prohibitions.**

1. **Age verification.**
	1. A cannabis business may not employ an individual under 21 years of age and may contract with an individual under 21 years of age if the individual’s scope of work involves the handling of cannabis plants, cannabis flower, artificially derived cannabinoids, or cannabinoid products.
	2. A cannabis business may not permit an individual under 21 years of age to enter the business premises.
	3. A cannabis business may not sell cannabis or cannabis products to an individual under 21 years of age.
2. **Use of cannabis and cannabis products within a licensed cannabis business.**
	1. A cannabis business may not permit an employee of the licensed business to consume cannabis or cannabis products within its licensed premises or during working hours.
	2. A cannabis business may permit a qualifying consumer to consume products within its licensed premises if the cannabis business holds a retail license that permits onsite consumption.
		1. Consumption of cannabis onsite must be conducted in a designated area on the licensed premises, dedicated to consumption and located in a limited-access area of the facility.
3. **Restricted access.**
	1. A cannabis business may not permit any individual to enter a restricted access area unless the cannabis business records the individua’s name, time of entry, time of exit, authorization to enter the restricted area through use of an electronic or manual entry log, and the individual:
		1. is a cannabis worker employed by or contracted with a cannabis business;
		2. is an employee of the Department or another enforcement agency;
		3. is a contractor of the cannabis business, including but not limited to an electrician, a plumber, an engineer, or an alarm technician, whose scope of work will not involve the handling of cannabis flower or cannabinoid products and, if the individual is working in an area with immediate access to cannabis flower and cannabinoid products, the individual is supervised at all times by a cannabis worker employed by the cannabis business; or
		4. has explicit authorization from the Department to enter a restricted access area and, if the individual is in an area with immediate access to cannabis flower or cannabinoid products, the individual is supervised at all times by a cannabis worker employed by the cannabis business.
	2. A cannabis business shall ensure that all areas of entry to restricted areas within its licensed premises are conspicuously marked and cannot be entered without recording or logging the information outlined in § 10(c)(1) of this Code.
	3. All other visitors to a cannabis business shall be accompanied by an escort employed by the cannabis business and shall not permitted entry to restricted-access areas. The cannabis business must log the visitor’s name, time of entry, time of exit, reason for visit, and the escorting employee prior to allowing access into the facility.
4. **Ventilation and filtration.** A cannabis business must maintain a ventilation and filtration system sufficient to meet the requirements for order controlled established by the Department.
5. **Records.**
	1. A cannabis business must retain financial records for the current and previous tax year at the primary business location and must make those records readily available for inspection by the Department at any time during regular business hours.
	2. All other business records must be maintained by a cannabis business for a period of at least five (5) years and be made readily available for inspection by the Department upon request.
6. **Use of seed-to sale tracking system.**
	1. A cannabis business must utilize the seed-to-sale electronic tracking system established by the Department for integrated cannabis tracking, inventory, and verification to monitor all cannabis plants, cannabis flower and cannabinoid products the cannabis business has in its possession to the point of disposal, transfer, or sale.
	2. A cannabis business shall conduct an initial comprehensive inventory of all cannabis and cannabis products in its possession including seeds or immature plants used for cultivation, manufactured goods, and finished, usable cannabis or cannabis products for retail sale. Such inventory shall include damaged, defective, expired or adulterated cannabis or cannabis products awaiting disposal.
	3. Sale and transfer of cannabis and cannabis products must be recorded in the seed-to-sale electronic tracking system within the timeframe established in § 13 of this Code.
	4. Inventory audits shall document the name, quantity, and unique product identifier and shall be reported in the seed-to-sale electronic tracking system. Inventory audits must be maintained, accurate, and up to date in the seed-to-sale electronic tracking system for reporting purposes by the Department.
	5. Any lost or stolen products must be reported to local law enforcement and the Department and must be logged in the electronic tracking system as soon as the loss is discovered.
7. **Disposal and waste management.**
	1. A cannabis business must dispose of cannabis plants, cannabis flower, and cannabinoid products that are damaged, have a broken seal, have been contaminated, or have not been sold by the expiration date on the label, if applicable.
	2. Disposal must be conducted in a manner approved by the Department which may include rendering the cannabis unusable and unrecognizable through methods such as grinding or mixing the cannabis with a greater quantity of non-cannabis material such as paper or soil. Cannabis waste is unusable and unrecognizable if all components of the waste are indistinguishable and incapable of being ingested, inhaled, injected, swallowed or otherwise consumed.
	3. Disposed cannabis and cannabis products must be documented in the electronic tracking system.
8. **Sale of approved products.**
	1. A cannabis business may only sell cannabis and cannabis products that have been approved by the Department as outlined in § 5 of this Code.
	2. A cannabis business may not sell cannabis or cannabis products that do not meet the standards for testing, packaging, and labeling adopted in this Code.
9. **Security.**
	1. A cannabis business must maintain and follow a security plan to deter and prevent the theft or diversion of cannabis and cannabis products, unauthorized entry into the cannabis business, and the theft of currency.
	2. A cannabis business must establish policies and procedures surrounding alarm monitoring and 24-hour video surveillance for the safety and security of the cannabis business, its employees, and the surrounding community.

**§ 11. Cultivation.**

1. **Authorized actions.**
	1. Issuance of a cannabis cultivator license entitles the license holder:
		1. to grow cannabis plants within its licensed premises from seed or immature plant to mature plant;
		2. to harvest cannabis flower from a mature plant;
		3. to package and label the cannabis flower for sale to another licensed cannabis business; and
		4. to safely and securely transport the cannabis flower to another licensed cannabis business on or off the Mille Lacs Band’s sovereign land in alignment with the rules adopted in the Mille Lacs Band Compact Agreement with the State of Minnesota regarding transportation and §14(b) of this Code.
2. **Cultivation records.**
	1. A cannabis cultivator must prepare a cultivation record for each batch of cannabis plants and cannabis flower maintained electronically or in hard-copy format. Cultivation records must be maintained for a period of at least five (5) years and be made readily available to the Department upon request.
	2. In addition to the name, weight, quantity, and unique identifier, cultivation records must include the quantity and timing, where applicable, of each pesticide, fertilizer, soil amendment, or plant amendment used to cultivate the batch.

1. **Cultivation plan.** Acannabis cultivator must prepare, maintain, and execute an operating plan and a cultivation plan which must include, but is not limited to:
	1. water usage;
	2. recycling;
	3. solid waste disposal; and
	4. a pest management protocol that incorporates integrated pest management principles to control or prevent the introduction of pests to the cultivation site.
2. **Agricultural chemicals and pesticides.**
	1. A cannabis cultivator must request approval from the Department for any pesticides used in the cultivation of cannabis flower.
	2. A cannabis cultivator may not apply pesticides when pollinators are present or allow pesticides to drift to flowering plants that are attractive to pollinators.
	3. A cannabis cultivator is subject to the discretion of the Department regarding the use of pesticides, fertilizers, soil amendments, plant amendments, and other inputs to cultivate cannabis.
3. **Adulteration.** A cannabis cultivator must not treat or otherwise adulterate cannabis plants or cannabis flower with any substance or compound that has the effect or intent of altering the color, appearance, weight, or smell of the cannabis.

**§ 12. Manufacturing.**

1. **Authorized actions.** Issuance of a cannabis manufacturer license entitles the license holder:
	1. to purchase cannabis flower from licensed cannabis cultivators;
	2. to purchase cannabinoid products from other cannabis manufacturers;
	3. to make cannabis concentrate;
	4. to manufacture artificially derived cannabinoids;
	5. to manufacture cannabinoid products for public consumption;
	6. to package and label cannabinoid products for sale to other licensed cannabis businesses;
	7. to sell cannabis concentrate, artificially-derived cannabinoids, and cannabinoid products to other licensed cannabis businesses; and
	8. to safely and securely transport cannabis concentrate, artificially derived cannabinoids, and cannabinoid products to other licensed cannabis businesses on or off the Mille Lacs Band’s sovereign land in alignment with the rules adopted in the Mille Lacs Band Compact Agreement with the State of Minnesota regarding transportation and §14(b) of this Code.
2. **Manufacturer operations.**
	1. Cannabis manufacturing must take place in an enclosed, locked facility that is exclusively used for the manufacturing of cannabinoid products or creation of artificially derived cannabinoids except in the case that the cannabis manufacturing licensee is co-located with a cannabis cultivation license.
	2. A facility may be co-located when a cannabis manufacturer operates in a facility that shares general office space, bathrooms, entryways, and walkways.
	3. Cannabis manufacturing must take place on equipment that is used exclusively for the manufacturing of cannabinoid products or creation of artificially derived cannabinoids.
	4. A cannabis manufacturer must comply with all testing, packaging, labeling, and health and safety requirements adopted in this Code.
3. **Extraction and concentration.**
	1. A cannabis manufacturer must inform the Department of all methods of extraction and concentration that the manufacturer intends to use as well as identify the volatile chemicals, if any, that will be involved in the creation of cannabis concentrate. A cannabis manufacturer may not use a method of extraction and concentration or a volatile chemical without approval by the Department.
	2. A cannabis manufacturer must inform the Department of all methods of conversion that the manufacturer will use, including any specific catalysts that the manufacturer will employ in order to create artificially derived cannabinoids and the molecular nomenclature of all cannabinoids or other chemical compounds that the manufacturer will create. A cannabis manufacturer may not use a method of conversion or a catalyst without approval by the Department.
	3. A cannabis manufacturer must obtain a written statement by a professional engineer approving:
		1. all electrical, gas, fire suppression, and exhaust systems; and
		2. the plan for safe storage and disposal of hazardous substances, including but not limited to any volatile chemicals.
4. **Production of consumer products.**
	1. All areas within the licensed premises of a cannabis manufacturer producing cannabinoid products must be maintained in a clean and sanitary manner. A cannabis manufacturer must establish standard operating procedures that outline the business’ policy for clean room standards.
	2. A cannabis manufacturer may only add chemicals or compounds to cannabis concentrate or artificially derived cannabinoids upon approval by the Department.
	3. Upon the sale of any cannabinoid product to a cannabis business, a cannabis manufacturer must provide a statement to the buyer that discloses the product’s ingredients, including but not limited to any chemicals or compounds and any major food allergens declared by name.
	4. Upon the sale of any cannabinoid product to a cannabis business, a cannabis manufacturer must provide a certificate of analysis demonstrating the product has undergone and passed laboratory testing by a licensed testing facility.
	5. A cannabis manufacturer shall not add any cannabis flower, cannabis concentrate, or artificially derived cannabinoid to a product where the manufacturer of the product holds a trademark to the product’s name. A cannabis manufacturer may use a trademarked food product if the manufacturer uses the product as a component or as part of a recipe and where the cannabis manufacturer does not state or advertise to the customer that the final retail cannabinoid product contains a trademarked food product.

**§ 13. Retail.**

1. **Authorized actions.** Issuance of a cannabis retailer license entitles the license holder:
	1. to purchase immature cannabis plants and seedlings and cannabis flower from a licensed cannabis cultivator;
	2. to purchase cannabinoid products from cannabis manufacturers;
	3. to sell immature cannabis plants and seedlings, adult-use cannabis flower, adult-use cannabinoid products, and other products authorized by the Department to eligible customers; and
	4. to sell and deliver adult-use cannabis flower and cannabinoid products to qualifying customers in accordance with § 14(b) of this Code.
2. **Sale of cannabis and cannabinoid products.**
	1. A cannabis retailer may only sell immature cannabis plants or seedlings, adult-use cannabis flower, and adult-use cannabinoid products to individuals who are at least 21 years of age.
	2. A cannabis retailer may sell immature cannabis plants and seedlings, adult-use cannabis flower, and adult-use cannabinoid products that:
		1. are obtained by a licensed cannabis cultivator, cannabis manufacturer, or cannabis wholesaler; and
		2. meet all applicable packaging and labeling requirements as outlined in § 16 of this Code.
	3. A cannabis retailer may sell up to two (2) ounces of adult-use cannabis flower, eight (8) grams of adult-use cannabis concentrate, and edible cannabinoid products infused with 800 milligrams of tetrahydrocannabinol during a single transaction to a customer.
		1. Edible cannabinoid products may not include more than ten (10) milligrams per serving and a single package may not include more than a total of 100 milligrams of tetrahydrocannabinol.
			1. A package may contain multiple servings of ten (10) milligrams of tetrahydrocannabinol provided that each serving is indicated by scoring, wrapping or other indicators designating the individual serving size.
3. **Sale of non-cannabis products.** A cannabis retailer may sell cannabis paraphernalia, including but not limited to:
	1. Childproof packaging containers and other devices designed to ensure the safe storage and monitoring of cannabis flower and cannabinoid products in the consumer’s home to prevent access by individuals under 21 years of age;
	2. Drinks that do not contain alcohol or cannabis and are packaged in sealed containers labeled for retail sale;
	3. Books and videos on the cultivation and use of cannabis flower and cannabinoid products;
	4. Magazines and other publications published primarily for information and education on cannabis plants, cannabis flower, and cannabinoid products;
	5. Multiple-use bags designed to carry purchased items;
	6. Clothing or other Department-approved merchandise marked with the specific name, brand, or identifying logo of the cannabis retailer; and
	7. Paraphernalia designed for consumption of cannabis products sold at the retail store.
4. **Age verification.**
	1. Prior to entering the licensed retail premises and initiating a sale, an employee of a licensed cannabis retailer must verify that the customer is at least 21 years of age. Proof must be established only by one of the following:
		1. A valid driver’s license or identification card issued by a state or province of Canada including the photograph and date of birth of the licensed person;
		2. a valid Tribal identification card;
		3. a valid instructional permit issued to a person of legal age to purchase adult-use cannabis or adult-use cannabinoid products, which includes a photograph and the date of birth of the person issued the permit; or
		4. a valid passport.
	2. A cannabis retailer may seize a form of identification listed under § 13(d)(1) if the cannabis retailer has reasonable grounds to believe that the form of identification has been altered or falsified or is being used to violate any law. A cannabis retailer that seizes a form of identification as authorized under this section must retain a copy of the photo identification for its business records and deliver the confiscated identification to local law enforcement within 48 hours of seizing it.
5. **Display of cannabis flower and cannabinoid products.**
	1. A cannabis retailer must designate a retail area where customers are permitted to purchase cannabis and cannabis products.
	2. The retail area shall include a portion of the premises where samples of cannabis flower and cannabinoid products that are available for sale are displayed. All other cannabis flower and cannabinoid products must be securely stored in a limited-access area located behind the point-of sale or in a designated storage area inaccessible by customers.
	3. A cannabis retailer may display one sample of each type of cannabis flower or cannabinoid product that is available for sale.
		1. Samples of cannabis flower and cannabinoid products must be stored in a sample jar or display case and be accompanied by a label or notice containing the information required to be affixed on the packaging or container containing cannabis flower and cannabinoid products sold to customers.
		2. Samples may not consist of more than eight (8) grams of adult-use cannabis flower or adult-use cannabis concentrate or an edible cannabinoid product infused with more than 100 milligrams of tetrahydrocannabinol.
	4. A cannabis retailer may allow customers to smell the cannabis flower or cannabinoid product before purchase.
	5. Samples of cannabis flower or cannabinoid products may not be readily accessible to customers. All sampling must be conducted under the supervision of an employee of the licensed retail store.
	6. A cannabis retailer may not sell cannabis flower or cannabinoid products used as a sample for display.
6. **Posting of notices.** Cannabis retailers must post all notices as required by the Department, including but not limited to:
	1. information about any product recall;
	2. a statement that operating a motor vehicle under the influence of intoxicating cannabinoids is illegal; and
	3. a statement that cannabis flower and cannabinoid products are only intended for consumption by individuals who are least 21 years of age.
7. **Onsite consumption.**
	1. Cannabis retailers may request as part of their license, approval by the Department for an on-site consumption area.
	2. In any approved on-site consumption area, the following restrictions must apply:
		1. cannabis retailers shall designate an enclosed, limited access area dedicated to onsite consumption.
		2. a cannabis retailer shall control and restrict ingress and egress to the onsite consumption are with placement of an employee of the licensed cannabis retail store at the entrance to the onsite consumption area.
		3. a cannabis retailer shall be subject to inspection by the Department or other authorized individuals while the consumption area is open for business.
		4. a cannabis retailer must establish standard operating procedures for the purpose of training employees to identifying intoxication and substance abuse in customers.
8. **Building conditions.**
	1. A licensed cannabis retailer must ensure that the licensed premises is maintained in a clean and sanitary condition, free from infestation by insects, rodents, and other pests.
	2. A cannabis retailer must maintain a separate, secure premises designated for retail sales.
9. **Security.**
	1. A cannabis retailer must establish and maintain a safety and security plan in compliance with § 10(i) of this Code.
		1. The safety and security plan must include, but is not limited to, requirements for:
			1. maintaining video surveillance records;
			2. use of specific locking mechanisms;
			3. establishment of secure entries; and
			4. the number of employees working at all times.
	2. All deliveries to the cannabis retail store from licensed cannabis businesses must be accepted into a limited access area.
10. **Lighting.** A cannabis retailer must keep all lighting outside and inside the retail store in good working order with wattage sufficient for security cameras.
11. **Prohibitions.** A cannabis retailer shall not:
	1. knowingly sell more cannabis flower or cannabinoid products than a customer is legally permitted to possess;
	2. give away immature cannabis plants or seedlings, cannabis flower, or cannabinoid products for free;
	3. allow for the dispensing of cannabis plants, cannabis flower, or cannabinoid products in vending machines; or
	4. sell cannabis plants, cannabis flower, or cannabinoid products if the cannabis retailers know that any required security or electronic tracking systems are not operational.

**§ 14. Wholesale, Transportation, and Delivery.**

1. **Wholesale.**
	1. **Authorized actions.**
		1. A cannabis wholesaler license entitles the license holder to:
			1. Purchase immature cannabis plants and seedlings, cannabis flower, and cannabinoid products from cannabis cultivators, and cannabis manufacturers on Mille Lacs Band sovereign land or across the State of Minnesota; and
			2. Sell immature cannabis plants and seedlings, cannabis flower, and cannabinoid products to cannabis manufacturers and cannabis retailers on Mille Lacs Band sovereign land or across the State of Minnesota.
		2. A cannabis wholesaler may purchase and sell other products or items for which the cannabis wholesaler has a license or authorization or that do not require a license or authorization. Products for which no license or authorization is required include but are not limited to cannabis paraphernalia such as childproof packaging containers and other devices designed to ensure the safe storage and monitoring of cannabis flower and cannabinoid products in a home to prevent access by individuals under 21 years of age.
		3. In accordance the Minnesota Department of Health and Mille Lacs Band of Ojibwe Compact Agreement, cannabis activity that is conducted outside of the Band’s sovereign land within the State of Minnesota must be conducted in compliance with the State of Minnesota’s Cannabis Laws, including the purchase and sale of wholesale cannabis products and the safe and secure transportation of products across the State.
	2. **Separation of products.** A cannabis wholesaler must ensure the cannabis products, cannabis flower, and cannabinoid products are physically separated from all other products in a manner that prevents any cross-contamination.
	3. **Records and labels.** A cannabis wholesaler must maintain accurate records and ensure that appropriate labels remain affixed to cannabis plants, cannabis flower, and cannabinoid products as outlined in § 16 of this Code.
	4. **Building conditions.**
		1. A cannabis wholesaler must ensure that the licensed premises is maintained in a clean and sanitary condition, free from infestation from insects, rodents, and other pests.
		2. A cannabis wholesaler must maintain compliance with local building, fire, and zoning requirements or regulations.
2. **Transportation and delivery.**
	1. **Authorized actions.**
		1. Licensed cannabis cultivators, manufacturers, retailers, and wholesalers are authorized to transport or delivery immature cannabis plants and seedlings, cannabis flower, and cannabinoid products as permitted by the licensee’s authorized actions in compliance with this section and the Minnesota Department of Health and Mille Lacs Band of Ojibwe Compact Agreement.
	2. **Transportation operations.**
		1. Before transporting cannabis plants and seedlings, cannabis flower, and cannabinoid products, a licensee must obtain a shipping manifest through the established seed-to-sale tracking system determined by the Department. The manifest must be kept with the products at all times and the licensee must maintain a copy of the manifest in its records.
		2. Records of transportation must be kept for a minimum of three (3) years at the licensee’s place of business and are subject to inspection upon request by the Department.
			1. Records of transportation include the following:
				1. copies of transportation manifests for all deliveries;
				2. a transportation log documenting the chain of custody for each delivery, including every employee and vehicle used during transportation; and
				3. financial records showing payment for transportation services.
		3. Cannabis plants and seedlings, cannabis flower, and cannabinoid products must be transported in a locked, safe, and secure storage compartment that is part of the motor vehicle or in a locked storage container that has a separate key or combination pad.
		4. Cannabis plants and seedlings, cannabis flower, and cannabinoid products may not be visible from outside the motor vehicle.
		5. No vehicle or trailer may contain an image depicting the types of items being transported, including but not limited to an image depicting a cannabis leaf or a name suggesting that the vehicle is used in transporting cannabis products.
		6. A licensee must ensure that all delivery times and routes are randomized.
		7. All transportation vehicles transporting cannabis plants and seedlings, cannabis flower, and cannabinoid products must be staffed with a minimum of two employees. At least one delivery team member must remain with the motor vehicle at all times that the motor vehicle contains cannabis products.
			1. Only a cannabis worker employed by or contracted with the licensee who is at least 21 years of age may transport cannabis plants and seedlings, cannabis flower, and cannabinoid products.
			2. All passengers in a vehicle must be a cannabis worker employed by or contracted with the licensee.
			3. All drivers must carry a valid driver’s license with the proper endorsement when operating a vehicle transporting cannabis plants and seedlings, cannabis flower, or cannabinoid products.
		8. Any vehicle assigned for the purpose of transporting cannabis plants and seedlings is subject to inspection and may be stopped or inspected at any licensed cannabis business or while en route during transportation.
	3. **Delivery operations**.
		1. Prior to completing a delivery, a licensee must verify that the customer is at least 21 years of age prior to completing the delivery.
		2. Receipt of cannabis flower and cannabinoid products by the licensee and delivery to a customer must be recorded in the established seed-to-sale tracking system.
		3. Licensees must maintain records for delivery services conducted including but not limited to, proof of delivery to individuals who are at least 21 years of age.
		4. The Department shall establish limits on the amount of cannabis flower and cannabis products that a licensee may deliver.
		5. Cannabis flower and cannabinoid products must be transported in a locked, safe, and secure storage compartment that is part of the cannabis delivery vehicle or in a locked storage container that has a separate key or combination pad.
			1. Cannabis flower and cannabinoid products may not be visible from outside of the cannabis delivery vehicle.
			2. No cannabis delivery vehicle or trailer may contain an image depicting the types of items being transported, including but not limited to an image depicting cannabis or a name suggesting that the cannabis delivery vehicle is used for transporting cannabis flower or cannabinoid products.
		6. Only a cannabis worker employed by or contracted with the licensee and who is at least 21 years of age may transport cannabis flower or cannabinoid products.
			1. All passengers in the cannabis delivery vehicle must be cannabis workers employed by or contracted with the cannabis delivery service.
		7. Any cannabis delivery vehicle is subject to inspection or may be stopped or inspected at any licensed cannabis business or while en route during transportation.
	4. In accordance with the Minnesota Department of Health and Mille Lacs Band of Ojibwe Compact Agreement, cannabis activity that is conducted outside of the Band’s sovereign land within the State of Minnesota must be conducted in compliance with the State of Minnesota’s Cannabis Laws including delivery of cannabis products to licensed cannabis businesses.

**§ 15. Testing.**

1. **Authorized actions.** A cannabis testing facility license entitles the license holder to obtain and test immature cannabis plants and seedlings, cannabis flower, and cannabinoid products from licensed cannabis cultivators, cannabis manufacturers, and cannabis wholesalers.
2. **Testing facility operations.**
	1. A cannabis testing facility must provide some or all of the testing services outlined in § 15(c) of this Code.
	2. A cannabis testing facility shall follow all testing protocols, standards, and criteria adopted in this Code for the testing of different forms of:
		1. cannabis flower and cannabinoid products;
		2. determining batch size;
		3. sampling;
		4. testing validity; and
		5. approval or disapproval of tested cannabis plants and seedlings, cannabis flower, and cannabinoid products.
	3. Records of all business transactions and testing results, records required to be maintained pursuant to any applicable standards of accreditation, and records relevant to testing protocols, standards, and criteria adopted by the Department and this Code must be kept for a minimum of at least three years at the cannabis testing facility’s place of business and are subject to inspection upon request.
	4. A testing facility shall dispose of or destroy used, unused, and waste cannabis plants and seedlings, cannabis flower, or cannabis in a manner determined by the Department in accordance with § 10(g) of this Code.
3. **Testing standards and requirements.**
	1. A cannabis business shall not sell or offer for sale cannabis flower or cannabinoid products to another cannabis business or to a customer, or otherwise transfer cannabis flower or cannabinoid products to another cannabis business unless:
		1. A representative sample of the batch of cannabis flower or cannabinoid product has been tested according to this section and rules adopted under this Code;
		2. The testing was completed by a cannabis testing facility that has been issued a laboratory testing facility license on or off of the Mille Lacs Band’s sovereign land; or
		3. The tested sample of cannabis flower or cannabinoid product was found to meet the testing standards established in this section.
	2. The Mille Lacs Band requires all licensed cannabis testing facilities located on its sovereign land to abide by the standards and procedures determined by the State of Minnesota as outlined in [Section 55 [342.60] Testing of HF 100].
		1. This includes but is not limited to, procedures governing the sampling, handling, testing, storage, and transportation of cannabis flower or cannabinoid products tested including:
			1. the contaminants for which cannabis flower or cannabinoid products must be tested;
			2. standards for potency and homogeneity testing;
			3. procedures applicable to cannabis businesses and cannabis testing facilities regarding cannabis flower and cannabinoid products that fail to meet the standards for allowable levels of contaminants established by the terms in this Code, that fail to meet the potency limits established under this Code, or that do not conform with the content of the cannabinoid profile listed on the product’s label.
	3. All testing required under this section must be performed in a manner that is consistent with general requirements for testing and calibration activities.

**§ 16. Packaging and Labeling.**

1. **General.** All cannabis flower and cannabinoid products sold to customers must be packaged and labeled in accordance with this section.
2. **Packaging requirements.**
	1. All cannabis flower and cannabinoid products sold to customers must be:
		1. pre-packaged in packaging or a container that is plain, child-resistant, tamper-evident, and opaque; or
		2. placed in a packaging or a container that is plain, child-resistant, tamper-evident, and opaque at the final point of sale to a customer.
	2. An edible cannabinoid product containing more than a single serving must be pre-packaged or placed at the final point of sale in packaging or a container that is resealable.
3. **Packaging prohibitions.**
	1. Cannabis flower and cannabinoid products sold to customers must not be packaged in a manner that:
		1. bears a reasonable resemblance to any commercially available product that does not contain cannabinoids, whether the manufacturer of the product holds a registered trademark or has registered the trade dress; or
		2. is designated to appeal to a person under 21 years of age;
	2. Packaging for cannabis flower and cannabinoid products must not contain or be coated with any perfluoroalkyl substance.
	3. Edible cannabinoid products must not be packaged in a material that is not approved by the United States Food and Drug Administration for use in packaging food.
4. **Content of label: cannabis flower.** All cannabis flower sold to customers must have affixed on the packaging or container of the cannabis flower, a label that contains at least the following information:
	1. the name and [license number] of the cannabis cultivator where the cannabis flower was cultivated;
	2. the net weight or volume of cannabis flower in the package or container;
	3. the batch number;
	4. the cannabinoid profile;
	5. a universal symbol established by the Department indicating that the package or container contains cannabis flower;
	6. verification that the cannabis flower was tested according to §15 of this Code and that the cannabis flower complies with the applicable standards;
	7. the maximum dose, quantity, or consumption that may be considered safe within a 24-hour period;
	8. the following statement: “Keep this product out of reach of children”; and
	9. any other statements or information required by the Department.
5. **Content of label: cannabinoid products.** All cannabinoid products sold to customers must have, affixed to the packaging or container of the cannabis product, a label that contains at least the following information:
	1. The name and [license number] of the cannabis cultivator that cultivated the cannabis flower used in the cannabinoid product;
	2. The name and [license number] of the cannabis manufacturer that manufactured the cannabis concentrate;
	3. The net weight or volume of the cannabinoid product in the package or container;
	4. The type of cannabinoid product;
	5. The batch number;
	6. The serving size (if applicable);
	7. The cannabinoid profile per serving and in total;
	8. A list of ingredients;
	9. A universal symbol established by the Department indicating that the package or container contains cannabis flower;
	10. Verification that the cannabis flower was tested according to § 15 of this Code and that the cannabis flower complies with the applicable standards;
	11. The maximum dose, quantity, or consumption that may be considered safe within a 24-hour period;
	12. The following statement: “Keep this product out of reach of children”; and
	13. Any other statements or information required by the Department.
6. **Additional information.**
	1. A cannabis retailer may provide customers with the additional information by:
	2. Including the information on the label affixed to the packaging or container of cannabis flower or cannabinoid product;
	3. Posting the information in the premises of the cannabis retailer; or
	4. Providing the information on a separate document or pamphlet provided to customers when a customer purchases cannabis flower or a cannabinoid product.
	5. Additional information may include:
		1. Factual information about impairment effects and the expected timing of impairment effects, side effects, adverse effects, and health risks of cannabis flower and cannabinoid products;
		2. A statement that customers must not operate a motor vehicle or heavy machinery while under the influence of cannabis flower or a cannabinoid product;
		3. Resources customers may consult to answer questions about cannabis flower, cannabinoid products, and any side effects and adverse effects;
		4. Contact information for the poison control center and a safety hotline or website for customers to report and obtain advice about side effects or adverse effects of cannabis flower and cannabinoid products; and
		5. Any other information specified by the Department.

**§ 17. Advertising.**

1. **Limitations applicable to advertisements.**
	1. No cannabis business shall publish, or cause to be published, an advertisement for cannabis flower, a cannabinoid product, or a cannabis business in a manner that:
		1. Contains false or misleading statements;
		2. Contains unverified claims about the health or therapeutic benefits or effects of consuming cannabis flower or a cannabis product;
		3. Promotes the overconsumption of cannabis flower or cannabis products;
		4. Depicts a person under 21 years of age consuming cannabis flower or a cannabis product;
	2. A cannabis business may publish an advertisement for cannabis flower, a cannabinoid product, or a cannabis business in a manner that reasonably appeals to individuals who are over 21 years of age.
2. **Outdoor advertisements.**
	1. A cannabis business may advertise its business on an outdoor sign with approval from the Department and in compliance with § 17(a) of this Code.
	2. In accordance with the Minnesota Department of Health and Mille Lacs Band of Ojibwe Compact Agreement, cannabis activity that is conducted outside of the Band’s sovereign land within the State of Minnesota must be conducted in compliance with the State of Minnesota’s Cannabis Laws.
	3. A cannabis business may erect up to two fixed outdoor signs on the exterior of the building or property of the cannabis business.
		1. A fixed outdoor sign:
			1. may contain the name of the cannabis business and the address and nature of the cannabis business; and
			2. may include the cannabis business’ logo.
3. **Audience under 21 years of age.** A cannabis business shall publish, an advertisement of cannabis flower, a cannabinoid product, or a cannabis business in any print publication or on radio, television, or any other medium if 70 percent or more of the audience of that medium is reasonably expected to be individuals who are over 21 years of age, as determined by reliable, current audience composition data.

**§ 18. Limitation on Consumption; Locations of Consumption.**

1. Nothing in this Code permits any person to engage in, and does not prevent the imposition of any civil, criminal, or other penalties for:
	1. Undertaking a task under the influence of cannabis that would constitute negligence or professional malpractice;
	2. Possessing or consuming cannabis:
		1. On a school bus or van;
		2. In a correctional facility; or
		3. On the grounds of a child are facility or family or group day care program.
	3. Vaporizing or smoking cannabis:
		1. On any form of public transportation;
		2. Where the vapor or vapor would be inhaled by a minor; or
		3. In any public place, including any indoor or outdoor area used by, or open to, the general public or a place of employment.
			1. Except as permitted by licensed retails with approval for onsite consumption.
	4. Operating, navigating, or being in actual, physical control of a motor vehicle, aircraft, train, or motorboat; or
	5. Working on transportation property, equipment or facilities while under the influence of cannabis.

**Section 2. Amending 23 MLBS § 7.**

**§ 7. Possession within Motor Vehicle.**

1. Any person who is the owner of a private motor vehicle, or the driver of a motor vehicle if the owner is not present, and who possesses on her or his person or knowingly keeps or allows to be kept in a motor vehicle within the area of the vehicle normally occupied by the driver or passengers controlled drugs or any person 20 years old and younger who is the owner of a private motor vehicle, or the driver of a motor vehicle if the owner is not present, and who possesses on her or his person or knowingly keeps or allows to be kept in a motor vehicle within the area of the vehicle normally occupied by the driver or passengers more than 2 ounces of cannabis flower, 8 grams of concentrate and 800 milligrams of edible product (including low-potency hemp-derived product), shall be deemed guilty of an offense, and upon conviction thereof, may be sentenced to incarceration or labor for a period of time not to exceed 180 days, a fine not to exceed $500.00, or both, provided that the introduction of the cannabis or controlled substance on lands under the jurisdiction of the Band is not for distribution purposes. The judge or jury shall specifically enter a finding of intent based upon the evidence introduced at trial. Should the jury enter a finding of intent to distribute, upon conviction thereof, a sentence of exclusion from all lands under the jurisdiction of the Non-Removable Mille Lacs Band of Ojibwe for a period of time at the discretion of the Court shall be imposed.
2. The area of the vehicle shall not include the trunk of the motor vehicle when such vehicle is equipped with a trunk or another area of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk. A utility or glove compartment shall be deemed to be within the area occupied by the driver and passenger. For any person 20 years old and younger, the existence of more than 2 ounces of cannabis flower, 8 grams of concentrate and 800 milligrams of edible product (including low-potency hemp-derived product)in the trunk of any motor vehicle shall be prima facie evidence of an intent to distribute.

**EFFECTIVE DATE.** This bill shall take effect immediately upon signature by the Chief Executive, or lack of a veto, as provided in 3 MLBS § 17.

**Act XX-23**

**(Band Assembly Bill XX-XX-XX-23)**

Introduced to the Band Assembly on this

[DATE] day of July in the year

Two thousand twenty-three.

Passed by the Band Assembly on this

[DATE] day of July in the year

Two thousand twenty-three.

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 Sheldon Boyd, Speaker of the Assembly

APPROVED

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Melanie Benjamin, Chief Executive

**OFFICIAL SEAL OF THE BAND**