

MARIJUANA COMPACT
Between
LAS VEGAS TRIBE OF PAIUTE INDIANS
And
THE STATE OF NEVADA

I. Introduction

This compact is entered into pursuant to Senate Bill 375, Chapter 305, Laws of 2017 (the “Compacting Legislation”). This document will be cited as the Marijuana Compact Between the Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Nevada (“the Las Vegas Paiute Tribe”) and the State of Nevada, and hereinafter referred to as the “Compact.”

II. Parties

The Parties to this Compact are the Las Vegas Paiute Tribe (the “Tribe”), and the State of Nevada (the “State”) (collectively, the “Parties”).

The Tribe is located on the Las Vegas Indian Colony, which is in the state of Nevada. The Tribe is a federally-recognized Indian tribe possessed of the full sovereign powers of a government.

The State is a state within the United States of America, possessed of the full powers of a state government. The Nevada Department of Taxation (the “Department”) is an executive department of Nevada State government operating under the authority of the Governor, with statutory authority with respect to marijuana under Nevada Revised Statutes (“NRS”) Chapters 453A and 453D. The Compacting Legislation allows the Governor to enter into an agreement with any federally-recognized Indian tribe located within the geographical boundaries of Nevada regarding marijuana.

III. Purpose

Historically, the cultivation, possession, delivery, distribution, and sale of marijuana have been illegal across the United States and in Indian Country. In 2016, Nevada voters passed Question 2, which sets forth a tightly regulated, state-licensed system allowing for the cultivation, processing, and retail sale of marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products for recreational purposes within the State.

While the federal Controlled Substances Act continues to designate marijuana as a Schedule 1 substance, on August 29, 2013, the United States Department of Justice issued a memorandum to all United States Attorneys (the “Cole Memorandum”) setting forth guidance regarding marijuana enforcement. In that memo, James M. Cole, Deputy Attorney General, established eight enforcement priorities of particular importance to the federal government: (1) preventing the distribution of marijuana to minors; (2) preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;

(3) preventing the diversion of marijuana from states where it is legal under state law in some form to other states; (4) preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity; (5) preventing violence and the use of firearms in the cultivation and distribution of marijuana; (6) preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use; (7) preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and (8) preventing marijuana possession or use on federal property. The Cole Memorandum further states that the focus of federal law enforcement resources and efforts will be on those whose conduct interferes with the stated priorities and that state and local governments should provide sufficiently robust regulatory and enforcement systems to protect against these harms.

On October 28, 2014, the United States Department of Justice issued another memorandum to all United States Attorneys (the “Wilkinson Memorandum”) providing a policy statement regarding marijuana issues in Indian Country. In that memo, Monty Wilkinson, Director, Executive Office for United States Attorneys, acknowledged that “[t]he eight priorities in the Cole Memorandum will guide United States Attorneys’ marijuana enforcement efforts in Indian Country, including in the event that sovereign Indian Nations seek to legalize the cultivation or use of marijuana in Indian Country.” The Wilkinson Memorandum effectively treats tribal governments the same as state governments in the decision to legalize marijuana.

Through Nevada law and the Department’s implementing rules, the State has decriminalized the cultivation, possession, delivery, distribution, sale, and use of marijuana in the State and has attempted to set forth a civil regulatory system that accomplishes the federal priorities set forth above and keeps marijuana production, processing, and sale in the State regulated and safe for the public.

After serious deliberation, the Tribe, as a sovereign nation, has also determined that present day circumstances make a complete ban of marijuana within Indian Country ineffective and unrealistic and has decriminalized its sale and possession in certain circumstances. At the same time, consistent with the federal priorities, the need still exists for strict regulation and control over the production, possession, delivery, distribution, sale, and use of marijuana in Indian Country.

The State and the Tribe recognize the need for cooperation and collaboration with regard to marijuana in Indian Country. The State has authorized the entry of this Compact by the Compacting Legislation, enacted by the 79th (2017) Session of the Nevada Legislature on May 23, 2017, signed by the Governor on June 2, 2017, effective June 2, 2017. Through this Compacting Legislation, the State authorized the Governor to enter agreements with American Indian tribes concerning the regulation of marijuana.

The Parties share a strong interest in ensuring that marijuana production, processing, and sales in Indian Country are well-regulated to protect public safety and community interests. The Parties acknowledge that pursuant to federal law, 21 U.S.C. §

812, marijuana is a Schedule I controlled substance and that this Compact does not protect the sales or regulation of marijuana in Indian Country from federal law; however, the Parties have entered into this Compact in order to strengthen their ability to meet these mutual interests and to provide a framework for cooperation to ensure a robust tribal and state regulatory and enforcement system sufficient to meet the federal priorities identified in the Cole and Wilkinson Memoranda.

The Parties acknowledge that the laws of the Tribe regarding Marijuana Products are, in all material ways relating to testing, labeling, tracking and packaging, at least as restrictive as the provisions of chapters 453A and 453D of NRS and any regulations adopted pursuant thereto and the tribal government is enforcing or will enforce those laws.

The Parties agree that it is in the best interests of the Tribe and the State that they enter into this Compact to enhance public health and safety, ensure a lawful and well-regulated marijuana market, encourage economic development in Indian Country, and provide fiscal benefits to both the Tribe and the State.

IV. Definitions

A. “Auditor” means a certified public accountant licensed and in good standing in the state of Nevada.

B. “Compact,” as previously defined in Part I, means this Marijuana Compact Between the Las Vegas Paiute Tribe and the State of Nevada, as may be amended.

C. “Essential Government Services” means services provided by the Tribe including, but not limited to, administration, public facilities, fire, police, health, education, elder care, social services, sewer, water, environmental and land use, transportation, utility services, community development, and economic development.

D. “Indian Country” means the lands of the Las Vegas Paiute Tribe, including the Tribe’s Las Vegas Indian Colony Reservation and all lands held in trust or restricted fee status by the United States for the Tribe or its Tribal Members.

E. “LVPCA” means Las Vegas Paiute Cannabis Authority, an agency of the Tribe.

F. “LVPTC” means the Las Vegas Paiute Tribal Code.

G. “Marijuana,” “edible marijuana products,” “marijuana concentrates,” “marijuana-infused products,” and “useable marijuana” as used in this Compact shall have the same meanings as in NRS Chapters 453, 453A, and 453D or any amendments thereto. Together, these terms shall be referred to as “Marijuana Product” or “Marijuana Products.”

H. “Marijuana Product Manufacturing Facility” means any marijuana processor in Indian Country licensed or otherwise allowed by the Tribe pursuant to Section 19A-1-30(j) of the LVPTC to process marijuana into useable marijuana, marijuana concentrates, and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale to retailers, and sell Marijuana Products at wholesale to retailers.

I. “Marijuana Cultivation Facility” means any marijuana cultivator in Indian Country licensed or otherwise allowed by the Tribe pursuant to Section 19A-1-30(g) of the LVPTC to cultivate and sell marijuana at wholesale to marijuana product manufacturing facilities and other marijuana cultivation facilities.

J. “Parties,” as previously defined in Part II, means the State and the Tribe.

K. “Retail Marijuana Store” means any marijuana retailer in Indian Country licensed or otherwise allowed by the Tribe pursuant to Section 19A-1-30(p) of the LVPTC to sell Marijuana Products in a retail outlet.

L. “State,” as previously defined in Part II, means the State of Nevada.

M. “State Licensee” means any marijuana product manufacturing facility, marijuana cultivation facility, marijuana distributor, marijuana testing facility or retail marijuana store licensed by the State.

N. “State Tax” means any marijuana excise tax or sales and use tax imposed by the State on sales of Marijuana Products.

O. “Tribal Enterprise” means LVPCA or other business or agency owned in whole or in part by the Tribe and authorized to sell marijuana products under the LVPTC.

P. “Tribal Tax” means a tax imposed by the Tribe on marijuana activities.

Q. “Tribe,” as previously defined in Part II, means the Las Vegas Paiute Tribe.

V. Terms

A. Applicability. This Compact applies to the cultivation, processing, and sale of Marijuana Products in Indian Country where the Tribe or Tribal Enterprise (i) delivers, causes delivery to be made to, or receives delivery of Marijuana Products from a State Licensee or (ii) physically transfers possession of Marijuana Products from the seller to the buyer within Indian Country. Except as otherwise provided herein, the cultivation, processing, sale, and possession of Marijuana Products in Indian Country pursuant to the LVPTC and in accordance with this Compact are not subject to the terms of NRS 453A, NRS 453D, NAC 453A or any other regulations promulgated under those NRS Chapters and any such activities will not be a criminal or civil offense under Nevada state law.

B. Retail Sales. The Tribe and/or its Tribal Enterprises may sell Marijuana Products in Indian Country pursuant to the LVPTC and this Compact.

1. The Tribe shall notify the Department at least thirty (30) days prior to the opening of any Retail Marijuana Store. Such notification shall include:

- a. The identity of the entity that is operating the Retail Marijuana Store;
- b. The location of the Retail Marijuana Store; and
- c. Certification that the Retail Marijuana Store is located in Indian Country.

2. Retail sales of Marijuana Products by the Tribe and any Tribal Enterprise must be conducted in accordance with LVPTC Title 19 and 19A and the internal policies and controls of the Tribe or Tribal Enterprise. LVPTC Title 19 and 19A as it exists on the date of this Compact is attached as Exhibit A. Current copies of LVPTC Title 19 and 19A and marijuana internal policies and controls of the Tribe and any Tribal Enterprise will be made available for review by the State upon request. The Tribe agrees to notify the State of any changes to the LVPTC that may affect Marijuana Products within ten (10) days of the date of adoption by the Tribe.

3. All Marijuana Products purchased by a Retail Marijuana Store from a State Licensee will be verified upon delivery in Indian Country, and confirmation of receipt will be made by executing the delivery invoice. The Retail Marijuana Store will input or cause to be input all delivered purchases into the State's tracking system within twenty-four (24) hours of any such delivery.

4. All Marijuana Products purchased by the Tribe or a Tribal Enterprise from the tribal government, tribal enterprise, or member of another federally-recognized Indian Tribe with a reservation located within Nevada, or sold by the Tribe or a Tribal Enterprise to the tribal government, tribal enterprise, or member of another federally recognized Indian Tribe with a reservation located within Nevada, will be recorded in either the Tribe's or the State's tracking system within twenty-four (24) hours of any such receipt or delivery. The Tribe and any Tribal Enterprise will make such records available for review by the State upon request.

C. Cultivating and Processing of Marijuana Products. The Tribe may allow the cultivation and processing of Marijuana Products in Indian Country pursuant to the following terms:

1. The Tribe shall notify the Department at least ninety (90) days prior to the start of operations of any Marijuana Product Manufacturing Facility or Marijuana Cultivation Facility. Such notifications shall include:

- a. The identity of the entity that is operating the Marijuana Product Manufacturing Facility or Marijuana Cultivation Facility;
- b. The location of the Marijuana Product Manufacturing Facility or Marijuana Cultivation Facility; and
- c. Certification that the Marijuana Product Manufacturing Facility or Marijuana Cultivation Facility is located in Indian Country.

2. Cultivation and processing of Marijuana Products by the Tribe and any Tribal Enterprise must be conducted in accordance with LVPTC Title 19 and 19A and the internal policies and controls of the Tribe or Tribal Enterprise. LVPTC Title 19 and 19A as it exists on the date of this Compact is attached as Exhibit A. Current copies of LVPTC Title 19 and 19A and any internal marijuana policies and controls of the Tribe and any Tribal Enterprise will be made available for review by the State upon request. The Tribe agrees to notify the State of any changes to the LVPTC that may affect Marijuana Products within ten (10) days of the date of adoption by the Tribe.

3. The State may require that Marijuana Products sold by the Tribe's authorized Marijuana Product Manufacturing Facilities and Marijuana Cultivation Facilities to State Licensees be packaged, tested and labeled in compliance with State marijuana laws. With respect to "edibles" this may include State preapproval of the product packaging and labeling before sale to State Licensees; PROVIDED, that such preapproval shall not be unreasonably withheld and shall be timely provided. All transactions between the Tribe and State Licensees will be executed through the State traceability system following the same rules as State Licensees.

D. State Licensees.

1. The Tribe and Tribal Enterprises may purchase Marijuana Products from or sell Marijuana Products to State Licensees or any other entity operating under a valid agreement authorized by the Compacting Legislation, including any amendments thereto, with or otherwise authorized by the State. All transactions between the Tribe and State Licensees must be executed through the State traceability system, and Marijuana Products purchased from or sold to State Licensees must be tested to equivalent or higher standards as those required by Nevada's marijuana laws.

2. The State will not cite, fine, or otherwise take any other adverse licensing or other action against any State Licensee for the mere fact that it bought or sold Marijuana Products from or to the Tribe or a Tribal Enterprise in accordance with the terms of this Compact and LVPTC.

3. To the extent necessary, the State will work with the Tribe and with any State Licensees or otherwise authorized marijuana product manufacturing facilities, marijuana cultivation facilities, and retail marijuana stores to assure such entities that the Tribe and Tribal Enterprises are legally authorized to purchase and sell Marijuana Products pursuant to the terms of this Compact.

E. Taxes.

1. State Tax. The State acknowledges that no State Tax or fee, assessment, or other charge imposed by the State or local governments may be assessed against or collected from the Tribe, Tribal Enterprises, State Licensees, or retail customers in Indian Country related to any commercial activity related to the production, processing, sale, and possession of Marijuana Products governed by this Compact. To the extent any other State Tax, fee, assessment, or other charge imposed by the State or local government, or Tribal Tax is assessed against or collected from any State Licensee related to a sale to or purchase from the Tribe or Tribal Enterprises, of any marijuana product, it shall be refunded or otherwise paid by the State to the Tribe within thirty (30) days of receipt by the State or local government. Any refund amounts so received by the Tribe will be used for Essential Government Services. If Marijuana Products were originally purchased by a State Licensee from the Tribe or Tribal Enterprises and the State Licensee resold those Marijuana Products to a retail customer in the State, no refund will be granted to the Tribe on any State Tax collected by State Licensees from that retail customer.

2. Tribal Tax. The Tribe shall impose and maintain a Tribal Tax that is equal to at least 100 percent of the State Tax on all sales of Marijuana Products in Indian Country, unless (1) the sale is to the Tribe, Tribal Enterprise, or an enrolled member of the Tribe; (2) the transaction is otherwise exempt from State marijuana taxation under state or federal law; or, (3) the transaction involves medical marijuana products used in the course of medical treatments by a clinic, hospital, or similar facility owned and operated by the Tribe within Indian Country. The Tribe may choose to levy a Tribal Tax on any transaction that may otherwise be exempt.

a. While not required under State law, the Tribe agrees to use the proceeds of the Tribal Tax for Essential Government Services.

b. At the State's request, the Tribe will obtain, at its own expense, an Auditor to test the Tribe's compliance with this section E. of the Compact. The Auditor will review a sample of records to verify the requirements of this section and will provide the State with a report detailing the results of the testing procedures, to include identification of any instances of noncompliance with the terms of this section.

F. Safety and Enforcement. The Tribe shall be responsible for and address safety and enforcement issues in accordance with LVPTC, this Compact, and internal policies and controls of the Tribe or Tribal Enterprise.

1. Premises Checks.

a. By the Tribe. The Las Vegas Paiute Police Department or other authorized agency may conduct its own premises checks in Indian Country to observe compliance with the LVPTC and this Compact and to provide support and education to Tribal Enterprises and staff. To the extent it is informed of the results of such premises checks, LVPCA will share the results of the premises checks with the State.

b. By the State. The State, through its staff, may also conduct premises checks. Prior to conducting any such check, the State will contact the Las Vegas Paiute Police Department to provide seventy-two (72) hours' written notice of such premises check. The Las Vegas Paiute Police Department and/or authorized Tribal authorities must observe and participate in all premises checks. The State will share the results of such premises checks with LVPCA and the Tribe.

c. Cooperation. Both Parties will cooperate in good faith to undertake all State-requested premises checks jointly. The Las Vegas Paiute Police Department will make reasonable efforts to arrange and conduct all State-requested premises checks within 24 hours of being provided written notice of such request by the State. All such written notices shall be sent to the Chief of Police and the Chairman of the Tribe. Should either Party have any concerns arising out of a premises check or the results thereof, the Parties will meet in good faith to discuss any suggested changes to protocols of the premises checks themselves or of marijuana sales by the Tribe or Tribal Enterprise that were checked.

2. Compliance Checks/Minors.

a. By the Tribe. The Tribe may conduct its own compliance checks in Indian Country using minors ages 18, 19, or 20 through the Las Vegas Paiute Police Department or other authorized agency in accordance with Tribal regulations and policies. To the extent it is informed of the results of such checks, LVPCA will provide the results of the checks to the State. No criminal action may be taken against any minor who purchases marijuana as part of such a compliance check.

b. By the State. State staff may also conduct compliance checks. Prior to conducting any such compliance check, the State will contact the Las Vegas Paiute Police Department to provide seventy-two (72) hours' written notice of such compliance check. The Las Vegas Paiute Police Department and/or authorized Tribal authorities must

observe and participate in all compliance checks. The State will share the results of such compliance checks with LVPCA and the Tribe.

c. Cooperation. Both Parties will cooperate in good faith to undertake all State-requested compliance checks jointly. The Las Vegas Paiute Police Department will make reasonable efforts to arrange and conduct all State-requested compliance checks within 24 hours of being provided written notice of such request by the State. All such written notices shall be sent to the Chief of Police and the Chairman of the Tribe. Should either Party have any concerns arising out of a compliance check or the results thereof, the Parties will meet in good faith to discuss any suggested changes to protocols of the compliance checks themselves or of marijuana sales by the Tribe or Tribal Enterprise that were checked.

G. Dispute Resolution.

1. Neither Party, nor officers acting on either Party's behalf, may petition any court to enforce this Compact unless (a) the dispute resolution process described in subsections (a) through (d) below has been followed in good faith to completion without successful resolution or (b) the other Party fails to enter into the dispute resolution process. Should a dispute arise between the Parties regarding compliance with this Compact by either Party, or by their officers, employees or agents, the Parties will attempt to resolve the dispute through the following dispute resolution process:

a. Notice. Either Party may invoke the dispute resolution process by notifying the other, in writing, of its intent to do so. The notice must set out the issues in dispute and the notifying Party's position on each issue.

b. Meet and Confer. The first stage of the process will include a face-to-face meeting between representatives of the two Parties to attempt to resolve the dispute by negotiation. The meeting must be convened within thirty (30) days after the receiving Party's receipt of the written notice described in subsection (a). The representatives of each Party will come to the meeting with the authority to settle the dispute. If the dispute is resolved, the resolution will be memorialized in a writing signed by the Parties.

c. Mediation. The second stage of the process will be that if the Parties are unable to resolve the dispute within sixty (60) days after the receiving Party's receipt of the written notice sent under subsection (a) above, the Parties will engage the services of a mutually agreed upon qualified mediator to assist them in attempting to negotiate the dispute. Costs for the mediator will be borne equally by the Parties. The Parties will pursue the mediation process in good faith until the dispute is resolved or until the mediator determines that the Parties are

not able to resolve the dispute. If the Parties cannot agree on a format for the mediation process, the format will be that directed by the mediator. If the dispute is resolved, the resolution will be memorialized by the mediator in a writing signed by the Parties, which will bind the Parties.

d. Arbitration.

- (1) If a Party terminates the process before completion, or if the mediator determines that the dispute cannot be resolved in the mediation process, or if the dispute is not resolved within one hundred twenty (120) days after the date the mediator is selected, either Party may initiate binding arbitration proceedings under the rules of the American Arbitration Association (“AAA”), but the AAA need not administer the arbitration. If the arbitrator determines that a Party is in violation of a material provision of this Compact, and such violation is not or cannot be cured within thirty (30) days after the arbitrator’s decision, then the other Party may terminate this Compact with sixty (60) days’ prior written notice.
- (2) The arbitrator shall have no authority to award monetary damages or issue injunctive or other equitable relief.
- (3) Each Party will bear its own legal costs incurred under this Section. All costs of the arbitrator will be shared equally.

2. If, at any time after the effective date of this Compact, the State enters into an agreement, compact, or consent decree with any other federally recognized Indian tribe or governmental agency thereof, of or relating to the regulation of marijuana in Indian Country which includes a “most favored nation” provision, then, upon the Tribe’s written request, this Compact will be amended to include such provision. A “most favored nation” provision is defined as language by which the State agrees to accord a tribe or tribal government agency the same favorable terms that are offered in later agreements with any other tribe or tribal government agency. This will not be construed to require that the State offer the Tribe the option to receive the same terms offered to every tribe or tribal government agency, in the absence of a most favored nation provision in the Compact.

3. In any action filed by a third party challenging either the Tribe's or the State's authority to enter into or enforce this Compact, the Parties each agree to support the Compact and defend each of their authority to enter into and implement this Compact; provided, however, that this provision does not waive, and must not be construed as a waiver of, the sovereign immunity of the Tribe or any of its subdivisions or enterprises.

H. Termination. This Compact may be terminated with sixty (60) days' prior written notice if the Department reasonably determines, after adhering to the requirements of Part V.G.1 and providing the Tribe a reasonable opportunity to cure any alleged breach, that the laws of the Tribe regarding Marijuana Products are, in any material way relating to testing, labeling, tracking and packaging, not as restrictive as the provisions of chapters 453A and 453D of NRS and any regulations adopted pursuant thereto or that the Tribe is not enforcing those laws.

I. Sovereign Immunity. The State agrees that, except for the limited purpose of resolving disputes in accordance with subsection (G) above, the signing of this Compact by the Tribe does not imply a waiver of sovereign immunity by the Tribe or any of its subdivisions or enterprises and is not intended as a waiver of sovereign immunity and that any action by the State in regard to marijuana regulation by the Tribe shall be in accord with this Compact.

J. No Limitation. The Parties agree that the signing of this Compact and the resultant benefits and obligations shall not be construed as limiting any otherwise lawful activity of the Tribe or its subdivisions or enterprises nor subject the Tribe or its subdivisions or enterprises to any State jurisdiction not agreed to in this Compact.

VI. Communication and Notice

A. Designated Contacts. The Parties agree to maintain regular and open communication regarding the administration and implementation of this Compact. The Parties agree that the following individuals will be designated primary contacts regarding administration of this Compact:

For the State:

Office of the Governor
General Counsel
101 N. Carson Street
Carson City, NV 89701
(775) 684-5670

Department of Taxation
Executive Director
1550 College Parkway, Suite 115
Carson City, NV 89706
(775) 684-2000

For the Tribe:

Tribal Chairman
Las Vegas Paiute Tribe
#1 Paiute Drive
Las Vegas, NV 89106
(702) 386-3926

The Parties agree that if either party believes that the goals and objectives of this Compact are not being met, that they will meet promptly to discuss any issues and concerns.

B. Notice. Any notice that may be or is required to be sent under this Compact shall be sent as follows:

If to the State:

Office of the Governor
General Counsel
101 N. Carson Street
Carson City, NV 89701
(775) 684-5670

With a copy to:

Department of Taxation
Executive Director
1550 College Parkway, Suite 115
Carson City, NV 89706
(775) 684-2000

If to the Tribe:

Tribal Chairman
Las Vegas Paiute Tribe
#1 Paiute Drive
Las Vegas, NV 89106

With a copy to:

N/A

VII. Effect, Duration, and Amendment

A. Term. This Compact shall remain in effect for a term of ten (10) years, unless the Parties mutually agree in writing that the Compact should be vacated or terminated and superseded by a new compact between the Parties within that time frame. The Compact shall be automatically renewed for successive periods of ten (10) years, unless a party provides written notice to the other, no later than one hundred twenty (120) days before the expiration of the then current ten (10) year period, that it wishes to modify the terms of the Compact.

B. Amendment. No amendment or alteration of this Compact shall arise by implication or course of conduct. This Compact may be altered only by a subsequent written document, approved by the Parties, expressly stating the Parties' intention to amend this Compact.

C. **Severability.** If any provision of this Compact or its application to any person or circumstance is held invalid, the remainder of the Compact is not affected.

D. **Change in Classification.** If the classification of marijuana as a Schedule I drug is altered in any way or federal marijuana enforcement policy (as described in III, above) changes, the Parties agree to meet and discuss the need to modify this Compact. If such modifications cannot be agreed upon, then either Party may terminate this Compact with 60 days' written notice.

This Compact is hereby made this 8th day of July, 2017.

STATE OF NEVADA

LAS VEGAS PAIUTE TRIBE



Brian Sandoval, Governor



Benny Tso, Chairman

**RESOLUTION OF THE LAS VEGAS PAIUTE TRIBE
REGARDING CREATION OF NEW TITLE 19A,
REGULATION AND TAXATION OF RECREATIONAL MARIJUANA**

WHEREAS, the Las Vegas Paiute Tribe (the “Tribe”) is organized under the provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984) and a Constitution approved by the Tribe on June 24, 1970, as amended; and

WHEREAS, pursuant to Article IV, Section 1 of the Constitution and Bylaws of the Tribe (the “Las Vegas Paiute Constitution”), the Las Vegas Paiute Tribal Council (the “Council”) is the governing body of the Tribe; and

WHEREAS, pursuant to Article VII, Section 1 of the Las Vegas Paiute Constitution, the Tribal Council is empowered, among other things, to manage the economic affairs of the Tribe and enact legislation promoting the general welfare of the members of the Tribe; and

WHEREAS, the State of Nevada recently passed Question 2, a cannabis initiative, making legal the cultivation, manufacture, sale and possession of recreational cannabis and cannabis infused products; and

WHEREAS, the Tribal Council feels it is in the interests of health and public safety, and to better focus law enforcement resources on crimes involving violence and personal property, to make recreational cannabis legal for persons 21 years of age and older and to regulate recreational cannabis similar to other legal businesses.

NOW THEREFORE LET IT BE RESOLVED that the legalization and regulation of recreational cannabis and cannabis related products shall be authorized for operations managed by the Tribe.

BE IT FURTHER RESOLVED that a new Title 19A entitled “Regulation and Taxation of Recreational Marijuana” will be added as follows:

TITLE 19A

REGULATION AND TAXATION OF RECREATIONAL MARIJUANA

19A-1-10 Short Title.

This Title may be cited as the Regulation and Taxation of Recreational Marijuana Ordinance.

19A-1-20 Findings and Purpose.

The Las Vegas Paiute Tribe hereby finds and declares that:

- (a) The United States recognizes Indian tribes as domestic dependent nations with sovereignty over their members and territories.
- (b) Pursuant to the Tribe's Constitution, the Tribal Council has the authority to adopt ordinances and to promote the general welfare of the Tribe.
- (c) The federal Controlled Substances Act, 21 U.S.C. § 801 *et. seq.*, classifies marijuana as a Schedule 1 drug and prohibits any possession or use of marijuana except in the course of federally approved research projects. The Controlled Substances Act makes it unlawful under federal law for any person to cultivate, manufacture, distribute, disperse or possess with intent to manufacture, distribute or disperse, marijuana.
- (d) In November 2016, the voters of the State of Nevada passed Question 2, an initiative to legalize, regulate and tax recreational marijuana in Nevada. The language of Question 2 is codified at Nevada Revised Statutes § 453D.
- (e) The Tribe has decided to open certain lands within its jurisdiction to the possession, consumption, cultivation, processing and distribution of recreational marijuana by enacting this Title 19A to the Tribal Code.
- (f) It is in the interest of public health and public safety to declare that the use of marijuana should be legal for persons 21 years of age and older and that the cultivation and sale of marijuana should be regulated similar to other legal businesses.
- (g) The cultivation and sale of marijuana should be taken away from criminals and regulated under a controlled system where businesses will be taxed and the revenue will be dedicated to education, economic opportunity, and the enforcement of the regulations in this Title.
- (h) Marijuana shall be regulated in a manner similar to alcohol so that:
 - (1) All marijuana businesses on Tribal Land shall be owned and/or operated by the Tribe.
 - (2) Cultivating, manufacturing, testing, transporting and selling marijuana will be strictly controlled through licensing and regulation.

- (3) Selling or providing marijuana to persons under 21 years of age shall remain illegal.
- (4) Marijuana sold on Tribal Lands will be tested and labeled.

19A-1-30 Definitions.

- (a) “Concentrated marijuana” means the separated resin, whether crude or purified, obtained from marijuana.
- (b) “Consumer” means a person who is 21 years of age or older who purchases marijuana or marijuana products for use by persons 21 years of age or older, but not for resale to others.
- (c) “Department” means the Nevada Department of Taxation.
- (d) “Dual licensee” means a person or group of persons who posses a current, valid registration certificate to operate a medical marijuana establishment pursuant to Title 19 of the Tribal Code.
- (e) “Excluded felony offense” means a conviction of an offense that would constitute a category A felony if committed in the State of Nevada or convictions for two or more offenses that would constitute felonies if committed in Nevada. It does not include:
 - a. A criminal offense for which the sentence, including probation, incarceration or supervise release, was completed more than 10 years ago; or
 - b. An offense involving conduct that would be immune from arrest, prosecution or penalty under Title 19 of the Tribal Code or NRS chapter 493A.
- (f) “Marijuana” means all parts of any plant of the genus Cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. “Marijuana” does not include
 - a. The mature stems of the plant, fiber produced from the stems, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stems (except the resin extracted therefrom) fiber, oil, or cake, the sterilized seed of the plant which is incapable of germination; or
 - b. The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.
- (g) “Marijuana cultivation facility” means an entity that cultivates, processes and packages marijuana, that has marijuana tested by a marijuana testing facility, and that sells marijuana to retail stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

- (h) “Marijuana distributor” means an entity that transports marijuana from a marijuana establishment to another marijuana establishment.
- (i) “Marijuana establishment” means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, a marijuana distributor, or a marijuana retail store.
- (j) “Marijuana product manufacturing facility” means an entity that purchases marijuana, manufactures, processes and packages marijuana and marijuana products, and sells marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana store, but not to consumers.
- (k) “Marijuana products” means products comprised of marijuana or concentrated marijuana and other ingredients that are intended for use or consumption, such as, but not limited to edible products, ointments and tinctures.
- (l) “Marijuana paraphernalia” means any equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, preparing, testing, analyzing, packaging, repacking, storing, or containing marijuana, or for ingesting, inhaling or otherwise introducing marijuana into the human body.
- (m) “Marijuana testing facility” means an entity licensed by the Department to test marijuana and marijuana products, including for potency and contaminants.
- (n) “NRS” refers to Nevada Revised Statutes.
- (o) “Process” means to harvest, dry, cure, trim, and separate parts of the marijuana plant,
- (p) “Retail marijuana store” means an entity that purchases marijuana from marijuana cultivation facilities, that purchases marijuana and marijuana products from marijuana product manufacturing facilities and retail marijuana stores, and that sells marijuana and marijuana products to consumers.
- (q) “State” refers to the State of Nevada.
- (r) “Unreasonably impracticable” means that the measure necessary to comply with the regulations require such a high investment of risk, money, time or any other resource or asset that the operation of a marijuana establishment is not worthy of being carried out in practice by a reasonably prudent businessperson.

19A-1-40 Effect.

- (a) The provisions of this Title do not permit any person to engage in and do not prevent the imposition of any civil, criminal, or other penalty for:
 - (1) Driving, operating, or being in actual physical control of a vehicle, aircraft, or vessel under power or sail while under the influence of marijuana or while impaired by marijuana;

- (2) Knowingly delivering, giving, selling, administering, or offering to sell, administer, give, or deliver marijuana to a person under 21 years of age, unless:
 - i. The recipient is permitted to possess marijuana pursuant to Title 19 of the Tribal Code or NRS chapter 453A; or
 - ii. The person demanded and was shown bona fide documentary evidence of the majority and identity of the recipient issued by a federal, state, county, or municipal government, or subdivision or agency thereof;
 - (3) Undertaking any task under the influence of marijuana that constitutes negligence or professional malpractice.
- (b) The provisions of this Title do not prohibit:
- (1) A public or private employer from maintaining, enacting, and enforcing a workplace policy prohibiting or restricting actions or conduct otherwise permitted under this Title;
 - (2) A state or local government agency that occupies, owns, or controls a building from prohibiting or otherwise restricting the consumption, cultivation, processing, manufacture, sale, delivery, or transfer of marijuana in that building; or
 - (3) A person who occupies, owns, or controls a privately owned property from prohibiting or otherwise restricting the smoking, cultivation, processing, manufacture, sale, delivery, or transfer of marijuana on that property.
- (c) Nothing in the provisions of this Title shall be construed as in any manner affecting the provisions of Title 19 of the Tribal Code or chapter 453A of NRS relating to the medical use of marijuana.

19A-1-50 Exemption from prosecution for certain acts.

Notwithstanding any other provision of Tribal law, State law and the law of any political subdivision of the State, except as otherwise provided in this Title, it is lawful, and must not be used as the basis for prosecution or penalty by the Tribe, and must not be a basis for seizure or forfeiture of assets for persons 21 years of age or older to:

- (a) Possess, use, consume, purchase, obtain, process, or transport marijuana paraphernalia, one ounce or less of marijuana other than concentrated marijuana, or one-eighth of an ounce or less of concentrated marijuana;
- (b) Give or otherwise deliver one ounce or less of marijuana, other than concentrated marijuana, or one-eighth of an ounce or less of concentrated marijuana without remuneration to a person provided that the transaction is not advertised or promoted to the public; or

- (c) Assist another person who is 21 years of age or older in any of the acts described in this section.

19A-1-60 Additional exemptions from prosecutions for certain acts.

Notwithstanding any other provision of Tribal law, State law and the law of any political subdivision of the State, except as otherwise provided in this Title or the regulations adopted pursuant to this Title, it is lawful and must not be used as the basis for prosecution or penalty by the Tribe or be a basis for seizure or forfeiture of assets for persons 21 years of age or older to:

- (a) Possess marijuana and marijuana products, purchase marijuana from a marijuana cultivation facility, purchase marijuana and marijuana products from a marijuana product manufacturing facility, return marijuana or marijuana products to a facility from which they were purchased, transport marijuana and marijuana products to or from a marijuana testing facility, use the services of a marijuana distributor to transport marijuana or marijuana products to or from marijuana establishments, or sell marijuana and marijuana products to consumers, if the person conducting the activities described in this subsection has a current, valid license to operate a retail marijuana store or is acting in the person's capacity as an agent of a retail marijuana store.
- (b) Cultivate, harvest, process, package, or possess marijuana, sell marijuana to a marijuana cultivation facility, a marijuana product manufacturing facility, or a retail marijuana store, transport marijuana to or from a marijuana cultivation facility, a marijuana product manufacturing facility, or a marijuana testing facility, use the services of a marijuana distributor to transport marijuana to or from marijuana establishments, or purchase marijuana from a marijuana cultivation facility, if the person conducting the activities described in this subsection has a current, valid license to operate a marijuana cultivation facility or is acting in his or her capacity as an agent of a marijuana cultivation facility.
- (c) Package, process, manufacture, or possess marijuana and marijuana products, transport marijuana and marijuana products to or from a marijuana testing facility, a marijuana cultivation facility, or a marijuana product manufacturing facility, use the services of a marijuana distributor to transport marijuana or marijuana products to or from marijuana establishments, sell marijuana and marijuana products to a retail marijuana store or a marijuana product manufacturing facility, purchase marijuana from a marijuana cultivation facility, or purchase marijuana and marijuana products from a marijuana product manufacturing facility, if the person conducting the activities described in this subsection has a current, valid license to operate a marijuana product manufacturing facility or is acting in his or her capacity as an agent of a marijuana product manufacturing facility.
- (d) Possess marijuana and marijuana products and transfer and transport marijuana and marijuana products between marijuana establishments, if the person transporting the marijuana and marijuana products has a current, valid license to operate as a marijuana distributor or is acting in his or her capacity as an agent of a marijuana distributor.

- (e) Possess, process, repackage, transport, or test marijuana and marijuana products if the person has a current, valid license to operate a marijuana testing facility or is acting in his or her capacity as an agent of a marijuana testing facility.
- (f) Lease or otherwise allow property owned, occupied, or controlled by any person, corporation, or other entity to be used for any of the activities conducted lawfully in accordance with this section.

19A-1-70 No crime for certain acts involving marijuana paraphernalia.

Notwithstanding any other provision of Tribal law, State law and the law of any political subdivision of the State, it is not unlawful and shall not be an offense or be a basis for seizure or forfeiture of assets for persons 21 years of age or older to manufacture, possess, use, transport, or purchase marijuana paraphernalia, or to distribute or sell marijuana paraphernalia to a person who is 21 years of age or older.

19A-2-10 Enforcement of contracts.

It is the public policy of the Tribe that contracts related to marijuana under this Title and under NRS chapter 453D should be enforceable and shall not be deemed unenforceable on the basis that the actions or conduct permitted pursuant to the license are prohibited by federal law.

19A-2-20 Ownership of marijuana establishments.

All marijuana establishments on Tribal lands shall be owned by the Tribe. Neither non-tribal members nor individual tribal members may own such marijuana establishments.

19A-2-30 Regulations.

The Tribe shall adopt regulations as necessary to carry out the provisions of this Title. These regulations must not prohibit the operation of marijuana establishments, either expressly or through regulations that make their operation unreasonably impracticable.

For the classes of regulations identified below, the Tribe's regulations shall be at least as restrictive as those of the State:

- (a) Requirements for the security of marijuana establishments;
- (b) Requirements to prevent the sale or diversion of marijuana and marijuana products to persons under 21 years of age;
- (c) Requirements for the packaging of marijuana and marijuana products, including requirements for child-resistant packaging;
- (d) Requirements for the testing and labeling of marijuana and marijuana products sold by marijuana establishments including a numerical indication of potency based on the ratio of THC to the weight of a product intended for oral consumption;
- (e) Requirements for record keeping by marijuana establishments;

- (f) Procedures for the collection of taxes, fees, and penalties imposed by this Title; and
- (g) Procedures and requirements to enable a dual licensee to operate medical marijuana establishments and marijuana establishments at the same location.

19A-2-40 Individual privacy.

To ensure that individual privacy is protected:

- (a) The Tribe shall not require a consumer to provide a retail marijuana store with identifying information other than government-issued identification to determine the consumer's age; and
- (b) A retail marijuana store shall not acquire and record personal information about consumers other than information typically acquired in a financial transaction conducted at a retail liquor store.

19A-2-50 No marijuana establishments by school.

No marijuana establishment shall be located within one thousand feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed as of July 31, 2017.

19A-2-60 Prohibitions on operators of marijuana establishments.

Persons who operate marijuana establishments must have not been convicted of an excluded felony offense.

19A-3-10 Marijuana establishments.

Marijuana establishments shall:

- (a) Employ a combination of Tribal police and private security;
- (b) Utilize video surveillance;
- (c) Secure every entrance to the establishment so that access to areas containing marijuana is restricted to persons authorized to possess marijuana;
- (b) Secure the inventory and equipment of the marijuana establishment during and after operating hours to deter and prevent theft of marijuana; and
- (c) Determine the criminal history of any person before the person works or volunteers at the marijuana establishment and prevent any person who has been convicted of an excluded felony offense or who is not 21 years of age or older from working or volunteering for the marijuana establishment.

19A-3-20 Cultivation, processing and manufacture.

- (a) All cultivation, processing, and manufacture of marijuana must meet the following requirements:
 - (1) Must take place at a physical address approved by the Tribe and within an area that is enclosed and locked in a manner that restricts access only to persons authorized to access the area;
 - (2) Must not be visible from a public place by normal unaided vision; and
 - (3) Must take place on property in the marijuana establishment's lawful possession or with the consent of the person in lawful physical possession of the property.
- (b) The Tribe will not permit outdoor cultivation of marijuana.

19A-4-10 Violations and Penalties.

- (a) A person who smokes or otherwise consumes marijuana in a public place not approved by the Tribe, in a retail marijuana store, or in a moving vehicle is guilty of a misdemeanor punished by a fine of not more than \$600.
- (b) A person under 21 years of age who falsely represents himself or herself to be 21 years of age or older to obtain marijuana is guilty of a misdemeanor.
- (c) A person under 21 years of age who knowingly enters, loiters, or remains on the premises of a marijuana establishment shall be punished by a fine of not more than \$500 unless the person is authorized to possess marijuana pursuant to Title 19 of the Tribal Code or NRS chapter 453A and the marijuana establishment is a dual licensee.
- (d) A person who knowingly gives marijuana to any person under 21 years of age, or who knowingly leaves or deposits any marijuana in any place with the intent that it will be procured by any person under 21 years of age is guilty of a misdemeanor.
- (e) A person who knowingly gives marijuana to any person under 18 years of age, or who knowingly leaves or deposits any marijuana in any place with the intent that it will be procured by any person under 18 years of age is guilty of a gross misdemeanor.

19A-5-10 Taxes.

The Tribe shall impose a Tribal tax that is equal to at least 100 percent of the State tax on all sales of marijuana products on Tribal lands. The Tribal tax shall not be imposed if (1) the sale is to the Tribe or an enrolled member of the Tribe or (2) the transaction is otherwise exempt from taxation under State or federal law.

19A-5-20 Inventory Tracking.

The Tribe will use an electronic verification system and inventory control system that will track marijuana products from seed to sale. For all transactions with State licensees, the Tribe will provide data to the State documenting the purchase or sale of marijuana products within 24 hours of the transaction.

19A-5-30 Product Acquisition.

The Tribe shall only acquire marijuana from (1) entities under its control; (2) State-licensed marijuana establishments; and (3) other Nevada tribes who have executed compacts with the State.

19A-5-40 Packaging, Testing and Labeling.

- (a) All marijuana products sold by the Tribe must be packaged, tested and labeled in compliance with the marijuana regulations of the State.
- (b) Testing of marijuana products shall be conducted by laboratories licensed by the State/Department to the standards of the State.
- (c) The Tribe adopts the regulations of the State relating to serving sizes, potency labeling, and packaging limitations.

19A-5-50 Advertising.

Advertising on Tribal lands shall not appeal to minors. Advertisements off of Tribal lands will comply with State regulations.

TITLE 19

MEDICAL MARIJUANA CONTROL ORDINANCE

**ARTICLE 1
GENERAL PROVISIONS**

1-10	Short Title		
1-20	Findings and Purpose	1-40	Sovereign Immunity
1-30	Control of Marijuana	1-50	Definitions

19-1-10 Short Title.

This Title may be cited as the Medical Marijuana Control Ordinance.

19-1-20 Findings and Purpose.

The Las Vegas Paiute Tribe hereby finds and declares that:

- (a) The United States recognizes Indian tribes as domestic dependent nations with sovereignty over their members and territories.
- (b) Pursuant to the Tribe's Constitution, the Tribal Council has the authority to adopt ordinances and to promote the general welfare of the Tribe.
- (c) The federal Controlled Substances Act, 21 U.S.C. section 801 *et seq.*, classifies marijuana as a Schedule 1 drug and prohibits any possession or use of marijuana except in the course of federally approved research projects. The Controlled Substances Act makes it unlawful, under federal law, for any person to cultivate, manufacture, distribute or dispense, or possess with intent to manufacture, distribute or dispense, marijuana.
- (d) The voters of the State of Nevada approved a constitutional amendment known as the Medical Marijuana Initiative at the 1998 General Election and at the 2000 General Election. Article IV, Section 38 of the Constitution of the State of Nevada, as amended, permits the possession and use of medical marijuana for the treatment of specified illnesses upon the advice of a physician and authorizes the Legislature to provide for appropriate methods of supply. The Nevada State Legislature has enacted legislation, codified in Nevada Revised Statutes § 453A, regulating the cultivation, processing and distribution of marijuana grown for medical purposes within the State.

- (e) The Tribe has decided to open certain lands within its jurisdiction to the possession, consumption, cultivation, processing and distribution of medical marijuana by enacting this Title to the Tribal Law and Order Code.

19-1-30 Control of Marijuana.

- (a) This Title shall govern the cultivation, processing and distribution of medical marijuana on the reservation, will increase the ability of the Tribe to control the possession and consumption of medical marijuana on the reservation, which will provide an additional source of revenue for tribal operations.
- (b) Tribal regulation of the possession, consumption, cultivation, processing and distribution of medical marijuana on the reservation is necessary to protect the health, security, and general welfare of the Tribe, and to address tribal concerns relating to use of medical marijuana on the reservation. In order to further these goals and to provide an additional source of governmental revenue, the Tribe has adopted this Title, which shall be liberally construed to fulfill the purposes for which it has been adopted.
- (c) This Title is authorized by Article VII, Section 1 of the Constitution of the Tribe which provides that the Tribal Council shall have the power to enact legislation for the purpose of safeguarding and promoting the peace, safety, morals, and general welfare of the members of the Tribe.
- (d) This Title is not intended to and does not authorize conduct that is otherwise prohibited by state law, or to prohibit conduct that is authorized by the State of the Nevada. This title shall be deemed to comply with Nevada law, as established by Article IV, Section 38 of the Constitution of the State of Nevada and as codified in Nevada Revised Statutes § 453A.
- (e) Nothing in this Title shall be deemed to be in positive conflict with the Controlled Substances Act, 21 U.S.C. section 801 *et seq.*
- (f) Nothing in this Title shall be deemed to create a right to grow and distribute marijuana.

19-1-40 Sovereign Immunity.

Nothing in this Title shall be construed to limit the jurisdiction of the Tribe, the Tribal Courts or tribal law enforcement personnel and nothing herein shall limit or constitute a waiver of the sovereign immunity of the Tribe or its officers, instrumentalities and agents or authorize any form a prospective waiver of such sovereign immunity.

19-1-50 Definitions.

As used in this Title, the following words shall have the following meanings unless the context

clearly requires otherwise:

- (a) “Critical fluid extraction medical marijuana concentrate” means a medical marijuana concentrate that was produced by extracting cannabinoids from medical marijuana through the use of a hydrocarbon solvent, such as butane or propane, or CO₂.
- (b) “Cultivation” means the preparing and growing of marijuana for medical purposes.
- (c) “Cultivation facility” means any business under the jurisdiction of the Tribe that acquires, possesses, cultivates, delivers, transfers, transports, supplies or sells marijuana and related supplies to another cultivation facility, a processing facility or distribution facility.
- (d) “Designated primary caregiver” means a person, 18 years of age or older, who has significant responsibility for managing the well-being of a person diagnosed with a chronic or debilitating medical condition and is designated as such in the manner required pursuant to Nevada Revised Statute 453A.250.
- (e) “Distribution facility” means any business under the jurisdiction of the Tribe that acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses medical marijuana or related supplies and educational materials to the holder of a valid registry identification card or valid nonresident card.
- (f) “Fat-based medical marijuana concentrate” means a medical marijuana concentrate that was produced by extracting cannabinoids from medical marijuana through the use of butter, olive oil or other typical cooking fats as a solvent.
- (g) “Foreign cultivation facility” means a cultivation facility that is not under the jurisdiction the Tribe.
- (h) “Inventory control” means a process that may be used to monitor the chain of custody of medical marijuana from the point of cultivation to the consumer.
- (i) “Management employees” means those employees who serve in a supervisory role of some nature and are at least 25 years old.
- (j) “Medical marijuana” refers to the use of marijuana, including constituents of marijuana, as a physician-recommended form of medicine.
- (k) “Medical marijuana business” means a cultivation facility, processing facility, distribution facility or any combination thereof.
- (l) “Medical marijuana concentrate” means specific subset of medical marijuana that was produced by extracting cannabinoids from medical marijuana. Types of

medical marijuana concentrates include water-based medical marijuana concentrates, solvent-based medical marijuana concentrates, critical fluid extraction medical marijuana concentrates and fat-based medical marijuana concentrates.

- (m) “Medical marijuana product” means a product that contains marijuana or an extract thereof and is intended for use or consumption other than by inhalation, including but not limited to foodstuffs, extracts, oils, tinctures and other similar products.
- (n) “Nonresident cards” means a card or other identification that is issued by a state or jurisdiction other than Nevada and is the functional equivalent of a registry identification card.
- (o) “Package” means the sealed container in which medical marijuana or a medical marijuana products are placed.
- (p) “Processing” means the harvesting of marijuana or the use of any process or equipment, including but not limited to dehydrators or humidifiers that may be necessary to convert raw marijuana plants or plant parts into a consumable product.
- (q) “Processing facility” means any business under the jurisdiction of the Tribe at which medical marijuana is processed for supply to a distribution Facility.
- (r) “Registry identification card” means a document issued by any competent jurisdiction, Department of Health and Human Services, Division of Public and Behavioral Health or its designee that identifies a person who is exempt from state prosecution for engaging in the medical use of marijuana or the designated primary caregiver of such a person.
- (s) “Reservation” means all lands described or referenced in the Tribe’s Constitution; all lands over which the Tribe retains jurisdiction; all lands held by the United States of America in trust for the Tribe; and any lands which may in the future come within the jurisdiction of the Tribe by any lawful means.
- (t) “Shipping container” means any container or wrapping used solely for the transport of medical marijuana product to a distribution facility.
- (u) “Solvent-based medical marijuana concentrate” means a Medical Marijuana Concentrate that was produced by extracting cannabinoids from medical marijuana through the use of glycerin, isopropyl alcohol, ethanol, or propylene glycol as a solvent.
- (v) “State” means the State of Nevada.
- (w) “Tribal Council” means the duly elected Tribal Council of the Las Vegas Paiute

Tribe, which is the governing body of the Tribe.

- (x) “Tribe” means, and “Tribal” refers to, the Las Vegas Paiute Tribe, a federally recognized Indian tribe.
- (y) “Tribal Courts” means the tribal courts of the Tribe as established pursuant to Tribe’s Law and Order Code.
- (z) “Water-based medical marijuana concentrate” means a Medical Marijuana Concentrate that was produced by extracting cannabinoids from medical marijuana through the use of only water or ice.

**ARTICLE 2
PROHIBITED ACTS AND AFFIRMATIVE DEFENSES**

2-10	Exemption from Prosecution for Certain Acts	2-30 2-40	Minors Deleterious Outcomes
2-20	No Exemption from Prosecution for Certain Acts		

19-2-10 Exemption from Prosecution for Certain Acts.

- (a) A person who holds a valid registry identification card or a valid nonresident card is exempt from prosecution or civil penalty in the Tribal Court for:
 - (1) Possession, delivery or production of marijuana.
 - (2) Aiding and abetting another in the possession, delivery or production of marijuana.
 - (3) Any other criminal offense in which the possession, delivery or production of marijuana is an element.
- (b) No person may be subject to prosecution or civil penalty in the Tribal Court for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the medical use of marijuana in accordance with the provisions of this Title.
- (c) No employee of a medical marijuana business shall be subject to prosecution or civil penalty in the Tribal Court for the cultivation, production or distribution of marijuana in accordance with this Title.

19-2-20 No Exemption from Prosecution for Certain Acts.

- (a) A person who holds a valid registry identification card or a valid nonresident card is not exempt from prosecution or civil penalty in the Tribal Court for:
 - (1) Driving, operating or being in actual physical control of a vehicle under power while under the influence of marijuana.
 - (2) Possessing marijuana in violation in any public place or in any place open to the public or exposed to public view.

- (3) Knowingly delivering marijuana to another person who does not lawfully hold a valid registry identification card or a valid nonresident card.
- (4) Delivering marijuana for consideration to any person, regardless of whether the recipient lawfully holds a valid registry identification card or a valid nonresident card.

19-2-30 Minors.

- (a) It shall be unlawful for any cultivation facility, distribution facility or processing facility to employ any person who is not at least twenty (21) years of age.
- (b) Persons under the age of eighteen (18) years shall not be allowed on the premises of any cultivation facility, distribution facility or processing facility, unless such individual holds a valid registry identification card or valid nonresident card and is accompanied by their parent or documented legal guardian.

19-2-40 Deleterious Outcomes.

The Tribe, including its officers, employees, agents, representatives, successors, and assigns, shall not be held responsible for any deleterious outcomes from the medical use of marijuana by any person.

**ARTICLE 3
LICENSING**

3-10	Medical Marijuana Businesses; Operating Fee	3-50	Grounds for Denial of Medical Marijuana License
3-20	Licensure Requirement	3-60	Reconsideration of Denial
	Term, Renewals and Fees	3-70	License Suspension
3-40	Eligibility Determination	3-80	Reinstatement

19-3-10 Medical Marijuana Businesses; Operating Fee.

- (a) Each medical marijuana business under the jurisdiction of the Tribe shall be organized under tribal law.
- (b) The Tribal Council shall determine the appropriate number of medical marijuana businesses.
- (c) A person who wishes to operate a medical marijuana business shall be required to meet all employment licensing requirements under this Article.
- (d) All operating fees shall be remitted to the Tribe, who shall keep accurate records of all such receipts, and shall be subject to distribution by the Tribal Council in accordance with its usual appropriation procedures for governmental and social services.

19-3-020 Licensure Requirement.

- (a) Every employee of a medical marijuana business shall be required to obtain from the Tribal Council or its designee a Medical Marijuana License as a prerequisite to such employment within the exterior boundaries of the Reservation.
- (b) The application for a Medical Marijuana License shall include the following information:
 - (1) The name, address, telephone number, email address, social security number and date of birth of the applicant;
 - (2) Proof that the applicant is at least twenty one (21) years of age.

- (3) A current photograph of the applicant;
 - (4) Documentation establishing that the applicant has never been convicted of any felony offense or within the past ten (10) years of a misdemeanor involving a drug related offense. For each conviction, the name and address of the court involved and the date and disposition. A conviction within the meaning of this subsection means a plea or verdict of guilty or a conviction following a plea of nolo contendere;
 - (5) Currently and for the previous five (5) years: business and employment positions held, ownership interests in those businesses, business and residence addresses, and driver's license numbers;
 - (6) A complete set of the applicant's fingerprints and written permission of the applicant authorizing the Tribal Council or its designee to forward the fingerprints to the Federal Bureau of Investigation for its report;
 - (7) The names, telephone numbers, email address and current physical address of at least three (3) references, including at least one (1) professional reference;
 - (8) Written permission of the applicant authorizing the Tribal Council or its designee to seek verification of the information contained within the application; A statement in writing that the applicant pledges to not dispense or otherwise divert marijuana to any person or entity that is not allowed to lawfully possess marijuana;
 - (9) A statement in writing that the applicant certifies under penalty of perjury that all the information contained in the application is true and correct; and
 - (10) Any other information the Tribal Council deems relevant.
- (c) The Medical Marijuana License that is issued to the applicant shall include the following printed statement and the application for the license shall require the individual applicant to acknowledge the following warning:

CAUTION: Federal and tribal laws on the cultivation of marijuana and possession of marijuana and marijuana products differ. In the absence of a federal license, federal law prohibits the cultivation and possession of marijuana and marijuana products even pursuant to a tribal license. If you are in violation of federal law, you may be prosecuted in federal court, imprisoned, required to pay a fine and restitution and your real and personal property deemed related to the cultivation or violation may be forfeited. A tribal license is not a defense to a federal prosecution and forfeiture.

19-3-30 Term, Renewals and Fees.

- (a) Unless otherwise suspended or revoked, a Medical Marijuana License shall expire three (3) years following its issuance. A person may re-apply for a Medical Marijuana License for subsequent periods of three (3) years.
- (b) Every application for a Medical Marijuana License or renewal shall be accompanied by a nonrefundable license fee, as established by resolution adopted by the Tribal Council from time to time.
- (c) All license fees shall be remitted to the Tribal Council through the Tribal Secretary, who shall keep accurate records of all such receipts, and shall be subject to distribution by the Tribal Council in accordance with its usual appropriation procedures for governmental and social services.
- (d) The license fee shall not include fingerprinting, photographing or background check costs and shall be in addition to any other fees imposed by the Tribal Council.

19-3-40 Eligibility Determination.

The Tribal Council or its designee shall review an applicant's prior activities, criminal record, if any, and reputation, habits and associations to make a finding concerning the eligibility for employment in a cultivation facility, distribution facility or processing facility.

19-3-50 Grounds for Denial of Medical Marijuana License.

- (a) The grounds for denial of a Medical Marijuana License shall include, but not be limited to, one or more of the following:
- (b) The applicant, within the past ten (10) years, has violated this Title or any state law, statute, rule or regulation relating to the cultivation, processing or distribution of medical marijuana.
- (c) The applicant has knowingly made a false statement of material fact or has knowingly omitted to state a material fact in the application for a Medical Marijuana License.
- (d) The applicant has been convicted of a felony offense or within the past ten (10) years of a misdemeanor involving a drug related offense. A conviction within the meaning of this subsection means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
- (e) A determination by the Tribal Council that employment of the applicant poses a threat to the public interest or to the effective regulation of medical marijuana.
- (f) The applicant is under twenty one (21) years of age.

- (g) The required application or renewal fees have not been paid within a reasonable time.

19-3-60 Reconsideration of Denial.

- (a) A person aggrieved by the decision of the Tribal Council or its designee to deny a Medical Marijuana License may seek reconsideration of such decision to the Tribal Council by filing a written petition for reconsideration with the Tribal Chairman within thirty (30) calendar days of service of the written notice of decision. If a petition for reconsideration is not filed within such time, the decision shall be final.
- (b) Following review of a petition for reconsideration, the Tribal Council may issue the Medical Marijuana License subject to such conditions as it deems reasonable under the circumstances to protect the public health, safety, and welfare of the Tribe and its tribal members or it may deny the issuance of the Medical Marijuana License for any of the grounds specified in this Title. The decision of the Tribal Council shall be final and not subject to judicial review.

19-3-70 License Suspension

- (a) If, after the issuance of a license, the Tribal Council receives reliable information indicating that an employee is not eligible for employment under subsection 19-3-40 above, the Tribal Council shall suspend such license and shall notify in writing the licensee of the suspension and the proposed revocation.
- (b) The Tribal Council shall notify the licensee of a time and a place for a hearing on the proposed revocation of a license.
- (c) After a revocation hearing, the Tribal Council shall decide to revoke or to reinstate a Medical Marijuana License. The decision of the Tribal Council shall be final and not subject to judicial review.

19-3-80 Reinstatement.

- (a) No person who has had a Medical Marijuana License revoked may have the license restored except upon order of the Tribal Council after the filing of a petition for reinstatement.
- (b) No person may petition for reinstatement until the expiration of at least two (2) years from the effective date of the revocation.
- (c) The petition for reinstatement will have the burden of proving by clear, cogent, and convincing evidence that,

- (1) the petitioner meets the criteria requirements of 19-3-10;
- (2) the petitioner has reformed, rehabilitated or otherwise overcome the issue or issues underpinning the revocation;
- (3) permitting the petitioner to resume employment will not be detrimental to the integrity of the Tribe or to the public interest; and
- (4) the petitioner paid all fees required under 19-3-20.

**ARTICLE 4
CULTIVATING MEDICAL MARIJUANA**

4-10	Cultivation Facility Operating Procedures	4-40	Quality Assurance; Adulteration Prohibited
4-20	On-site Consumption	4-50	Research and Development
4-30	Excessive Amount Prohibited	4-60	Precautions and Specific Requirements

19-4-10 Cultivation Facility Operating Procedures.

- (a) Each cultivation facility shall establish written operating procedures for the cultivation of medical marijuana. The operating procedures must include the minimum following information:
- (1) The manner in which, all pesticide and other agricultural chemicals are to be applied during its cultivation process;
 - (2) The equipment and methods employed in the cultivation of the medical marijuana;
 - (3) How the cultivated medical marijuana will be transported to a processing facility or distribution facility;
 - (4) The measures taken to minimize or offset energy use from the cultivation of medical marijuana;
 - (5) The manner in which, chemicals will be stored and used at the premises;
 - (6) The type and quantity of all effluent discharged into the Tribe's wastewater or storm-water system;
 - (7) The hours and days of the week the cultivation facility will be open;
 - (8) The number of persons, per shift, who will be working at the cultivation facility;
 - (9) The security measures that will be employed at the premises, including but not limited to licensed and uniformed guards, lighting, alarms, and automatic law enforcement notification; and

(10) Any other information required by the Tribal Council.

- (b) A copy of all operating procedures must be maintained at every cultivation facility.

19-4-20 On-site Consumption

The use or consumption of medical marijuana shall be prohibited at each cultivation facility.

19-4-30 Reserved.

19-4-40 Quality Assurance; Adulteration Prohibited;

All medical marijuana cultivated must be tested for safety and quality assurance. A cultivation facility may not treat or otherwise adulterate medical marijuana with any chemical or other compound whatsoever to alter its color, appearance, weight or smell.

19-4-50 Research and Development.

- (a) Research, testing, or other similar facilities located within the exterior boundaries of the Reservation that cultivate medical marijuana for research, testing or distribution to patients or primary caregivers shall be considered a cultivation facility and shall be subject to all applicable regulations and limitations for a cultivation facility.
- (b) The cultivation of locally-grown and organic marijuana is encouraged.

19-4-60 Precautions and Specific Requirements.

- (a) Every cultivation facility shall take all reasonable measures and precautions to ensure that the following requirements are met:
- (1) All cultivation of marijuana that a cultivation facility carries out or causes to be carried out must take place in an enclosed, locked structure or building.
- (2) Any person who, by medical examination or supervisory observation, is shown to have, or appears to have, an illness, open lesion, including boils, sores, or infected wounds, or any other abnormal source of microbial contamination for whom there is a reasonable possibility of contact with medical marijuana shall be excluded from any operations which may be expected to result in such contamination until the condition is corrected.
- (3) All persons working in direct contact with medical marijuana shall

conform to hygienic practices while on duty, including but not limited to, maintaining sufficient personal cleanliness.

- (4) Litter and waste shall be properly removed and the operating systems for waste disposal shall be maintained in an adequate manner so that they do not constitute a source of contamination in areas where medical marijuana is exposed.
 - (5) All floors, walls, and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.
 - (6) Adequate lighting shall be required in all areas where medical marijuana is stored.
 - (7) Adequate screening or other protection against the entry of pests shall be made. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for the waste becoming an attractant, harborage, or breeding place for pests.
 - (8) All buildings, fixtures, and other facilities shall be maintained in a sanitary condition.
 - (9) Pesticide chemicals shall be identified, held, and stored in a manner that protects against contamination of medical marijuana, and in a manner that is in accordance with this Title and any applicable tribal, state, or federal law, rule, or regulation.
- (b) Cultivation facilities shall be subject to the following specific regulations:
- (1) The display or sale of paraphernalia employed in the use or consumption of marijuana or any implement that may be used to administer, use, inhale, consume, smoke or ingest medical marijuana, is prohibited at the cultivation facility.
 - (2) The cultivation of medical marijuana shall not adversely affect the health or safety of the employees, or the facility in which it is cultivated or processed, or nearby properties through creation of mold, mildew, dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or be hazardous because of the use or storage of materials, processes, products or wastes.
 - (3) The cultivation area shall occur only within a self-contained structure that is adequately ventilated.
 - (4) The cultivation facility shall comply with storm-water, wastewater, and other requirements of the Tribal Council.

- (5) The water supply shall be sufficient for the operations intended and shall be derived from a source that is a regulated water system. Private water supplies shall be derived from a water source that is capable of providing a safe, potable, and adequate supply of water to meet the facility's needs.
- (6) The plumbing shall be of adequate size and design and adequately installed and maintained to carry sufficient quantities of water and that shall properly convey sewage and liquid disposable waste from the cultivation facility. There shall be no cross-connections between the potable and waste water lines.
- (7) All operations in the receiving, inspecting, transporting, segregating, preparing, manufacturing, packaging, and storing of medical marijuana or medical marijuana product shall be conducted in accordance with adequate sanitation principles.
- (8) Every cultivation facility shall provide its employees with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair.
- (9) All hand-washing facilities shall be adequate and convenient and be furnished with running water at a suitable temperature. Hand-washing facilities shall be located in the cultivation facility and where good sanitary practices require employees to wash and/or sanitize their hands, and provide effective hand-cleaning and sanitizing preparations and sanitary towel service or suitable drying devices.
- (10) Medical marijuana that can support the rapid growth of undesirable microorganisms shall be held in a manner that prevents the growth of these microorganisms.

**ARTICLE 5
PROCESSING MEDICAL MARIJUANA**

5-10	Processing Facility Operating Procedures	5-40	Precautions and Specific Requirements
5-20	Food Safety Course	5-50	Medical Marijuana Concentrates
5-30	Quality Assurance		

19-5-10 Processing Facility Operating Procedures.

- (a) Each processing facility shall establish written operating procedures for the processing of medical marijuana. The operating procedures must include the minimum following information:
- (1) All applicable provisions contained in Section 19-4-10.
 - (2) How the medical marijuana will be transported from a processing facility to a distribution facility.
 - (3) The procedure and documentation process for determining patient dosage including testing for the major active agents in the medical marijuana product (e.g., cannabinoids Tetrahydrocannabinol (THC), Cannabidiol (CBD) and Cannabinol (CBN)).
 - (4) Require standards for the processing of medical marijuana into food and other edibles by cooking, baking, infusing, or grinding. Such standards shall be no less stringent than the standards of the United States Public Health Service.
 - (5) Require standards for the packaging of edibles and other similar products. Such packaging shall be nondescript and shall not mimic, resemble or be representational of candy, cookies or other food products that might attract or entice children.

19-5-20 Food Safety Course.

- (a) Any person who processes medical marijuana into food and other edibles shall be required to provide evidence of completion of a food safety course that includes basic food handling training and is comparable to or is a course given by a state or county public health agency.
- (b) Any course taken pursuant to this rule must last at least two hours and cover the following subjects:

- (1) Causes of foodborne illness, highly susceptible populations and worker illness;
- (2) Personal hygiene and food handling practices;
- (3) Approved sources of food;
- (4) Potentially hazardous foods and food temperatures;
- (5) Sanitization and chemical use; and
- (6) Emergency procedures (fire, flood, sewer backup).

19-5-30 Quality Assurance.

All medical marijuana processed and each medical marijuana product must be tested for safety and quality assurance, including but limited to, potency testing, residual solvents testing, microbial testing, aflatoxin testing, pesticide testing, and heavy metal testing.

19-5-40 Precautions and Specific Requirements

- (a) Every processing facility shall take all reasonable measures and precautions to ensure that the following requirements are met:
 - (1) All processing of marijuana that a processing facility carries out or causes to be carried out must take place in an enclosed, locked structure or building.
 - (2) Any person who, by medical examination or supervisory observation, is shown to have, or appears to have, an illness, open lesion, including boils, sores, or infected wounds, or any other abnormal source of microbial contamination for whom there is a reasonable possibility of contact with medical marijuana shall be excluded from any operations which may be expected to result in such contamination until the condition is corrected.
 - (3) All persons working in direct contact with medical marijuana shall conform to hygienic practices while on duty, including but not limited to, maintaining sufficient personal cleanliness.
 - (4) Litter and waste shall be properly removed and the operating systems for waste disposal shall be maintained in an adequate manner so that they do not constitute a source of contamination in areas where medical marijuana is exposed.
 - (5) All floors, walls, and ceilings shall be constructed in such a manner that they may be adequately cleaned and kept clean and kept in good repair.

- (6) Adequate lighting shall be required in all areas where medical marijuana is stored.
 - (7) Adequate screening or other protection against the entry of pests shall be made. Rubbish shall be disposed of so as to minimize the development of odor and minimize the potential for the waste becoming an attractant, harborage, or breeding place for pests.
 - (8) All buildings, fixtures, and other facilities shall be maintained in a sanitary condition.
 - (9) Toxic cleaning compounds, sanitizing agents, solvents used in the production of medical marijuana concentrates shall be identified, held, and stored in a manner that protects against contamination of medical marijuana, and in a manner that is in accordance with this Title and any applicable tribal, state, or federal law, rule, or regulation.
- (b) Processing facilities shall be subject to the following specific regulations:
- (1) There shall be no on-site use or consumption of medical marijuana;
 - (2) The display or sale of paraphernalia employed in the use or consumption of marijuana or any implement that may be used to administer, use, inhale, consume, smoke or ingest medical marijuana, is prohibited at the processing facility.
 - (3) The processing of medical marijuana shall not adversely affect the health or safety of the employees, or the facility in which it is cultivated or processed, or nearby properties through creation of mold, mildew, dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or be hazardous because of the use or storage of materials, processes, products or wastes.
 - (4) The processing area shall occur only within a self-contained structure that is adequately ventilated.
 - (5) The processing facility shall comply with storm-water, wastewater, and other requirements of the Tribe.
 - (6) The water supply shall be sufficient for the operations intended and shall be derived from a source that is a regulated water system. Private water supplies shall be derived from a water source that is capable of providing a safe, potable, and adequate supply of water to meet the facility's needs.
 - (7) The plumbing shall be of adequate size and design and adequately installed and maintained to carry sufficient quantities of water and that shall properly convey sewage and liquid disposable waste from the processing facility. There shall be no cross-connections between the

potable and waste water lines.

- (8) All operations in the receiving, inspecting, transporting, segregating, preparing, manufacturing, packaging, and storing of medical marijuana or medical marijuana product shall be conducted in accordance with adequate sanitation principles.
- (9) Every processing facility shall provide its employees with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair.
- (10) All hand-washing facilities shall be adequate and convenient and be furnished with running water at a suitable temperature. Hand-washing facilities shall be located in the cultivation facility and where good sanitary practices require employees to wash and/or sanitize their hands, and provide effective hand-cleaning and sanitizing preparations and sanitary towel service or suitable drying devices.
- (11) All contact surfaces, including utensils and equipment used for the preparation of a medical marijuana product, shall be cleaned and sanitized as frequently as necessary to protect against contamination. Equipment and utensils shall be so designed and of such material and workmanship as to be adequately cleanable, and shall be properly maintained.

19-5-50 Medical Marijuana Concentrates

- (a) A processing facility may produce the following concentrates:
 - (1) Water-Based Medical Marijuana Concentrates;
 - (2) Fat-Based Medical Marijuana Concentrates;
 - (3) Solvent-Based Medical Marijuana Concentrate; and
- (b) A processing facility that engages in the production of medical marijuana concentrates, regardless of the method of extraction or type of concentrate being produced, must:
 - (1) Ensure that the space in which any Medical Marijuana Concentrate is to be produced is a fully enclosed room and clearly designated.
 - (2) Establish a standard operating procedure for each method used to produce a medical marijuana concentrate.
 - (3) Establish written quality control procedures designed to minimize any potential risks to employees or contamination of medical marijuana products.

- (4) Ensure that all equipment used in the production of a medical marijuana concentrate is food-grade, including ensuring that all counters and surface areas were constructed in such a manner that it reduces the potential for the development of microbials and mold and can be easily cleaned.
 - (5) Ensure that all equipment, counters, and surfaces used in the production of a medical marijuana concentrate is thoroughly cleaned after the completion of each production of a medical marijuana concentrate.
 - (6) Have a comprehensive training manual that provides step-by-step instructions for each method used to produce a medical marijuana concentrate. The training manual must include, but need not be limited to, all standard operating procedures, quality control procedures and safety procedures for each method of production, instructions on the appropriate use and maintenance of all equipment involved in each process, and any cleaning required to comply with all applicable sanitary rules.
 - (7) Provide adequate training prior to an individual engaging in the production of a Medical Marijuana Concentrate. Adequate training must include, but need not be limited to, providing the appropriated employee or volunteer with the training manual and live, in-person instruction detailing safety procedures for each method of production, instructions on the appropriate use and maintenance of all equipment involved in the process, and any cleaning required to maintain compliance with all applicable sanitary rules.
 - (8) Maintain clear and comprehensive records that document every phase of each step in the production of the medical marijuana concentrate, which must include the name and license number of every employee or volunteer that worked on the production of that medical marijuana concentrate.
 - (9) Ensure that the room in which medical marijuana concentrate shall be produced contains an emergency eye-wash station.
- (c) With respect to Critical Fluid Extraction Medical Marijuana Concentrates, the processing facility must also ensure that the facility and all equipment used in production of the Critical Fluid Extraction Medical Marijuana Concentrate meets the following requirements:
- (1) A professional grade, closed-loop extraction system capable of recovering the solvent used.
 - (2) If a pressurized extraction system is utilized, then every vessel in the system must be rated to a minimum of nine hundred pounds per square inch.
 - (3) A sufficient fume hood and exhaust system is installed in the room in which a Critical Fluid Extraction Medical Marijuana Concentrate shall be produced and that the system is fully functioning prior to the production a

Critical Fluid Extraction Medical Marijuana Concentrate.

- (4) All flammable material used in the production of a Critical Fluid Extraction Medical Marijuana Concentrate are stored in a storage-tank designed to hold flammable material and is outside of the room in which the concentrates are to be produced.
- (5) A sufficient fire-suppression system is installed in the room in which a Critical Fluid Extraction Medical Marijuana Concentrate shall be produced and that the system is fully functioning prior to the production a Critical Fluid Extraction Medical Marijuana Concentrate.
- (6) A hydro-carbon gas monitoring system, a CO2 Gas monitoring system or both, depending on the type of Medical Marijuana Concentrate to be produced, with emergency shutdown relays is installed in the room in which a Critical Fluid Extraction Medical Marijuana Concentrate shall be produced and that the system is fully functioning prior to the production a Critical Fluid Extraction Medical Marijuana Concentrate.
- (7) The room in which a Critical Fluid Extraction Medical Marijuana Concentrate shall be produced is a spark-free environment.
- (8) The room in which a Critical Fluid Extraction Medical Marijuana Concentrate shall be produced contains an emergency shower.
- (9) Ensure that all fluids used in the extraction process are food-grade and 99% pure.
- (10) Establish a standard operating procedure for each type of Critical Fluid Extraction Medical Marijuana Concentrate to be produced that is designed to maximize employee safety and minimize potential contamination of products with residual solvents or microbials and mold.

ARTICLE 6

DISTRIBUTING MEDICAL MARIJUANA

6-10	Distribution Facility Operating Procedures	6-40	Precautions and Specific Requirements
6-20	Access	6-50	Packaging
6-30	Duties of distribution facility	6-60	Electronic Verification System

19-6-10 Distribution Facility Operating Procedures.

- (a) Each distribution facility shall establish written operating procedures for the distribution of medical marijuana. The operating procedures must include the minimum following information:
- (1) All applicable provisions contained in Sections 19-4-10 and 19-5-10.
 - (2) A description of the screening, registration and validation process for consumers.
 - (3) A description of consumer records acquisition and retention procedures.
 - (4) The process for tracking medical marijuana quantities and inventory controls including on-site cultivation, processing, and/or medical marijuana products received from outside sources.
 - (5) The procedure and documentation process for assuring the safety and quality of all medical marijuana and medical marijuana products (including, but not limited to, testing for bacteria, mold, pesticides and other contaminants).
 - (6) The procedure and documentation process for determining patient dosage including testing for the major active agents in the medical marijuana (*e.g.*, cannabinoids Tetrahydrocannabinol (THC), Cannabidiol (CBD) and Cannabinol (CBN)).

19-6-20 Access.

- (a) Only distribution facility employees, holders of a valid registry identification card or valid nonresident card and persons with bona fide purposes for visiting the premises shall be permitted access into a distribution facility.

- (b) Potential customers shall not visit any distribution facility without first having obtained a valid registry identification card or valid nonresident card.
- (c) All other visitors shall remain in a designated waiting area outside of the distribution facility.
- (d) Notwithstanding these requirements, nothing shall prohibit law enforcement from entering any area of the facility upon presentation of official credentials identifying them as such.

19-6-30 Duties of distribution facility.

- (a) Each distribution facility shall ensure all of the following:
 - (1) The weight, concentration and content of THC in all marijuana, edible marijuana products that the distribution facility sells is clearly and accurately stated on the product sold.
 - (2) That the distribution facility does not sell to a person, in any one 14-day period, an amount of marijuana for medical purposes that exceeds:
 - (A) One ounce of usable marijuana;
 - (B) Three mature marijuana plants; and
 - (C) Four immature marijuana plants.
 - (3) That, posted clearly and conspicuously within the distribution facility, are the limits on the possession of marijuana for medical purposes, as set forth in subsection (2).
- (b) Each distribution facility shall be staffed with at least one person during hours of operation who shall not be responsible for dispensing medical marijuana. The distribution facility shall have a responsible person who shall be at least twenty-one (21) years of age and shall be on the premises to act as manager at all times during which the distribution facility is open to the public or any portion thereof.

19-6-40 Precautions and Specific Requirements.

- (a) The distribution facility shall be subject to the following specific regulations:
 - (1) The distribution facility shall not have a storefront.
 - (2) The distribution facility shall only distribute medical marijuana or medical marijuana products to holder of a valid registry identification card or valid nonresident card or a designated primary caregiver.

- (3) The distribution facility shall display rules and regulations in a conspicuous place that is readily seen by all persons entering the distribution facility.
- (4) There shall be no on-site use or consumption of medical marijuana. Each building entrance to the distribution facility shall be clearly and legibly posted with a notice indicating that smoking, ingesting or consuming medical marijuana on the premises or in the vicinity of the distribution facility is prohibited.
- (5) Alcohol shall not be provided, stored, kept, located, sold, dispensed, or used on the premises.
- (6) Each building entrance to the distribution facility shall be clearly and legibly posted with a notice indicating that persons under the age of eighteen (18) are precluded from entering the premises unless they are the holder of a valid registry identification card or valid nonresident card and under the supervision of their parent or legal guardian.
- (7) The distribution facility shall only distribute medical marijuana or medical marijuana products during normal business hours.
- (8) The distribution facility shall strongly discourage and avoid daily or weekly visits by consumers as a routine practice and shall not distribute medical marijuana to any person more than twice a day.
- (9) The on-site display of medical marijuana plants visible from the outside shall be prohibited, including live plants or graphic representations of the medical marijuana plant.
- (10) The distribution of medical marijuana shall not adversely affect the health or safety of the employees, volunteers or the facility in which it is distributed, or nearby properties through creation of mold, mildew, dust, glare, heat, noise, noxious gasses, odor, smoke, traffic, vibration, or other impacts, or be hazardous because of the use or storage of materials, processes, products or wastes.

19-6-50 Packaging.

- (a) The distribution of medical marijuana or a medical marijuana product is prohibited unless placed within a container designed or constructed to be significantly difficult for children under five years of age to open and not difficult for normal adults to use properly and that does not allow the product to be seen without opening the packaging material.

- (b) Every package or unit of medical marijuana or medical marijuana product, distributed shall have a label or labels that state the following, as may be applicable:
- (1) The name of the consumer.
 - (2) The name and contact information of the distribution facility.
 - (3) An identification and tracking number for the specific package or unit of medical marijuana, or medical marijuana product.
 - (4) The species or strain of the medical marijuana.
 - (5) Identification of the strength and dosage of the medical marijuana.
 - (6) A statement that the medical marijuana or medical marijuana product has been tested for safety and quality assurance and that the testing results, and chain of custody information is available by contacting the distribution facility.
- (c) The following warning placed in a conspicuous location on the package:
- “Medicinal product - keep out of reach of children. Smoking may be hazardous to the health of the user, and smoking by pregnant women may result in fetal injury, premature birth and low birth weight. Further, ingestion of marijuana in any form may be hazardous to the health of the user and may impair the judgment of the user.”**
- (d) The following specific requirements for edible medical marijuana products:
- (1) List of all ingredients used to manufacture the edible medical marijuana product; which may include a list of any potential allergens contained within, or used in the manufacture of, the product.
 - (2) A statement that the medical marijuana product, if perishable, must be refrigerated.
 - (3) A product expiration date, for perishable medical marijuana products, upon which the product will no longer be fit for consumption, or a use-by-date, upon which the product will no longer be optimally fresh. Once a label with a use-by or expiration date has been affixed to a container of a medical marijuana product, it may not be altered in any way or have a new label affixed with a later use-by or expiration date.

19-6-60 Electronic Verification System.

- (a) Each distribution facility shall maintain an electronic verification system.
- (b) The electronic verification system must be able to monitor and report information, including, without limitation:
 - (1) For each person who holds a valid registry identification card or a nonresident card and who purchased marijuana from the dispensary in the immediately preceding 60-day period;
 - (2) The number of the card;
 - (3) The date on which the card was issued;
 - (4) The date on which the card will expire;
 - (5) Verification of the identity of a person to whom marijuana or medical marijuana products are sold or otherwise distributed; and
 - (6) Such other information as the Tribal Council may require.
- (c) Nothing in this section prohibits more than one distribution facility from co-owning an electronic verification system in cooperation with another distribution facility, or sharing the information obtained therefrom.
- (d) A distribution facility must exercise reasonable care to ensure that the personal identifying information of persons who hold valid registry identification cards or valid nonresident cards which is contained in an electronic verification system is encrypted, protected and not divulged for any purpose not specifically authorized by law.

ARTICLE 7

TRANSPORTATION OF MEDICAL MARIJUANA

7-10	Transportation	7-40	Transportation
7-20	Shipping Containers		outside the State.
7-30	Transportation		
	Security Program		

19-7-10 Transportation.

- (a) Provided that appropriate in-transit security measures are taken; the delivery or transportation of medical marijuana or medical marijuana products between facilities and laboratories within the exterior boundaries of reservation is permitted.
- (b) Any person who while transporting or delivering medical marijuana or medical marijuana products shall not possess or carry on his person or in his vehicle (a) an amount of medical marijuana not associated with a specific receipt or invoice, (b) an amount of cash not associated with a specific receipt or invoice, (c) one or more weapons, or (d) illicit drugs.

19-7-20 Shipping Containers.

- (a) Every medical marijuana business shall be responsible for sealing all shipping containers of medical marijuana or medical marijuana products immediately upon the conclusion of the safe and secure stuffing process and must keep a record of each seal number.
- (b) Only management employees at a receiving facility or federal, state and local government officials having custody of a shipping container of medical marijuana or medical marijuana products, may break the seal for legitimate reasons.

19-7-30 Transportation Security Program.

- (a) Every medical marijuana business shall establish a detailed Transportation Security Program, approved by the Tribal Council, which shall include at a minimum the following:
 - (1) Standards and procedures to enhance the physical security of shipping containers, including standards for seals and locks.
 - (2) Standards and procedures for screening and evaluating shipping containers prior to transportation and upon delivery at the distribution facility.

- (3) Standards and procedures for securing shipping containers and monitoring that security while in transit.
- (4) Standards and procedures for allowing government officials to ensure and validate compliance with this program.
- (5) Any other measures the Tribal Council considers necessary to ensure the security and integrity of transporting medical marijuana or medical marijuana products.

19-7-40 Transportation outside the State.

Delivery or transportation of medical marijuana or medical marijuana products outside of the State of Nevada is prohibited.

ARTICLE 8

SECURITY, SITE MANAGEMENT AND INVENTORY CONTROL

8-10	Security and Site Management	8-30	Inventory Control System
8-20	Disturbances of the Peace	8-40	Audits
		8-50	Training

19-8-10 Security and Site Management.

- (a) Every medical marijuana business shall provide adequate security for all facilities and laboratories, which shall include at a minimum the following:
- (1) All employees shall be required to hold and properly display a current identification badge issued by the Tribe at all times. Proper display of the license badge shall consist of wearing the badge in a plainly visible manner, at or above the waist, and with the photo of the holder visible. The holder shall not alter, obscure, damage, or deface the badge in any manner.
 - (2) Security surveillance cameras shall be installed and maintained in good working condition to monitor the main entrance and exterior of all facilities and laboratories to discourage loitering, crime, illegal or nuisance activities. Security video shall be maintained for a minimum of seventy-two (72) hours.
 - (3) Professionally monitored robbery alarm and burglary alarm systems shall be installed and maintained in good working condition.
 - (4) Professionally monitored fire alarm and fire suppression systems shall be installed and maintained in good working condition.
 - (5) At all times, there shall be at least one licensed, uniformed security guard or a tribal police officer present and visible on the premises of all facilities and laboratories.
 - (6) All points of ingress and egress shall have commercial-grade, nonresidential door locks.

19-8-20 Disturbances of the Peace.

Every medical marijuana business shall take all reasonable steps to discourage and correct disturbances of peace, open public consumption of marijuana or alcohol, excessive pedestrian or vehicular traffic, illegal drug activity, harassment of passersby, excessive littering, excessive loitering, illegal parking, excessive loud noises, especially late at night or early in the morning hours, lewd conduct or police detentions and arrests.

19-8-30 Inventory Control System.

- (a) Every medical marijuana business shall maintain an inventory control system.
- (b) The inventory control system must be able to monitor and report information, including, without limitation:
 - (1) Insofar as is practicable, the chain of custody and current whereabouts, in real time, of medical marijuana from the point that it is harvested at a cultivation facility until it is sold at a distribution facility and, if applicable, if it is processed at a facility for the production of medical marijuana products;
 - (2) The name of any person or foreign cultivation facility from whom the distribution facility purchased marijuana;
 - (3) The name of each person to whom the medical marijuana business sold marijuana;
 - (4) The date on which the distribution facility sold marijuana to a person who holds a registry identification card or nonresident card and, if any, the quantity of medical marijuana products sold, measured both by weight and potency; and
 - (5) Such other information as the Tribal Council may require.

Nothing in this section prohibits a cultivation facility, processing facility or distribution facility from co-owning an inventory control system in cooperation with other facilities, or sharing the information obtained therefrom.

19-8-40 Audits.

- (a) Each medical marijuana business shall cause to be prepared an annual financial statement of every cultivation facility, processing facility and distribution facility using generally accepted accounting principles that are audited by an independent certified public accountant in conformity with generally accepted auditing standards.
- (b) Every medical marijuana business shall undergo an annual health and sanitary audit of any facility by an independent consultant. The scope of the audit may

include, but not limited to, whether each facility and laboratory is in compliance with the requirements set forth in this Title and other applicable health, sanitary or food handling laws, rules and regulations. Failure to perform to the independent audit may result in suspension of operations until the completion of the independent audit and the implementation of any required remedial measures is made.

19-8-50 Training.

All employees shall receive appropriate training for their intended duties to ensure understanding of rules and procedures regarding medical marijuana in compliance with this Title.

**ARTICLE 9
MISCELLANEOUS PROVISIONS**

9-10	Severability	9-40	Effective Date
9-20	Interpretation and Applicability	9-50	Violations
9-30	Renumbering and re- designation		

19-9-10 Severability.

The provisions of this Title are declared to be separate and severable. If the Tribal Court shall adjudge to be invalid or unconstitutional any clause, sentence, paragraph, section, article or part of this Title, such judgment or decree shall not affect, impair, invalidate or nullify the remainder of this Title, but the effect thereof shall be confined to the clause, sentence, paragraph, section, article or chapter of this Title as adjudged to be invalid or unconstitutional.

19-9-20. Interpretation and Applicability.

- (a) No part of this Title shall be deemed to be in positive conflict with federal law as contained in the Controlled Substances Act, 21 U.S.C. section 800 et seq., nor to otherwise permit any activity that is prohibited under that Act or any other tribal, state or federal law, statute, rule or regulation.
- (b) Nothing in this Title is intended, nor shall it be construed, to burden any defense to criminal prosecution otherwise afforded by tribal or state law.
- (c) Nothing in this Title is intended, nor shall it be construed, to make legal any cultivation, transportation, sale, or other use of marijuana that is otherwise prohibited under tribal or state law.

19-9-30 Renumbering and re-designation.

Authority is given to the compiler of the laws of the Tribe to renumber, re-designate, or to cite the provisions of this Title as necessary for uniformity and accessibility.

19-9-40 Effective Date.

This Title shall be in full force and effect according to its terms upon adoption by the Tribal Council.

19-9-50 Violations.

Any violation of this Title is subject to administrative, civil, or criminal penalties, in addition to being subject to other remedies provided by law, including but not limited to injunctive relief and revocation of the Medical Marijuana License.