



Nez Perce

TRIBAL EXECUTIVE COMMITTEE

P.O. BOX 305 • LAPWAI, IDAHO 83540 • (208) 843-2253

NOTICE

AMENDMENTS TO THE NEZ PERCE TRIBAL CODE

This notice is being posted **SEPTEMBER 10, 2020**, according to the Nez Perce Tribal Code § 1-4-2 to request written comments for the following proposed amendments (see attached):

Authorize a thirty (30) day posting for proposed addition to the Nez Perce Tribal Code to include the Nez Perce Tribal Hemp Ordinance.

STATEMENT OF PURPOSE:

Tribal regulation of the possession, cultivation, processing and distribution of Hemp on lands within the Tribe's Jurisdiction is necessary to protect the health, security, and general welfare of the Tribal community. In order to further these goals, the NPTEC has authorized a thirty (30) day comment period for the proposed addition to the Nez Perce Tribal Code.

This Plan shall govern the cultivation, processing, and distribution of Hemp on lands within the Tribe's Jurisdiction as required in Subsection G of the 2018 Farm Bill and will allow the Tribe to exercise its inherent sovereignty over its Tribal territory, exercise its inherent right to stimulate its economy, and create jobs.

WRITTEN COMMENT PERIOD:

The Law and Order & Intergovernmental Affairs Subcommittee will be accepting written comments on the proposed amendment being applied to the Code. Please submit written comments to: Arthur Broncheau, Chairman, Law and Order Subcommittee, P. O. Box 305, Lapwai, Idaho 83540; email to arthurb@nezperce.org; fax to (208) 843-7354; or hand deliver to the NPTEC offices in Lapwai. The deadline for receipt and consideration of such comments is **FRIDAY, OCTOBER 23, 2020 at 4:30 p.m.**

NEZ PERCE TRIBE**CHAPTER 6-13 HEMP ORDINANCE****TABLE OF CONTENTS**

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TITLE 6. REGULATORY CODE

CHAPTER 13. HEMP ORDINANCE

Section 13.001 Short Title.

This document may be cited as the “Hemp Ordinance” or “Hemp Plan.”

Section 13.002 Findings and Purpose.

The Nez Perce Tribe (Tribe) hereby finds and declares that:

- A. The United States recognizes Indian tribes as unique nations with sovereignty over their members and territories.
- B. Article VIII, Section 1, Subsection B of the Nez Perce Tribe Constitution authorizes the Nez Perce Tribe Executive Committee (NPTEC), as the governing body of the Tribe, to engage in business activities which promote the economic well-being and advancement of the Tribe and its members.
- C. Hemp is a strain of Cannabis that has grown naturally in North America. It predates the foundation of the United States of America and continues to grow in the wild.
- D. Hemp was historically utilized for a variety of products and functions including paper, cloth, and rope, but its uses have greatly expanded, in more recent times.
- E. The cultivation of Hemp was a staple of American agriculture until it was outlawed through state law, the Marijuana Tax Act in the 1930’s, and the Controlled Substances Act of 1970, 21 U.S.C. § 801 et seq. (“Controlled Substances Act”), because Hemp is derived from the same plant as Marijuana.
- F. Prior to the 2018 amendments to the Controlled Substances Act, contained in the Agriculture Improvement Act of 2018 (the “2018 Farm Bill”), the Controlled Substances Act classified Hemp as a Schedule 1 drug and prohibited any possession or use of Hemp except in the course of federally approved research projects. The Controlled Substances Act also made it unlawful for any person to cultivate, manufacture, distribute, dispense, or possess (with intent to manufacture) Hemp.
- G. The Agriculture Improvement Act of 2018, also amended the Agricultural Marketing Act of 1946 (7 U.S.C. § 1621 et seq.) by adding Subtitle G entitled “Hemp Production,” which now allows the Tribe’s controlled cultivation of Hemp in accordance with that Act, and a Tribal Plan approved by the Secretary of Agriculture.
- H. The Tribe has decided to open specific lands within its jurisdiction to the cultivation, Processing, and distribution of Hemp by ratifying this Plan and submitting it to the United States Department of Agriculture for approval.

Section 13.003 Scope of the Nez Perce Tribal Hemp Ordinance.

- A. This Plan shall govern the cultivation, processing, and distribution of Hemp on lands within the Tribe's Jurisdiction as required in Subsection G of the 2018 Farm Bill and will allow the Tribe to exercise its inherent sovereignty over its Tribal territory, exercise its inherent right to stimulate its economy, create jobs, develop and operate Tribal businesses, create an additional source of revenue for Tribal programs and operations and provide funding for its members and the community.
- B. Tribal regulation of the possession, cultivation, Processing and distribution of Hemp on lands within the Tribe's Jurisdiction is necessary to protect the health, security, and general welfare of the Tribal community. In order to further these goals, the Tribe has adopted this Plan which shall be liberally construed to fulfill the purposes for which it has been adopted.
- C. Nothing in this Plan shall be deemed to be in positive conflict with the Controlled Substances Act. In the event of a conflict between this Plan as approved by the Secretary of the USDA or his designee and the Tribal Hemp Ordinance, the terms of the Plan shall govern.
- D. The regulations and penalties imposed by this Plan extend to any person within the Tribe's Jurisdiction, whether Licensed or not.

Section 13.004 Sovereign Immunity.

Nothing in this Plan shall be construed to limit the jurisdiction of the Tribe, the Tribal Court, or the Tribal Police, and nothing herein shall limit or constitute a waiver of the sovereign immunity of the Tribe or its officers, instrumentalities, employees, elected officials, and agents, or authorize any form a prospective waiver of such sovereign immunity.

Section 13.005 Exemption from Prosecution for Certain Acts.

No employee or Key Participant of a Hemp Business or Licensed Producer or Processor shall be subject to prosecution or civil penalty in the Tribal Court for the cultivation, production, or distribution of Hemp when acting in accordance with this Plan and with applicable Tribal and federal law.

Section 13.006 Effective Date.

This Plan shall be effective upon the ratification by the NPTEC and approval by the Secretary of the USDA or his designee.

Section 13.007 Savings Clause.

In the event that any phrase, provision, part, paragraph, subsection, or section of this Plan is found by a court of competent jurisdiction to violate the Constitution or laws of the Tribe or any federal law, such phrase, provision, part, paragraph, subsection or section shall be considered to stand alone and be deleted from this Plan. The entirety of the balance of this Plan shall remain in full and binding force and effect.

Section 13.008 Definitions.

Within this Hemp Ordinance, the following definitions apply:

- A. “Acceptable Hemp THC Level” means when a laboratory tests a sample, it must report the delta-9 tetrahydrocannabinol content concentration level on a dry weight basis and the measurement of uncertainty. The acceptable hemp THC level for the purpose of compliance with the requirements of this hemp plan is when the application of the measurement of uncertainty to the reported delta-9 tetrahydrocannabinol content concentration level on a dry weight basis produces a distribution or range that includes 0.3% or less. For example, if the reported delta-9 tetrahydrocannabinol content concentration level on a dry weight basis is 0.35% and the measurement of uncertainty is +/-0.06%, the measured delta-9 tetrahydrocannabinol content concentration level on a dry weight basis for this sample ranges from 0.29% to 0.41%. Because 0.3% is within the distribution or range, the sample is within the acceptable hemp THC level for the purpose of plan compliance. This definition of “Acceptable Hemp THC Level” affects neither the federal statutory definition of hemp, 7 U.S.C. 1639o(1), in the 2018 Farm Bill nor the definition of “marihuana,” 21 U.S.C. 802(16), in the CSA.
- B. “Applicant” means a person, or a person who is authorized to sign for a business entity, who submits an application to participate in the Nez Perce Tribe Hemp Program.
- C. “Cannabis” means a genus of flowering plants in the family Cannabaceae of which *Cannabis sativa* is a species, and *Cannabis indica* and *Cannabis ruderalis* are subspecies thereof. Cannabis refers to any form of the plant in which the Delta-9 Tetrahydrocannabinol concentration on a Dry Weight Basis has not been determined.
- D. “Commercial Sales” means the sale of a product in the stream of commerce at retail or at wholesale, including sales on the Internet.
- E. “Commissioner” means the Tribal Commissioner or Director of Agriculture. Is this necessary what would be the tribal correlary?
- F. “Consumable Product” means a Hemp Product intended for human or animal consumption.
- G. “Cultivate” means to plant, water, grow, or harvest a plant or crop.
- H. “Department” means the Nez Perce Tribe Department of Agriculture (land services?).
- I. “DEA” means the United States Drug Enforcement Administration.
- J. “Decarboxylated” means the completion of the chemical reaction that converts THC-acid into delta-9 Tetrahydrocannabinol. The decarboxylated value is also calculated using a conversion formula that sums delta-9 Tetrahydrocannabinol and eighty-seven and seven-tenths (87.7) percent of THC-acid.

- K. “Delta-9 Tetrahydrocannabinol” or “THC” means delta-9- tetrahydrocannabinol concentration (the primary intoxicating component of Cannabis). For purposes of this Plan, Delta-9 Tetrahydrocannabinol and THC are interchangeable.
- L. “Dry Weight Basis” means the ratio of the amount of moisture in a sample to the amount of dry solid in a sample. In the case of Cannabis, a percentage of THC on a Dry Weight Basis means the percentage of THC, by weight in a Cannabis item (plant, extract or other derivative) after excluding moisture from the item.
- M. “Federally Defined THC Level for Hemp” means a THC concentration of not more than three-tenths of one percent (0.3%) on a dry weight basis, or the THC concentration for Hemp defined in Federal law, whichever is greater.
- N. “GPS” means global positioning system.
- O. “Grow Site” has the same meaning as “Registered Land Area” as that term is defined in this Section, below.
- P. “Harvest Lot” means a quantity of Hemp, of the same Variety, harvested in a distinct timeframe that is: (1) Cultivated in one contiguous production area within a Grow Site; or (2) Cultivated in a portion or portions of one contiguous production area within a Grow Site. Harvest Lot does not include a quantity of Hemp comprised of Hemp grown in noncontiguous production areas.
- Q. “Harvest Lot Identifier” means a unique identifier used by the Nez Perce Tribe to identify the Harvest Lot.
- R. “Hemp” means the plant Cannabis sativa L., and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not with a THC concentration of not more than three- tenths of one percent (0.3%) on a dry weight basis, or as otherwise defined in Federal law.
- S. “Hemp Crop” means one (1) or more unprocessed Hemp plants or plant parts.
- T. “Hemp Grower” means a Person licensed by the Nez Perce Tribe to Cultivate Hemp on the Nez Perce Reservation
- U. “Hemp Ingredient” means all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers of any part of the Hemp plant included in the definition of “Hemp.”
- V. “Hemp Product” means a finished product with the Federally Defined THC Level for Hemp, that is derived from, or made by, processing a Hemp Crop, and that is prepared in a form available for commercial sale. The term includes, but is not limited to cosmetics, personal care products, Consumable Products, cloth, cordage, fiber, fuel, paint, paper, particleboard, plastics, and any product containing one or more Hemp Ingredients such as cannabidiol.

- W. “Industrial Hemp” has the same meaning as “Hemp” as that term is defined in this Section, above.
- X. “Institution of Higher Education” has the meaning assigned to it by 20 U.S.C. § 1001.
- Y. “Intended for Consumption” means intended for a human or animal to ingest, inhale, topically apply to the skin or hair, or otherwise absorb into the body.
- Z. “Licensee” has the same meaning as “Hemp Grower” as that term is defined in this Section, above.
- AA. “NPTEC” means the duly elected Nez Perce Tribal Executive Committee, which is the governing body of the Nez Perce Tribe.
- BB. “Person” means a natural person, corporation, foundation, organization, business trust, estate, limited liability company, licensed corporation, trust, partnership, limited liability partnership, association, or other form of legal business entity, as well as the Nez Perce Tribe or a local government entity.
- CC. “Process” means to convert any portion of a Hemp Crop into a Hemp Ingredient, Hemp Product, or other marketable form.
- DD. “Registered Land Area” means a contiguous lot, parcel, or tract of land registered with the Nez Perce Tribe on which a Licensee Cultivates Hemp. A Registered Land Area may include land and buildings that are not used to Cultivate Hemp.
- EE. “THC” means tetrahydrocannabinol and has the same meaning as delta-9 THC, measured post-decarboxylation.
- FF. “Variety” means a group of plants or an individual plant that exhibits distinctive observable physical characteristic(s) or has a distinct genetic composition.

Section 13.009 Hemp Regulations.

Tribal policies and procedures related to the regulation of Hemp may further the purposes of this Plan. The NPTEC, or its designee, shall approve all policies, procedures, and forms, including:

- A. Licensing of applicants
- B. Permitting locations where Hemp is authorized
- C. Reporting and recordkeeping
- D. Agreements between Growers and Processors
- E. Procedures for sampling, THC testing, and post-testing actions
- F. Pre- and post-harvest retesting

- G. Pesticide use
- H. Prohibited products or activities
- I. Penalties
- J. Remedies

Section 13.010 Compliance With Federal Law.

Nothing in this Ordinance authorizes any Person to violate any Federal law or regulation.

Section 13.011 Nez Perce Tribe Hemp Program.

- A. Persons desiring to Cultivate Hemp must obtain a license from the Tribe prior to engaging in such activity.
- B. Persons seeking to Cultivate Hemp shall provide to the Department the legal description and GPS coordinates sufficient for locating the Registered Land Area and each field, greenhouse, or structure where the Person Cultivates Hemp, or intends to Cultivate Hemp.
- C. Notwithstanding any rule or regulation to the contrary, the inclusion of Hemp as an ingredient in a Consumable Product shall not by itself render the product misbranded or adulterated.

Section 13.012 Application for Hemp Licensure.

- A. Any Person desiring to Cultivate Hemp at any location on the Nez Perce Reservation shall submit to the Department annually a completed Hemp Grower license application.
- B. The Applicant shall submit a signed, complete, accurate and legible application form provided by the Department at least thirty (30) days prior to planting that includes the following information:
 - 1. full name, residential address, telephone number, and email address;
 - 2. if the Applicant represents a business entity, the full legal entity name of the business, the principal business location address, the full name of the Applicant who will have signing authority on behalf of the entity, title, and email address of the Person;
 - 3. a completed criminal background check report for the Applicant on a form determined by the Department demonstrating that the Applicant does not have any disqualifying felony drug convictions pursuant to Subsection 13.002(A) of this Chapter;
 - 4. an application fee as set forth below;
 - 5. an acknowledgment of the licensing terms and conditions;

6. a Grow Site registration application; and
 7. any other information or disclosure required to be submitted by Federal regulation.
- C. As a component of the Hemp Grower license application, each Applicant shall submit a Grow Site registration application on a form provided by the Department for each proposed Registered Land Area in which the Applicant intends to Cultivate Hemp. Information submitted to the Department must include, at a minimum:
1. The street address and legal description of each field, greenhouse, building, or site where Hemp will be Cultivated;
 2. If Hemp is Cultivated or is intended to be Cultivated in a field:
 - a. the GPS coordinates provided in decimal of degrees and taken at the approximate center of the Grow Site;
 - b. the number of square feet or acres of each Grow Site; and
 - c. a map of the production area showing clear boundaries of the Grow Site;
 3. If Hemp is Cultivated or is intended to be Cultivated in a greenhouse or other building:
 - a. The GPS coordinates provided in decimal of degrees and taken at the approximate entrance of the greenhouse or other building composing the Grow Site;
 - b. the approximate dimension or square feet of the greenhouse or other building composing the Grow Site; and
 - c. a map of the production area showing clear boundaries of the Grow Site.
 4. The Department may approve an Applicant to Cultivate an acreage or square footage that is equal to, greater than, or less than the acreage or square footage stated in the Grow Site registration application.
- D. Applicants must have the legal right to produce Hemp on the Registered Land Area and the legal authority to grant the Department access for inspection and sampling.
- E. By submitting an application, the Applicant acknowledges and agrees to the following minimum terms and conditions:
1. any information provided to the Department may be provided to law enforcement agencies without further notice to the Applicant;
 2. the Applicant or Licensee shall allow and fully cooperate with any inspection and sampling that the Department deems necessary;

3. the Applicant or Licensee shall pay for any inspection and laboratory analysis costs that the Department deems necessary within thirty (30) days of the date of the invoice, provided that the Licensee shall not be required to pay for more than one (1) Department inspection and associated laboratory analysis costs per year;
 4. the Applicant or Licensee shall submit all required reports by the applicable due-date specified by the Department;
 5. applicants shall submit fingerprints and pay criminal background check fees directly to the Nez Perce Tribe Police or other law enforcement agency designated by the Nez Perce Tribe to obtain a criminal history background check report; and
 6. the Applicant or Licensee must report any felony convictions relating to controlled substances under state or Federal law to the Department within five (5) business days of receiving notice of such conviction.
- F. All licenses issued shall be valid for one (1) year from date of issuance, unless otherwise extended, or revoked at an earlier date pursuant to Section VI or other Department issued rule.
- G. Current and valid licenses may be renewed annually or as otherwise determined by the Department by submitting a renewal application to the Commissioner on a form provided by the Department no later than thirty (30) days prior to the date of the license expiration.

Section 13.013 Eligibility.

- A. Any Person convicted of a felony relating to a controlled substance under tribal, state or Federal law shall be ineligible, during the ten (10) year period following the date of the conviction, to receive licensure as a Hemp Grower in the Nez Perce Tribe Hemp Program, unless that Person was already licensed, registered, or authorized to produce Hemp in this jurisdiction.
- B. A Licensee that negligently violates this Chapter three (3) times in a five (5) year period shall be ineligible to participate in the Nez Perce Tribe Hemp Program for a period of five (5) years beginning on the date of the third violation.
- C. Any Person who materially falsifies any information contained in an application to participate in the Nez Perce Tribe Hemp Program shall be ineligible to participate in the Nez Perce Tribe Hemp Program.

Section 13.014 Fees.

- A. In addition to submitting a Hemp Grower license application, each Applicant shall submit the application fee set by the Department.
- B. The Department may set and collect additional fees, including license, renewal, and testing fees, in amounts that are reasonable and necessary to cover the costs of administering and enforcing the Nez Perce Tribe Hemp Program.

- C. Application fees shall not cover or include the cost of obtaining and submitting a criminal background check report.

Section 13.015 Inspections.

- A. The Department shall have authority to conduct random inspections of Hemp Growers and all Registered Land Areas to verify compliance with all requirements of the license issued. Inspection may include sampling by Department inspectors for testing to determine Hemp or Hemp Product THC levels or any other Department defined purpose.
- B. Inspection visits may be conducted at any time during regular business hours. Inspectors shall be granted unrestricted access to the Registered Land Area(s).
- C. All samples collected by the Department shall become the property of the Department and no compensation shall be owed by the Department for such samples.
- D. The Department shall keep test results for all Hemp and Hemp Products tested for a minimum of three (3) years.

Section 13.016 Land Use Restrictions and Site Modification.

- A. A Licensee shall not Cultivate Hemp on any site not listed in a valid Department approved Grow Site registration.
- B. Any Licensee that wishes to alter its Registered Land Area shall, before altering the Registered Land Area, submit to the Department an updated legal description, GPS location, and map specifying the proposed alterations on a form determined by the Department. No modifications to the Registered Land Area may be made without prior written approval from the Department.
- C. No Registered Land Area may be included in more than one (1) Grow Site registration at the same time, and no Hemp plant shall be included in more than one (1) Grow Site registration simultaneously.

Section 13.017 Transportation Requirements.

The Licensee or other Person responsible for the transportation of a Hemp Crop must ensure that the following documentation accompanies the Hemp Crop at all times during transport:

- A. A copy of the Hemp Grower license that corresponds to the Registered Land Area from which the Hemp originated;
- B. A copy of the pre-harvest test results that correspond to the Harvest Lot in transit as identified by the Harvest Lot Identifier that accompanies the Hemp;
- C. A copy of a transport manifest that includes all information required to be documented by the Department; and

- D. Any other documentation that may be required by the Department or the United States Department of Agriculture

Section 13.018 Compliance and Enforcement.

- A. Licenses cannot be assigned or transferred to another Person, unless first approved by the Department in writing.
- B. Hemp Growers shall provide the Department's inspector complete and unrestricted access to all plants, parts, and seeds within a Registered Land Area, whether growing or harvested, and all land, buildings and other structures used for the Cultivation of Hemp, and all documents and records pertaining to the Licensee's Hemp business.

Section 13.019 Required Recordkeeping and Reporting.

- A. Department Recordkeeping and Reporting:
1. The Department shall retain for a period of at least three (3) calendar years, all information required to be collected by Section V of this Chapter, for every Registered Land Area approved by the Department.
 2. Within thirty (30) days after the date on which the information is received, the Department shall submit to the U.S. Secretary of Agriculture the following information for each Hemp Grower in the State:
 - a. contact information for each Hemp Grower, including the legal entity name, full name of all authorized representatives, the street address of each Registered Land Area, the business telephone number, and email address of each Licensee;
 - b. a legal description of the Registered Land Area; and
 - c. the status of a license or other required authorization from the Department.
- B. Licensee Recordkeeping and Reporting:
1. Hemp Growers must report any changes of contact information to the Department in writing within fourteen (14) days of the change.
 2. Planting Report: Within fourteen (14) days after planting any Hemp, each Hemp Grower shall submit, on a form provided by the Commissioner, a Planting Report that includes the GPS coordinates and a map showing the location and actual acreage or square feet of Hemp planted.
 3. Pre-Harvest Notification: At least fourteen (14) days prior to harvest, each Hemp Grower shall submit a Pre-Harvest Notification, on a form provided by the Department that includes the projected harvest date(s) and location(s) of each Variety of Hemp Cultivated within a Registered Land Area. A Hemp Grower must notify the

Commissioner immediately of any changes in the reported harvest date(s) in excess of seven (7) days.

4. Post-Harvest Report: Within fourteen (14) days post-harvest, each Hemp Grower shall submit a Post-Harvest Report, on a form provided by the Department that includes the actual harvest date(s) and location(s) of each Variety of Hemp harvested within a Registered Land Area. A Hemp Grower is not required to document the removal of male Hemp plants on a Post-Harvest Report provided that the male Hemp plants are destroyed or utilized on the Registered Land Area and are not transferred or sold.

5. A Hemp Grower must retain all documentation of sampling and testing for at least three (3) years in a manner such that it can be readily provided to the Department upon request.

Section 13.020 Procedure for Sampling and Testing.

- A. A Hemp Grower must arrange for and ensure the sampling of each Harvest Lot no more than fifteen (15) days prior to harvest for the purpose of ensuring that the Harvest Lot does not exceed permissible THC concentration levels on a dry weight basis.
- B. A Hemp Grower shall not remove a Harvest Lot from a Registered Land Area that has not been sampled and tested for compliance in accordance with this Section.
- C. Compliance and safety testing for Hemp and Hemp Products required by these rules shall be conducted by independent laboratories accredited to ISO/IEC 17025, the standard published by the International Organization for Standardization (the "ISO") titled "General requirements for the competence of testing and calibration laboratories," or an accreditation standard approved by the Department.
- D. Except for samples collected by the Department for compliance, inspection, and auditing purposes, all samples collected to determine compliance with these rules shall be collected by the Hemp Grower, laboratory employees, or third-party contractors in accordance with procedures for statistical representation established by the Department in consultation with relevant government, public health, and industry experts.
- E. For each sample tested pursuant to this Section, the Hemp Grower shall obtain from a laboratory a certificate of analysis that includes, at a minimum, the following information:
 - 1. general information identifying that the Hemp that is the subject of the certificate of analysis is the product of a sample tested by the independent testing laboratory;
 - 2. the date the Hemp was sampled, the date testing was performed, and methodology used to analyze the sample;
 - 3. the THC concentration contained in the test sample; and

4. a statement indicating whether the sample contained a THC concentration of not more than the Federally Defined THC Level for Hemp.
- F. The required number and size of samples shall be determined in accordance with Department established procedures for statistical representation.
- G. Nothing in this Section shall prevent a Hemp Grower from voluntarily collecting samples and testing Hemp for quality assurance and research and development purposes.
- H. A Hemp Grower may apply to the Department for retesting and/or resampling of any non-compliant Harvest Lot, which may be approved or denied at the Department's discretion. Lorem ipsum dolor sit amet, consectetur adipiscing elit. Maecenas porttitor congue massa. Fusce posuere, magna sed pulvinar ultricies, purus lectus malesuada libero, sit amet commodo magna eros quis urna. Nunc viverra imperdiet enim. Fusce est.

Section 13.021 Procedure for Disposal of Non-Compliant Plants and Products.

- A. Hemp that tests higher than the Federally Defined THC Level for Hemp shall be disposed of by the Hemp Grower in compliance with Department rules and all applicable federal, tribal and local laws, regulations, rules and other requirements.
- B. If a Harvest Lot tests higher than the Federally Defined THC Level for Hemp the Harvest Lot shall be promptly disposed of by the Hemp Grower according to the following disposition:
 1. Hemp stalks (denuded) may be harvested, processed and used for fiber and/or any other lawful purpose; and
 2. Hemp seed may be harvested, Processed, and rendered non-viable for food products, provided it is sourced from Hemp grown with seed certified pursuant to the Department's Seed Certification Program, or that has otherwise received certification by other seed agencies recognized by the Department.
- C. All Hemp plant material not disposed of pursuant to subsection B(1) and B(2) above must be destroyed or utilized on site in a manner approved of and verified by the Department.
- D. Hemp Growers shall have fourteen (14) calendar days from the date of notification of test results higher than the Federally-Defined THC Level for Hemp to contact the Department in writing and apply for retesting or propose a method for destruction or on-site utilization. Methods of destruction or on-site utilization may include, but are not limited to, incineration, composting, tilling into the soil, or grazing by livestock.
- E. Hemp subject to destruction or on-site utilization pursuant to this Section shall not be removed from the Registered Land Area unless otherwise authorized by the Department.
- F. With the exception of Hemp seeds rendered non-viable pursuant to this rule, all Hemp subject to destruction or on-site utilization pursuant to this rule shall not be added to or Processed into any Consumable Product.

- G. The Hemp Grower shall provide any and all evidence requested by the Department to verify disposal to the satisfaction of the Department.

Section 13.022 Violations.

- A. A violation of this Chapter shall be subject to enforcement solely in accordance with this Section.

B. Negligent Violation.

1. A Hemp Grower shall be subject to Section XV(B)(2) if the Department determines that the Hemp Grower has negligently violated the requirements of this Chapter, including by negligently:

- a. failing to provide a legal description of land on which the Hemp Grower Cultivates Hemp;
- b. failing to obtain a license or other required authorization from the Department as applicable; and
- c. producing Cannabis sativa L. with a THC concentration of more than the Federally Defined THC Level for Hemp.

2. A Hemp Grower described in this Section XV(B)(1) shall comply with a plan established by the Department to correct the negligent violation, including:

- a. a reasonable date by which the Hemp Grower shall correct the negligent violation; and
- b. a requirement that the Hemp Grower shall periodically report to the Department on the compliance of the Hemp Grower with this Chapter for a period of not less than the next two (2) calendar years.

3. A Hemp Grower that negligently violates this Chapter under Section XV(B)(1) shall not, as a result of that violation, be subject to any criminal enforcement action by the Federal Government or any tribal government, state government, or local government.

4. A Hemp Grower that negligently violates this Chapter under Section XV(B)(1) three (3) times in a five (5)-year period shall be ineligible to produce Hemp for a period of five (5) years beginning on the date of the third violation..

C. Other Violations.

1. If the Department determines that a Hemp Grower on the Nez Perce Reservation has violated this Chapter with a culpable mental state greater than negligence, the Department shall immediately report the Hemp Grower to:

- a. The United States Attorney General; and
 - b. The Nez Perce Tribal Police.
2. Section 13.022(A) above shall not apply to the violation.

Section 13.023 Next section placeholder.

Lorem ipsum dolor sit amet, consectetur adipiscing elit:

- A. Test 1 Lorem ipsum dolor sit amet, consectetur adipiscing elit. Maecenas porttitor congue massa. Fusce posuere, magna sed pulvinar ultricies, purus lectus malesuada libero, sit amet commodo magna eros quis urna. Nunc viverra imperdiet enim. Fusce est.
- B. Next
 1. Lorem ipsum dolor sit amet, consectetur adipiscing elit. Maecenas porttitor congue massa. Fusce posuere, magna sed pulvinar ultricies, purus lectus malesuada libero, sit amet commodo magna eros quis urna. Nunc viverra imperdiet enim. Fusce est.
 2. Second line.

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