

# ONEIDA INDIAN NATION

## REGULATIONS GOVERNING USE AND POSSESSION OF CANNABIS AND OPERATION OF CANNABIS ACTIVITIES

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*The regulations below were promulgated by the Oneida Indian Nation and are effective April 18, 2022.*

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### PART 1: PURPOSE, SCOPE AND DEFINITIONS

Section 1.01 **Purpose.** To promote the welfare and security of the Nation and its Members, protect public health and safety, and fulfill the Nation's interest in promoting and encouraging safe and responsible Cannabis Activities on Nation Lands. These Regulations are promulgated under the authority of the Oneida Indian Nation Cannabis Ordinance (Ordinance No.: O-22-01).

Section 1.02 **Scope.** These Regulations shall govern the use, possession, growing, Cultivation, processing, distribution and sale of Cannabis and/or Cannabis Product on Nation Lands.

Section 1.03 **Interpretation.** These Regulations shall be interpreted and implemented in a manner consistent with Ordinance No.: O-22-01.

Section 1.04 **Definitions.** For purposes of these Regulations, the following terms have the meanings set forth below:

**Advertisement** means any publication, video, use of a brand representative, or any other form of media for the purpose of causing, directly or indirectly, the purchase or use of a brand or Cannabis Product including, but not limited to: websites, social media, print media, broadcast media, TV, radio, streaming media, out of home media, outdoor signs, merchandise, event sponsorship, street art, murals, and digital communications.

**Batch** means a specific quantity of dried Cannabis Flower that is uniform in strain, cultivated utilizing the same pesticides and other agricultural chemicals, and harvested at the same time.

**Cannabis** means all parts of the plant of 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. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. It does not include hemp, cannabinoid hemp, or hemp extract.

**Cannabis Activity/(ies)** means the Cultivation, Manufacturing, or Retail Sales (with or without on-site consumption) of Cannabis or Cannabis Product.

**Cannabis Facility** means each individual place, physical address, facility or location where Cannabis Activities authorized and licensed by these Regulations are conducted or proposed to be conducted.

**Cannabis Facility License** means a license issued to a Cannabis Facility, pursuant to these Regulations, authorizing Cannabis Activities to take place at or in association with the Cannabis Facility.

**Cannabis Consumer** means a person 21 years of age or older who directly purchases, acquires, owns, or holds Cannabis or Cannabis Products for personal use by a person 21 years of age or older, but not for resale to others, in accordance with these Regulations.

**Cannabis Edible Product** means a product containing either Cannabis or Concentrated Cannabis and other ingredients, intended for use or consumption through ingestion, including sublingual or oral absorption.

**Cannabis Employee License** means a license issued to an individual person pursuant to these Regulations, authorizing that person to work at a Cannabis Facility as an employee of the Cannabis Operator.

**Cannabis Flower** means the flower of a plant of the genus *Cannabis* that has been harvested, dried, and cured, prior to any processing whereby the plant material is transformed into a concentrate, including, but not limited to, Concentrated Cannabis, or an edible or topical product containing Cannabis or Concentrated Cannabis and other ingredients. Cannabis Flower excludes leaves and stem.

**Cannabis License Card** means the identification card issued under these Regulations to a holder of a valid Cannabis Employee License.

**Cannabis Merchandise** includes, but is not limited to, clothing, hats, pencils, pens, keychains, mugs, water bottles, beverage glasses, notepads, lanyards, or any other Cannabis accessories which include or display a brand of the Cannabis Operator.

**Cannabis Operator** means a Nation-owned entity authorized to apply for and hold a Cannabis Facility License pursuant to these Regulations.

**Cannabis Paraphernalia** means any equipment, product or material of any kind which is primarily intended or designed for use in vaporizing, ingesting, inhaling or otherwise introducing Cannabis Product into the human body, or preparing, storing, or containing Cannabis.

**Cannabis Product** means Cannabis, Concentrated Cannabis, and Cannabis-infused Products for use by a Cannabis Consumer.

**Cannabis-infused Products** means Cannabis Products that have been manufactured and contain either Cannabis or Concentrated Cannabis and other ingredients that are intended for use or consumption.

**CBD or Cannabidiol** means a non-psychoactive constituent of Cannabis.

**Commission** means the Oneida Indian Nation Cannabis Commission established by Ordinance No.: O-22-01.

**Commissioner** means person(s) appointed to sit on the Commission by the Nation Representative(s).

**Concentrated Cannabis** means (a) the separated resin, whether crude or purified, obtained from Cannabis; or (b) a material, preparation, mixture, compound or other substance which contains more than three percent by weight of THC.

**Cultivation** means growing, cloning, harvesting, drying, curing, grading, and trimming of Cannabis plants.

**Disqualifying Conviction** means a criminal conviction defined under these Regulations as having the potential to render an individual ineligible for a Cannabis Employee License.

**Executive Director** means the person appointed to serve as the Executive Director of the Commission by the Nation Representative(s).

**Immature Cannabis Plant** means a non-flowering female Cannabis plant or a Cannabis plant which does not have buds that may be observed by visual examination.

**Laboratory Testing Facility** means any independent laboratory, not controlled or owned by the Cannabis Operator, that is capable of testing Cannabis and Cannabis Products, and meeting the requirements of International Organization for Standardization (ISO) standard 17025 for testing and calibration laboratories.

**Lot** means the quantity of a Cannabis Product that has a homogenous and uniform cannabinoid concentration and product quality, produced according to an approved and stable processing protocol specific to that Cannabis Product, during the same cycle of manufacture.

**Manufacturing** means extracting, preparing, processing, treating, modifying, compounding, infusing, processing, or otherwise manipulating Cannabis for the purpose of extracting or concentrating its cannabinoids and/or producing Cannabis Products. For purposes of these Regulations, Manufacturing does not include growing, Cultivation, cloning, harvesting, drying, curing, grinding, or trimming.

**Mature Cannabis Plant** means a female plant that has flowered and that has buds that may be observed by visual examination.

**Nation** means the Oneida Indian Nation, a sovereign Indian nation, and its governmental instrumentalities.

**Nation Lands** means land possessed by the Nation within the Oneida Reservation.

**Ordinance** means Ordinance No.: O-22-01, Oneida Indian Nation Cannabis Ordinance, adopted by the Nation on February 8, 2022.

**Private Residence** means any building or part of a building, or structure designed and occupied exclusively for residential purposes, including but not limited to a private home, townhome, condominium, apartment, or mobile home. For purposes of these Regulations, a hospital, hotel, motel, resort, or other similar public accommodation shall not be considered a Private Residence.

**Record** means books, ledgers, documents, writings, photocopies, correspondence, electronic storage media, electronically stored records, money receptacles, equipment in which records are stored, or any other document that is used for recording information.

**Regulations** means these Regulations promulgated and adopted by the Nation Representative(s) under Ordinance No.: O-22-01.

**Retail Sale(s)** means to solicit or receive an order for, to keep or expose for sale, and to keep with intent to sell, Cannabis or Cannabis Product to a Cannabis Consumer.

**Serious Adverse Event** means a medical occurrence associated with the use of a Cannabis Product in a human that results in one or more of the following outcomes: death, a life-threatening event, inpatient hospitalization or prolongation of existing hospitalization, a persistent or significant incapacity or substantial disruption of the ability to conduct normal life functions, or a congenital anomaly/birth defect.

**Standard Operating Procedures** means the documented instructions the Cannabis Operator drafts, adopts, implements and maintains for each Cannabis Activity authorized pursuant to these Regulations.

**THC** means Delta-9-tetrahydrocannabinol; Delta-8-tetrahydrocannabinol; Delta-10-tetrahydrocannabinol and the optical isomer of such substances.

**Total THC** means the sum of the percentage by weight of tetrahydrocannabinolic acid multiplied by 0.877, plus the percentage by weight or volume measurement of THC.

## **PART 2: THE ONEIDA INDIAN NATION CANNABIS COMMISSION**

Section 2.01 **Purpose and Authority.** The Commission shall act as a governmental department of the Nation for the purpose of regulating Cannabis Activities on Nation Lands. The Commission has the sole regulatory control and jurisdiction over the use, possession, growing, Cultivation, Manufacture, distribution and Retail Sale of Cannabis and/or Cannabis Product occurring on Nation Lands, to the extent permissible under the Ordinance. The Commission may establish a regular meeting schedule as may be necessary to the performance of its responsibilities under the Ordinance and these Regulations. The Commission has the following powers or authority over:

1. The licensure of Cannabis Facilities located, or proposed to take place or be located, on Nation Lands and to enter and inspect such Cannabis Facilities at any time, *provided*, until the Commission is fully constituted, the Nation's Legal Department shall have the authority to issue such licenses;
2. The licensure of employees of the Cannabis Operator, *provided*, until the Commission is fully constituted, the Nation's Legal Department shall have the authority to issue such licenses;
3. The registration of contractors or vendors hired by the Cannabis Operator, *provided*, until the Commission is fully constituted, the Nation's Legal Department shall have the authority to receive such registrations;
4. To ensure criminal background investigations are conducted by the Cannabis Operator in accordance with these Regulations;
5. To require an annual audit by an independent third party of all Cannabis Activities to ensure compliance with the requirements of the Ordinance and these Regulations;
6. To establish and maintain an exclusion list of persons barred from entering Cannabis Facilities licensed for Retail Sales; and
7. To impose appropriate sanctions as permitted under these Regulations.

Section 2.02 **Commission Composition and Quorum.** The Commission shall be composed of at least two appointed Commissioners. In the event two Commissioners are appointed, the presence, which may be virtual or remote, of all of the members of the Commission shall constitute a quorum. In the event more than two Commissioners are appointed, a majority of the Commissioners appointed shall constitute a quorum. Any action, determination, decision, election, allocation or vote of the Commission shall be deemed approved if, subject to there being a quorum present and (i) in the event the Commission consists of two Commissioners, all of the members vote in favor of the matter, or (ii) in the event more than two Commissioners are appointed, a majority of the Commissioners present vote in favor of the matter.

Section 2.03 **Adoption of bylaws.** The Nation Representative(s) may require the Commission to draft and adopt bylaws.

Section 2.04 **Regulatory Recommendations to Nation Representative(s).** The Commission and each individual Commissioner have the authority to recommend Regulations, or revisions to the Regulations, to the Nation, which may be accepted, rejected, adopted or modified by the Nation Representative(s), which such Nation Representative(s) may also adopt or revise the Regulations on the Nation Representative(s) own accord. Recommendations by the Commission are to be made to the Nation Representative(s) in writing. Such writing shall include:

1. A statement from each Commissioner regarding his or her support or opposition to the request and reasons why.
2. A statement from each Commissioner disclosing any potential interest the Commissioner may have in the request, including without limitation, any relevant organizational affiliation or economic interest and the financial effect upon the Commissioner if the request were brought into effect.
3. Draft text of the proposed regulation or regulations.

Section 2.05 **Contracting of Professional Services.** The Commission may contract, with the written approval of the Nation Representative(s) and/or his designee(s), for the services of professional, technical, and operational personnel and consultants as may be necessary for the Commission to carry out its responsibilities under the Ordinance.

Section 2.06 **Reports to Nation Representative(s).** At least annually, but more often at the discretion of the Commission or at the request of the Nation Representative(s), the Commission shall provide written reports to the Nation Representative(s) regarding its activities during the preceding year. The written reports shall provide a level of detail satisfactory to the Nation Representative(s) and the Nation Representative(s) may request additional information in response to its review of the written report. These written reports shall include, at a minimum, the following:

1. The Commission's regulatory activities.
2. The Commission's enforcement activities.
3. A summary of all Cannabis Licenses applied for and issued.
4. Any additional information expressly requested by the Nation Representative(s).

Section 2.07 **Penalties and Disciplinary Actions.** The Commission shall have the authority to enforce the penalties and disciplinary actions set forth in PART 13 [PENALTIES] of these Regulations.

Section 2.08 **Cooperation With Third Party Assessments.** The Commission shall cooperate with any independent third party engaged by the Nation to assess and report to the Nation on compliance of Cannabis Activities with the Ordinance and these Regulations.

Section 2.09 **Expenses.** The Commission may incur expenses within the annual operating budget approved by the Nation Representative(s) in order to carry out its duties, functions, and powers under the Ordinance.

Section 2.10 **Budget.** The Commission's operating budget shall be approved by the Nation Representative(s) on an annual basis, and shall be funded by the proceeds generated by the Cannabis Operator's Cannabis Activities.

Section 2.11 **Executive Director.** The Nation Representative(s) may appoint an Executive Director of the Commission to administer its responsibilities on a day-to-day basis and to oversee staff as the Commission may from time to time employ. The Executive Director shall act in the name of the Commission to fulfill or assist the Commission with respect to the Commission’s duties and any of the issues over which the Commission exercises jurisdiction under the Ordinance and these Regulations. The Commission may delegate to the Executive Director any powers not expressly limited to the Commission.

Section 2.12 **Establishment and Maintenance of the Cannabis Retail Sales and Onsite Consumption Exclusion List.**

1. The Commission shall establish and maintain a Cannabis Retail Sales and Onsite Consumption Exclusion List of persons barred from Cannabis Facilities licensed for Retail Sales for any term determined appropriate by the Commission as a result of their criminal histories, associations with career offenders or actions posing a threat to the integrity or safety of the Nation’s patrons or employees. Persons added to the Cannabis Retail Sales and Onsite Consumption Exclusion List by the Commission shall be denoted as a “Commission Exclusion.”
2. Any person may request that they themselves be added to the Cannabis Retail Sales and Onsite Consumption Exclusion List. Such a request shall be made in writing and include the person’s name, photo and date of birth. Requests shall also specify whether the person is requesting a one year or lifetime exclusion. Voluntary exclusion is irrevocable for the requested term. Persons requesting voluntary exclusion in accordance with this Section shall be added by the Commission to the Cannabis Retail Sales and Onsite Consumption Exclusion List and denoted as a “Voluntary Exclusion.”
3. The Cannabis Operator may add any person to the Cannabis Retail Sales and Onsite Consumption Exclusion List for any term determined appropriate by the Cannabis Operator. Such a request shall be made by the Cannabis Operator to the Commission in writing and include the excluded person’s name, photo and date of birth. Persons requested by the Cannabis Operator in accordance with this Section shall be added by the Commission to the Cannabis Retail Sales and Onsite Consumption Exclusion List and denoted as a “Cannabis Operator Exclusion.”
4. The Commission shall provide the Cannabis Retail Sales and Onsite Consumption Exclusion List to all Cannabis Operators. When a revision is made to the Cannabis Retail Sales and Onsite Consumption Exclusion List, a revised and updated list shall be provided to all Cannabis Operators licensed for Retail Sales within three business days.

### **PART 3: REGULATIONS APPLICABLE TO ALL CANNABIS ACTIVITIES AND CANNABIS FACILITIES**

Section 3.01 **Cannabis Consumer and Under-Age Person Prohibitions.** These regulations prohibit the following:

1. Driving under the influence of Cannabis or driving while impaired by Cannabis. These regulations to not supersede any other ordinances, codes, or laws related to driving under the influence of marijuana or Cannabis or driving while impaired by marijuana or Cannabis.
2. The transfer of Cannabis, with or without remuneration, to a person under 21 years of age.
3. A person under 21 years of age to purchase, possess, use, transport, grow, or consume Cannabis.
4. Any person to possess, consume, use, display, transfer, distribute, sell, transport, or grow or manufacture Cannabis in a school, hospital or other health care facility, detention facility, adult correctional facility, or youth correctional facility located on Nation Lands.
5. Smoking, vaping, aerosolizing, or consuming of Cannabis in any place located on Nation Lands where any other Nation ordinance or regulation, or any workplace policy, prohibits the smoking of tobacco.
6. Any person under 21 years of age entering or attempting to enter any Cannabis Facility, except if the person holds a valid Cannabis Employee License, is an employee of the Cannabis Operator, at least 18 years of age, and does not have direct interaction with customers inside a licensed Cannabis Facility.

Section 3.02 **Cannabis Operator.** Only Nation-owned entities are authorized to act as the Cannabis Operator and apply for, hold, or own a Cannabis Facility License pursuant to these Regulations. No other individual or non-Nation owned business or entity shall engage in Cultivation, Manufacturing or Retail Sales of Cannabis or Cannabis Products and therefore shall not be issued a Cannabis Facility License under either the Ordinance or these Regulations. No Cannabis Facility License may be transferred from a Nation-owned entity to a non-Nation-owned entity.

Section 3.03 **Issuance of Cannabis Facility License.**

1. The Commission shall issue a separate, non-transferable Cannabis Facility License for each Cannabis Activity authorized under the Ordinance and Regulations and proposed to take place at each Cannabis Facility. A separate Cannabis Facility License must be issued for:
  - a. Cultivation and Manufacturing; and



- b. Retail Sales (with or without on-site consumption) of Cannabis or Cannabis Product.
2. A Cannabis Facility License shall only be issued after the following materials are provided to the Commission and the Commission certifies their completeness and compliance with these Regulations:
  - a. The specific Cannabis Activity proposed for licensure.
  - b. The mailing and physical address of the Cannabis Facility where Cannabis Activities are proposed.
  - c. A regulatory compliance plan, detailing the plan by which the Cannabis Operator will comply with these Regulations.
  - d. A safety and security plan meeting all requirements of Section 3.08 [Safety and Security Plan] of these Regulations.
  - e. Standard Operating Procedures prepared consistent with all requirements of Section 3.06 [Standard Operating Procedures] of these Regulations.
  - f. A floor plan identifying the square footage available and descriptions of the functional areas of the Cannabis Facility.
3. The Commission has the authority to investigate any statements made in any submittal for veracity, request additional information and documentation from the Cannabis Operator, conduct on-site visits, require the production of additional materials, and require in-person interviews and/or meetings with proposed employees.
4. If the Commission determines that the materials required in Section 3.03(2) are not in conformance with these Regulations, the Commission shall not issue a Cannabis Facility License and instead shall provide a written statement to the Cannabis Operator identifying the deficiencies in the materials. Materials may be re-submitted after revisions are made to address the Commission's written statement of deficiencies.
5. Notwithstanding anything to the contrary contained in these Regulations, until the Commission is fully constituted, the Nation's Legal Department shall issue Cannabis Facility Licenses under this Section 3.03 and shall have the authorities granted to the Commission under this Section 3.03 in connection with such Cannabis Facility Licenses.

Section 3.04 **Annual Reporting to Commission**

1. All Cannabis Operators shall provide an annual written report for each licensed Cannabis Facility. The annual report shall include an accounting of each of the

following events, should any have occurred since issuance of the Cannabis License or since the most recent prior annual reporting:

- a. Any Serious Adverse Event.
  - b. Any disposal or destruction of Cannabis.
  - c. Any recall of any Cannabis or Cannabis Product.
  - d. Summary of all laboratory testing results relating to any of the above events.
2. The Commission has the authority to investigate any statements made in the annual reporting for veracity, request additional information and documentation from the Cannabis Operator, conduct on-site visits, require the production of additional materials, and require in-person interviews and/or meetings.
  3. Should the contents of the annual reporting and/or the Commission's investigation of the same reveal violations of the Ordinance or these Regulations, the Commission may choose to suspend the relevant Cannabis Facility License(s) and operations under the same, until such time as the operation can be brought back into compliance. In the event the Commission finds that it is unlikely the operations can or will be brought back into compliance with the Ordinance or these Regulations, the Commission may suspend or revoke the Cannabis Facility License consistent with Section 3.05 [Suspension or Revocation of Cannabis Facility License] or PART 13 [PENALTIES] of these Regulations.

Section 3.05 **Suspension or Revocation of Cannabis Facility License.** The Commission may determine that a Cannabis Facility License should be suspended or revoked due to findings of any of the following:

1. Activities conducted in relation to the Cannabis Facility License pose a danger to the public health, safety, and general welfare of the Nation; or
2. Activities conducted in relation to the Cannabis Facility License have shown a history of:
  - a. Distributing marijuana to minors;
  - b. Involvement with organized crime;
  - c. Engaging in trafficking of controlled substances not authorized by the Ordinance or these Regulations; or
  - d. Engaging in violence or the use of firearms as part of business operations.

Section 3.06 **Standard Operating Procedures.** The Cannabis Operator shall draft, adopt, implement and maintain Standard Operating Procedures applicable to each Cannabis Activity authorized under each Cannabis Facility License. The Standard Operating Procedures shall be

provided to the Commission upon their drafting, and, in the event the Standard Operating Procedures are revised or amended, the revised or amended Standard Operating Procedures shall be provided to the Commission within 30 days of the revision or amendment. The Standard Operating Procedures shall address, at a minimum, the following:

1. Procedures for the oversight of Cannabis Activities, which shall include:
  - a. Serious Adverse Event reporting.
  - b. Quality assurance and quality control.
  - c. Recall of Cannabis Products as needed or directed consistent with Section 3.17 [Cannabis Recall Process] of these Regulations.
  - d. Packaging and labeling of Cannabis Products at each stage of Cultivation, Manufacturing, and Retail Sales, as appropriate to the specific Cannabis Facility.
  - e. Inventory control, storage, and diversion prevention consistent with Section 3.13 [Inventory and Tracking] of these Regulations.
  - f. Waste disposal and sanitation protocols.
  - g. Accounting and tax compliance protocols.
  - h. Reporting of test results, as applicable, based on the type of Cannabis Activities permitted under the Cannabis Facility License.
  - i. Protocols for reporting events involving risk of inventory loss consistent with Section 3.11 [Reportable Events] of these Regulations.
  - j. Protocols for reporting and investigating complaints consistent with Section 3.16 [Cannabis Facility Complaint Process] of these Regulations.
  - k. Sustainability plan for reducing impacts of the Cannabis Activities on energy consumption, water consumption and quality, and air quality.
  - l. Employee safety and hygiene training.
2. Procedures to ensure accurate recordkeeping, including inventory procedures to ensure that quantities cultivated, manufactured or sold do not suggest redistribution.
3. Employee, visitor, and facility security policies.
4. Any workplace alcohol and drug policies.
5. Safety procedures, including a disaster plan with procedures to be followed in the case of fire or other emergencies, and personal safety and crime prevention techniques.

6. A description of each of the following:
  - a. Hours of operation and after-hours contact information.
  - b. Policies and procedures for age verification of Cannabis Consumers.

Section 3.07 **Recordkeeping.**

1. The Cannabis Operator shall maintain a system of recordkeeping that will permit the identification for purposes of recall any Batch or Lot of Cannabis Product from Cannabis Consumers when such items are found to be unsafe for use.
  - a. As part of this system, the Cannabis Operator shall ensure that any container that contains any Cannabis Product at any stage in the process of Cultivation, Manufacturing, or Retail Sales bears an identifying name and number, and that the final packaged Cannabis Product contains all labelling information required to make it possible to determine the complete history of the Cannabis Product.
2. The Cannabis Operator shall maintain a complete and accurate Record of sales of usable Cannabis Product, including the quantity, variety, form, and cost of the Cannabis Product, and shall maintain such Records for four years, either on-site at each Cannabis Facility or at an off-site facility.
3. The Cannabis Operator shall maintain business Records including Records of assets and liabilities; monetary transactions; and journals, ledgers and supporting documents, including agreements, checks, invoices and vouchers, that the Cannabis Operator keeps as its books of accounts.
4. If any Cannabis Product is disposed of or destroyed, either purposefully or accidentally, the Cannabis Operator shall maintain for at least two years after the disposal or destruction, a Record of the date, the quantity disposed of, the manner of disposal, and the persons present during the disposal, with their signatures.
5. The Cannabis Operator shall maintain a personnel Record for each employee, vendor or contractor for at least 12 months following cessation of the person's affiliation with the Cannabis Facility. Each personnel Record shall, at a minimum, include copies of the following, as applicable:
  - a. An application for employment.
  - b. Current Cannabis Employee License Cards and current Cannabis Registration Cards issued under Section 8.07 [Cannabis License Cards] or Section 9.03 [Cannabis Registration Cards] of these Regulations.
  - c. Driver's license or other government-issued photo identification.
  - d. Documentation of verification of references.

- e. Documentation of submission of fingerprint impressions for compliance with a criminal history record background check.
  - f. Job or role description or contract that includes the duties, authority, responsibilities, qualifications, and supervision of the job or role.
  - g. Documentation of any required training.
  - h. Documentation of periodic performance evaluations.
  - i. Documentation of any disciplinary actions taken.
6. The Cannabis Operator shall maintain Records regarding any delivery vehicles utilized to transport Cannabis or Cannabis Product on behalf of the Cannabis Operator consistent with the requirements of Section 3.15 [Secure Transport] of these Regulations. This information shall include the vehicle's make, model, color, Vehicle Identification Number, license plate number, and vehicle registration.
  7. The Cannabis Operator shall maintain Records for each transport of Cannabis or Cannabis Product, consistent with the requirements of Section 3.15 [Secure Transport] of these Regulations.
  8. The Cannabis Operator shall maintain Records required by Section 5.03 [Additional Cultivation Recordkeeping Requirements], Section 6.07 [Additional Manufacturing Recordkeeping Requirements], and Section 7.05 [Additional Retail Sales Recordkeeping Requirements].

Section 3.08 **Safety and Security Plan.** The Cannabis Operator shall provide effective controls and procedures to guard against unauthorized access to each Cannabis Facility or to the Cannabis Facility's electronic systems; theft; and diversion of Cannabis and Cannabis Product. These safety and security controls shall include, at a minimum, those features described in Section 3.09 [Safety and Security Controls] be established and described in Cannabis Facility-specific Safety and Security Plan. The Safety and Security Plan shall be provided to the Commission upon application for any Cannabis Facility License. In the event that the Cannabis Operator makes any revisions or amendments to the Safety and Security Plan, the revised or amended plan shall be provided to the Commission within 30 days.

Section 3.09 **Safety and Security Controls.** Safety and security controls required at every Cannabis Facility may include but are not limited to systems to protect against electronic Records tampering. At a minimum, the Cannabis Operator shall, at each Cannabis Facility:

1. Install, maintain in good working order and operate a safety and security alarm system that will provide suitable protection against theft and diversion and that provides, at a minimum:

- a. Immediate automatic or electronic notification to alert the Cannabis Operator to an unauthorized breach of security or an alarm or system failure at the Cannabis Facility.
  - b. A backup system that activates immediately and automatically upon a loss of electrical support and that immediately issues either automatic or electronic notification to the Oneida Indian Nation Police Department of the loss of electrical support.
2. Implement appropriate security and safety measures to deter and prevent the unauthorized entrance into areas containing Cannabis and Cannabis Product, and theft of the same.
3. Implement security measures that protect the Cannabis Facility, Cannabis Consumers, and employees.
4. Establish a protocol for testing and maintenance of the security alarm system.
5. Conduct maintenance inspections and tests of the security alarm system at the Cannabis Facility at biannual intervals from the previous inspection and test and promptly implement all necessary repairs to ensure the proper operation of the alarm system.
6. In the event of a failure of the security alarm system due to a loss of electrical support or mechanical malfunction that is expected to last longer than eight hours:
  - a. Notify the Commission; and
  - b. Provide alternative security measures approved by the Commission or close the Cannabis Facility impacted by the failure or malfunction until the security alarm system is restored to full operation.
7. Keep access from outside the Cannabis Facility to a minimum and ensure that access is well controlled.
8. Limit entry into areas where Cannabis and Cannabis Product is held to authorized personnel.
9. Equip each Cannabis Facility with electronic monitoring, video cameras, and panic buttons.
  - a. A closed circuit television (“CCTC”) video surveillance system with pan-tilt-zoom capabilities shall be installed and operated to clearly monitor all critical control activities at each Cannabis Facility. The system shall be in working order and operating at all times. The Cannabis Operator shall provide access for remote viewing by the Commission upon the Commission’s request.

- b. The original tapes or digital pictures and videos produced by this system shall be available for at least 14 days.
  - c. The Commission shall have view-only access to video surveillance system.
10. Keep the outside areas of the Cannabis Facility and its perimeter well lighted.
- a. Exterior lighting shall be sufficient to deter nuisance and criminal activity and facilitate surveillance and shall make reasonable efforts to not disturb surrounding businesses or neighbors.
  - b. The video surveillance system shall be supported by adequate security lighting, which shall illuminate all entrances and exits, and which may be modified as necessary to include motion control sensors to protect Cultivation light-dark cycles, as applicable.
11. Provide the Oneida Indian Nation Police Department with the name and phone number of a staff member to notify during and after operating hours and to whom they can report problems with the Cannabis Facility, including security concerns.
12. The security alarm system and the video surveillance system shall be continuously monitored, 24-hours a day, seven days a week. Monitoring of the security alarm system and video surveillance system may be conducted off-site.

Section 3.10 **Cannabis Facility Floor Plans.** Each Cannabis Facility shall provide to the Commission an accurate floor plan identifying the square footage available and descriptions of the functional areas of the Cannabis Facility. In the event that any revisions are made to the Cannabis Facility floor plan, a revised and updated floor plan shall be provided to the Commission within 30 days

Section 3.11 **Reportable Events.**

- 1. The Cannabis Operator, upon becoming aware of discrepancies identified during inventory that meet or exceed reportable limits established by the applicable Standard Operating Procedures, diversion or theft, shall immediately notify the Oneida Indian Nation Police Department and the Commission and no later than three hours after discovery of the event. Such notification is required regardless of whether the lost property or funds are recovered and/or the responsible parties identified and action taken against them.
- 2. The Cannabis Operator shall also notify the Commission within 24 hours by telephone, followed by email notification within 5 business days of any of the following:
  - a. An alarm activation or other event that requires response by the Oneida Indian Nation Police Department or other public safety personnel,

- including any security personnel privately engaged by the Cannabis Operator;
  - b. A breach of security;
  - c. The failure of the security alarm or video surveillance system due to a loss of electrical support or mechanical malfunction that is expected to last longer than eight hours;
  - d. Any diversion, theft, or loss of any Cannabis or Cannabis Product not already covered by 3.11(1);
  - e. Any criminal action involving or occurring on or in the any Cannabis Facility;
  - f. Any suspicious act involving the cultivation, processing, distribution, or sale of Cannabis or Cannabis Products by any person;
  - g. Unauthorized destruction of Cannabis or Cannabis Product;
  - h. Any loss or unauthorized alteration of Records related to Cannabis or Cannabis Products;
  - i. A significant motor vehicle crash that occurs while transporting or delivering Cannabis Products;
  - j. Any other event that may compromise public health and/or safety; and
  - k. Corrective measures taken in response to any of the above.
3. The Cannabis Operator shall, within ten calendar days of any incident described in Section 3.11(1) or 3.11(2), submit an incident report in a form and manner determined by the Commission which details the circumstances of the incident, any corrective action taken, and confirmation that the appropriate law enforcement authorities were notified.
  4. All documentation, incident reports, and other Records related to any incident described in Sections 3.11(1) or 3.11(2) shall be maintained by the Cannabis Operator for at least five years, or the duration of any related open investigation, whichever is longer, and be made available to the Commission and the Oneida Indian Nation Police Department upon request.

Section 3.12 **Accessibility of Cannabis and Cannabis Product Storage Areas.**

1. The Cannabis Operator shall limit access to Cannabis and Cannabis Products storage areas to the minimum number of authorized personnel necessary to maintain safe and orderly operations.



- a. When it is necessary for visitors to be present in or pass through storage areas, the Cannabis Operator shall provide for adequate observation of the area by Cannabis Operator employees who are specifically authorized by policy or job description to supervise the activity.
  - b. The Cannabis Operator shall, in its Standard Operating Procedures, identify the personnel with authorization to access the storage area.
2. The Cannabis Operator shall securely store finished usable Cannabis Product that is ready for sale in a locked area, which may include a locked room, cage, or safe, with adequate security and limited access.
- a. For purposes of this Section, “adequate security,” at a minimum, shall be assessed, established and maintained based on:
    - i. The quantity of Cannabis Product kept on hand.
    - ii. The Cannabis Operator’s inventory system for tracking and distributing Cannabis Product.
    - iii. The number of employees, vendors, or contractors who have or could have access to the Cannabis Product.
    - iv. The geographic location of the Cannabis Facility and its associated environmental characteristics, such as the remoteness of the Cannabis Facility from local populations and the relative level of crime associated with the area.
    - v. The scope and sustainability of the security alarm system.
    - vi. The findings of root cause analyses of any breaches of security and/or inventory discrepancies for Cannabis Product at that location.

Section 3.13 **Inventory and Tracking.**

- 1. The Cannabis Operator shall establish a Seed-to-Sale and/or Track-and-Trace inventory tracking system utilizing plant tags, product identification tags, or stamps, to track the Cultivation, Manufacturing, Retail Sales, storage and transportation of Cannabis and Cannabis Product. The Cannabis Operator shall be responsible for any fees associated with the inventory tracking system. The Nation Representative(s) shall approve the initial Cannabis Operator-established inventory tracking system, and the Commission shall approve any subsequent changes to the Cannabis Operator-established inventory tracking system.
- 2. The Cannabis Operator shall conduct an initial comprehensive inventory of all Cannabis and Cannabis Product in the possession of the Cannabis Operator, including Cannabis available for Cultivation, finished usable Cannabis Product

available for Retail Sale, Immature Cannabis Plants, Mature Cannabis Plants, and unusable Cannabis, at the authorized premises on the date the Cannabis Operator first engages in the Cultivation, Manufacturing, or Retail Sale of Cannabis or Cannabis Product. Such inventory shall include damaged, defective, expired or adulterated Cannabis awaiting disposal, including the name, the quantity and the reasons for which the Cannabis Operator is maintaining the Cannabis. The initial comprehensive inventory shall be reported to the Commission utilizing the inventory tracking system.

3. The Cannabis Operator shall establish inventory controls and procedures for the conduct of inventory reviews and comprehensive inventories of usable and unusable Cannabis and Cannabis Product. Such inventory procedures shall specify the inventory activities that shall be required on a daily, monthly, and annual basis.
4. The transcribed Record of every inventory conducted pursuant to this Section shall include, at a minimum, the date of the inventory, a summary of the inventory findings, including the directly measured mass by weight of all usable and unusable Cannabis and Cannabis Product (directly measured mass), and the name, signature and title of the person(s) who conducted the inventory.

Section 3.14 **Destruction of Cannabis.** When the Cannabis Operator disposes of or destroys Cannabis Product, it shall be rendered unusable. The Cannabis Operator shall create and maintain a Record of the disposal consistent with Section 3.07 [Recordkeeping] of these Regulations. The Cannabis Operator shall update its inventory Records to reflect the destruction.

Section 3.15 **Secure Transport.**

1. The Cannabis Operator may securely transport Cannabis or Cannabis Product:
  - a. To and among licensed Cannabis Facilities on Nation Lands;
  - b. Pursuant to a valid Cannabis Facility License for Retail Sales, to a paying Cannabis Consumer where the delivery takes place on Nation Lands; or
  - c. As required to transport Cannabis or Cannabis Product to a Laboratory Testing Facility.
2. Transport of Cannabis or Cannabis Product pursuant to this Section shall be conducted utilizing a delivery vehicle equipped with the following:
  - a. A secure lockbox or secure cargo area, which shall be used for the sanitary and secure transport of Cannabis or Cannabis Product, which may include a cooler or refrigerator as may be necessary.

- b. A Global Positioning System (GPS) device for identifying the geographic location of the delivery vehicle, either permanently or temporarily affixed to the delivery vehicle while the delivery vehicle is in operation.
    - i. The device shall remain active within the vehicle at all times during transport.
    - ii. At all times, the Cannabis Operator shall be able to identify the geographic location of all delivery vehicles that are transporting its Cannabis or Cannabis Product and shall provide that information to the Commission upon request.
  - c. A functioning heating and air conditioning system appropriate for maintaining the correct temperatures for storage of the Cannabis or Cannabis Product being transported.
- 3. The Cannabis Operator shall maintain current and adequate hired and non-owned automobile liability insurance sufficient to insure all delivery vehicles.
- 4. The Cannabis Operator shall ensure that a delivery vehicle bears no markings that would either identify or indicate that the vehicle is used to transport Cannabis or Cannabis Product.
- 5. The Cannabis Operator shall staff each delivery vehicle consistent with the following requirements:
  - a. Any Cannabis Operator employee responsible for the secure transport of Cannabis or Cannabis Product shall possess their Cannabis License Card at all times and shall present it to Commission staff or law enforcement officials upon demand.
  - b. Any Cannabis Operator employee responsible for secure transport of Cannabis or Cannabis Product shall not leave Cannabis or Cannabis Product in an unattended delivery vehicle unless the vehicle is locked and equipped with an active vehicle alarm system. In no instance shall Cannabis or Cannabis Product be left in a delivery vehicle overnight or outside the operating hours indicated on the controlling Cannabis Facility License.
  - c. Any Cannabis Operator employee responsible for the secure transport of Cannabis or Cannabis Product shall have access to a secure form of communication with the Cannabis Operator, such as a cellular telephone, at all times that the delivery vehicle contains Cannabis or Cannabis Product.
  - d. Before transport, any Cannabis Operator employee responsible for the secure transport of Cannabis Product shall create a Record of the transport

request. Such Record shall include an inventory of all Cannabis Product in the vehicle and the directly measured mass by weight of each Cannabis Product. During transport, the employee shall maintain such copy of the transport request and shall make it available upon request to law enforcement officials.

- e. No one other than a Cannabis Operator employee holding a valid Cannabis Employee License issued pursuant to PART 8 [EMPLOYEE LICENSES] of these Regulations shall be permitted in a delivery vehicle that is transporting Cannabis or Cannabis Product.
6. All transport of Cannabis or Cannabis Product shall be conducted by a person. No transport of Cannabis or Cannabis Product shall be made through the use of any unmanned vehicle, including any drone.
  7. All transport of Cannabis or Cannabis Product shall be done in a timely and efficient manner, consistent with the following:
    - a. The Cannabis Operator employee responsible for the secure transport of Cannabis or Cannabis Product shall only travel between the originating Cannabis Facility and the receiving or delivery location. The employee shall not deviate from the delivery path described in this paragraph, except in the event of emergency or as necessary for rest, fuel, or vehicle repair stops, or because road conditions make continued use of the route or operation of the vehicle unsafe, impossible, or impracticable.
    - b. The process of transport begins when the employee leaves the originating Cannabis Facility with Cannabis or Cannabis Product and ends when the employee furnishes the Cannabis Product to the receiving or delivery location.
  8. The Cannabis Operator shall maintain a Record of each transport, including:
    - a. The date and time that the transport began and ended.
    - b. The name, Cannabis License Card number, and signature of the employee responsible for the secure transport and any other authorized employees present in the delivery vehicle during all or a portion of the transport.
    - c. A list of all Cannabis Product and the directly measured mass by weight of each listed Cannabis Product transported.
    - d. The Batch number, name of the strain/cultivar, and the form of the Cannabis transported.
  9. The Cannabis Operator shall immediately report diversions, losses, or other reportable events that occur during transport to the Commission.

10. Where a transport is attempted and not completed and the Cannabis or Cannabis Product remains in the possession of the employee conducting the transport, the employee shall return the Cannabis or Cannabis Product to the originating Cannabis Facility. The originating Cannabis Facility may repackage and restock the Cannabis or Cannabis Product, logging the amended status in the inventory. Such items shall be in new, unopened condition prior to restocking. Notwithstanding the foregoing, no samples taken by a laboratory or altered by a laboratory may be returned to the originating Cannabis Facility.

Section 3.16 **Cannabis Facility Complaint Process.**

1. The Cannabis Operator shall establish Standard Operating Procedures for receiving and recording Serious Adverse Events. These procedures shall be included in the Standard Operating Procedures required by Section 3.06 [Standard Operating Procedures] of these Regulations, and shall include:
  - a. A process for submission of a complaint alleging Serious Adverse Events to the Cannabis Operator.
  - b. A procedure for notifying all Cannabis Facilities that participated in the supply chain of the Cannabis Product identified in the complaint.
  - c. A procedure for reviewing and investigating the complaint.
  - d. A procedure for follow-up action of any investigation performed and a response to the complainant.
2. Based on its Standard Operating Procedures, the Cannabis Operator shall make a determination as to whether the complaint may be evidence of a Serious Adverse Event.
3. If the Cannabis Operator determines that a complaint may be evidence of a Serious Adverse Event, the Cannabis Operator shall:
  - a. Collect data necessary to investigate the Serious Adverse Event, including but not limited to:
    - i. Noting the identifiable Cannabis Consumer who is reported to have experienced the Serious Adverse Event.
    - ii. Noting the initial reporter of the Serious Adverse Event, or identifying that the initial reporter requests to remain anonymous.
    - iii. Noting the specific Cannabis Product used, if known, including Batch or Lot number, and the way in which the identifiable Cannabis Consumer obtained the Cannabis Product.

- iv. A description of the Serious Adverse Event based on information received from the identifiable Cannabis Consumer and the initial reporter.
  - v. Determine if there was a deviation from the Standard Operating Procedure in the Cultivation of the Batch or the Manufacturing of the Lot, which shall be done by reviewing Cultivation and Manufacturing logs.
  - vi. Submit parts of the retention samples of the Batch or Lot to laboratory testing to determine if the Batch or Lot meets specifications.
- b. Report the Serious Adverse Event to the Commission within 48 hours. Within 7 days of reporting the Serious Adverse Event to the Commission, the Cannabis Operator shall provide the Commission all investigatory information and data collected to date pursuant to this Section of these Regulations.
  - c. Report the Serious Adverse Event to all Cannabis Facilities who participated in the supply chain of the Cannabis Product involved in the Serious Adverse Event or the Cannabis Product's Batch or Lot.
  - d. Determine whether the Serious Adverse Event requires a Cannabis Product recall.
4. The review and investigation of a complaint or Serious Adverse Event, and the findings and follow-up action of any investigation performed, shall extend to all related Batches or Lots and relevant Records and to all Cannabis Facilities involved in the supply chain of the Cannabis Product identified in the complaint.
- a. Related Batches or Lots may include, but are not limited to, Batches or Lots of the same product, other Batches or Lots processed on the same equipment or during the same time period, or other Batches or Lots produced using the same components or packaging components.
5. The Cannabis Operator shall keep a Record for four years of the complaint or Serious Adverse Event and its investigation, including:
- a. Identification and Batch or Lot number of the Cannabis Product.
  - b. Date the complaint was received and the name, address, or telephone number of the complainant, if available.
  - c. Nature of the complaint, including, if known, how the Cannabis Product was obtained and used.

- d. All notifications provided to the Commission, other Cannabis Facilities, Cannabis Consumers, and to the public.
- e. Names of all personnel involved in the complaint and investigation process and their roles.
- f. Findings of the investigation and follow-up actions taken when an investigation is performed.
- g. Response to the complainant, if applicable.

Section 3.17 **Cannabis Recall Process.**

1. The Cannabis Operator shall develop and implement a recall plan addressing at a minimum:
  - a. Factors which necessitate a recall procedure, including if laboratory testing analysis finds that the Batch or Lot fails to meet specifications.
  - b. Personnel responsible for initiating and implementing a recall.
  - c. Notification protocols.
  - d. Receipt, handling, and disposition of returned usable Cannabis or Cannabis Products.
2. The Cannabis Operator shall establish a Standard Operating Procedure for publicly communicating a recall of Cannabis or Cannabis Products that present a probability that exposure could cause serious adverse health consequences, including temporary or medically reversible adverse health consequences. This Standard Operating Procedure shall include at a minimum:
  - a. A mechanism to contact all Cannabis Consumers who have, or could have, obtained the recalled product, which communication shall include information on the procedure for return of the recalled product and an offer to pay reimbursement for the recalled product.
  - b. A mechanism to contact all businesses that received the recalled product, other Cannabis or Cannabis Products from the same Cannabis Facility, or that provided Cannabis or Cannabis Products to the Cannabis Facility.
  - c. Instructions for the return or destruction of any recalled product by Cannabis Consumers or other businesses.
  - d. Procedures for the issuance, in the Cannabis Operator's discretion, of refunds, replacement or store credit in conjunction with a recall.
  - e. Communication and outreach via traditional and social media, as necessary and appropriate.

3. The Cannabis Operator shall collect all recalled Cannabis and Cannabis Product that is returned, have personnel that supervise quality control review it, track it in inventory control, and segregate it in quarantine until the Commission authorizes disposal, at which point the Cannabis Operator shall dispose of it in a manner that ensures that it is unusable.
4. The Cannabis Operator shall, once per year, conduct a mock recall to assess the effectiveness of the recall plan.

Section 3.18 **Visitor Controls.** Any visitor entering a Cannabis Facility shall be accompanied at all times by an escort holding a valid Cannabis Employee License, except within the retail and/or on-site consumption area of Cannabis Facility licensed for Retail Sales. Any vendor or contractor staff member shall be considered a visitor during any time present at a Cannabis Facility except if that person possesses a valid Cannabis Registration Card issued by the Commission pursuant to Section 9.03 [Cannabis Registration Cards] of these Regulations.

Section 3.19 **Expiration and Use By Dates.**

1. The expiration date is the date after which a Cannabis Product shall not be sold. The expiration date shall be determined from the date the Cannabis Product is manufactured.
2. The following are the maximum expiration dates for Cannabis Products that are packaged in airtight, light-resistant containers:
  - a. For water-containing formulations (prepared from ingredients in solid form), the expiration date shall not be later than 14 days for liquid preparations when stored at cold temperatures between two degrees and eight degrees Celsius (36 degrees and 46 degrees Fahrenheit).
  - b. For all other formulations, the expiration date shall not be later than six months from the manufacture date when stored at controlled room temperature.
3. The use by date is the date prior to which an opened Cannabis Product meets applicable standards of identity, potency, and quality at the time of use, as determined by appropriate data, subject to any storage conditions stated on the labeling.

Section 3.20 **Workplace Alcohol and Drug Policy.** The Cannabis Operator shall establish, implement, and adhere to a workplace alcohol and drug policy, and include such policies in the Standard Operating Procedures. These policies may include any of the following:

1. A written smoke-free workplace policy;
2. A written policy prohibiting personnel from possessing, consuming, or being under the influence of an illicit controlled substance or alcohol; or



3. A written policy prohibiting personnel from consuming or being under the influence of Cannabis at the workplace.

Section 3.21 **Employee Health and Safety Standards.**

1. All employees involved in the cultivation, manufacturing, and distribution of Cannabis and Cannabis Products shall receive safety and hygiene training as established by the Cannabis Operator in the Standard Operating Procedures.
2. Signed consent forms shall be obtained by the Cannabis Operator from all employees involved in the application of chemicals as part of their work activities.
3. The Cannabis Operator shall maintain Records of any chemicals onsite that are used to conduct operations (such as chemicals for cleaning equipment or to perform extraction).
4. Personal protective equipment shall be assigned to all employees involved in the cultivation and processing of Cannabis and Cannabis Products as applicable. Such personal protective equipment shall be in good working order as specified by the manufacturer.
5. Employees working with chemicals or materials that require the use of respirators shall be trained in their proper use, and respirators shall be serviced and tagged to manufacturer's specifications.
6. The Cannabis Operator shall install informational signs that provide clear instructions for material handling, equipment operation, and general safety information for all operations.
7. The Cannabis Operator shall install warning signs that shall be posted in all potential hazard areas as a public health protective measure.
8. The Cannabis Operator shall provide adequate safety lighting in all cultivation, manufacturing, distribution, storage, and sale areas, as well as areas where equipment, tools, containers, or contact surfaces are cleaned.

**PART 4: LABELING AND STAMPING REQUIREMENTS**

Section 4.01 **Cannabis and Cannabis Product Labeling Requirements.**

1. Each package of Cannabis or Cannabis Product shall be affixed with a compliant label by the Cannabis Operator that cultivated or manufactured the Cannabis or Cannabis Product.
2. Labels affixed to Cannabis or Cannabis Product shall include the following consumer safety and product information:

- a. The name, address, and telephone number of the Cannabis Facility responsible for the Cultivation and/or Manufacturing of the Cannabis or Cannabis Product, as applicable, which may be accessed through a QR code.
  - b. Net weight and quantity of the Cannabis or Cannabis Product contained in the package.
  - c. Production or harvest date.
  - d. Expiration date and use by date, consistent with the requirements of Section 3.19 [Expiration and Use By Dates] of these Regulations.
  - e. A sequential serial number, Batch or Lot number, and bar code to identify the Batch or Lot.
  - f. A list of any other inactive or excipient ingredients besides Cannabis or Concentrated Cannabis used to manufacture a Cannabis Product or contained within the package.
  - g. A list of all potential allergens contained within the Cannabis Product.
  - h. Whether the Cannabis Product requires refrigeration.
  - i. Serving size and the total number of servings contained in the finished Cannabis Product and the cannabinoid and terpene profile, in milligrams and/or as a percentage, of the Cannabis Product and of a single serving size. For example, “The serving size of active THC in this product is X mg. This product contains X servings of cannabis, and the total amount of active THC in this product is X mg.”
  - j. The strain/cultivar name.
  - k. The chemotype, growth method, an indication whether the Cannabis was grown using all-organic materials, and a list of any allowable pesticides, fungicides, and herbicides used in Cultivation.
  - l. Directions for inhalable, ingestible, or topical administration, as applicable.
  - m. Requirements for proper storage.
4. Labeling of growth method required by this Section shall be displayed as:
- a. Indoor;
  - b. Soil-grown;
  - c. Hydroponic; or

- d. Aquaponic.
5. Labels affixed to all Cannabis and Cannabis Products shall contain each of the following consumer warnings, in no less than six-point font, unless otherwise noted:
  - a. “This product contains cannabis.”
  - b. “This product is intended for use by adults 21 years of age or older and not for resale. Keep out of reach of children.”
  - c. “There may be health risks associated with the consumption of this product, including for women who are pregnant, breastfeeding, or planning on becoming pregnant.”
  - d. “Do not drive a motor vehicle or operate heavy machinery while using this product.”
  - e. The nationwide toll-free telephone number used to access poison control centers.
6. Labels affixed to Cannabis or Cannabis Product may include a QR code to provide additional information not required by this Section. Unless permitted by this Section, a QR code may not otherwise be utilized in lieu of printing any information required by this Section on the label.
7. Any label containing statements about the Cannabis or Cannabis Product other than those specified in this Section shall contain the following statement prominently displayed, and in boldface type: “This product is not intended to diagnose, treat, cure, or prevent any disease.”
8. All labels shall be submitted to the Commission for recordkeeping.

Section 4.02 **Packaging and Labeling Prohibitions.**

1. The packaging and labeling of any Cannabis or Cannabis Product shall not contain any:
  - a. Statement, illustration, or image that includes false, deceptive, or misleading statements or promotes over-consumption.
  - b. Resemblance to a trademarked, characteristic, or product-specialized packaging of any commercially available candy, snack, baked good, or beverage.
  - c. Statement, artwork, or design that could reasonably mislead any person to believe that the Cannabis or Cannabis Product or package contains anything other than Cannabis or Cannabis Product.

- d. Statement, illustration, or image that depicts a child or other person under legal age consuming Cannabis or Cannabis Product.
- e. Statement, illustration, image, cartoon, color scheme, graphic, or feature that might make the Cannabis or Cannabis Product attractive to children. Examples of images or graphics that are prohibited include, but are not limited to toys, games, candy, beverages, food products, characters, or any other depiction designed in a manner to be especially appealing to persons under the age of 21.

#### Section 4.03 **Universal Symbol.**

1. The Cannabis Operator shall establish a universal symbol indicating clearly to Cannabis Consumers and members of the public that any package of Cannabis or Cannabis Product contains Cannabis and was cultivated, manufactured, and/or sold by the Oneida Indian Nation.
2. The Nation Representative(s) shall approve the initial Cannabis Operator-developed universal symbol.
3. Such symbol, once established and approved, shall be imprinted on all packages containing Cannabis cultivated, manufactured, and sold under a license issued pursuant to these Regulations.
4. Revisions to the universal symbol shall be approved by the Commission.

#### Section 4.04 **Advertising.**

1. No Advertisement shall be made in a manner that is appealing to minors or promotes excessive use or illegal activity, or that otherwise presents a significant risk to public health and safety.
2. Any Advertisement of any Cannabis Facility, Cannabis Product, Cannabis Paraphernalia, or Cannabis Merchandise shall contain the following warning: “This product contains cannabis. For use only by adults 21 years of age or older. Keep out of reach of children. There may be health risks associated with the consumption of this product, including for women who are pregnant, breastfeeding, or planning on becoming pregnant. Do not drive a motor vehicle or operate heavy machinery while using this product.”
3. Any Advertisement by or of a Cannabis Facility shall disclose that the facility is licensed by the Commission, which may be through inclusion of the Universal Symbol.
4. No person or Cannabis Operator shall advertise any Cannabis Facility, Cannabis Product, Cannabis Paraphernalia, or Cannabis Merchandise:

- a. In any manner that would target, or is designed to appeal to individuals under the age of 21, including, but not limited to a depiction of a person under 21 years of age consuming Cannabis or Cannabis Product or inclusion of objects, such as toys, characters, or cartoon characters suggesting the presence of a person under 21 years of age, or any other depiction designated in any manner to be especially appealing to a person under 21 years of age.
  - b. In any form or through any medium whatsoever within 500 feet of any elementary or secondary school grounds or the grounds of a facility whose purposes is the education, or educational support, of pupils who are under the age of eighteen, including a playground, library and public park.
  - c. In a manner that suggests that Cannabis is safe solely based on the fact that the product is regulated by the Commission or has been tested by a testing laboratory.
  - d. In a manner that depicts consumption of Cannabis or that promotes rapid consumption or overconsumption of Cannabis.
  - e. By way of any statement or illustration that is deceptive, false, or misleading, which includes, but is not limited to, a representation that Cannabis is better, more effective, or safer than other drugs or treatments, unless such a claim has been demonstrated by substantial scientific or clinical evidence.
5. Any Cannabis Operator that advertises shall keep Records as reliable evidence that the Advertisement meets the requirements of this Section, and which shall be available, upon request, to the Commission. Such Records shall include a precise description of the audience that is reasonably expected for an Advertisement, and a list of all publications, media, and/or venues in which an Advertisement was disseminated.

## **PART 5: CULTIVATION**

Section 5.01 **Authorized Cultivation Activities.** At Cannabis Facilities licensed for Cultivation, the Cannabis Operator shall be authorized to:

1. Purchase or otherwise obtain initial plants and start up inventory from sources not licensed under these Regulations;
2. Grow, clone, harvest, dry, cure, grade, and trim Cannabis plants; and
3. Package, transport, transfer, distribute, supply, and sell Cannabis to other Cannabis Facilities.

Section 5.02 **Additional Cultivation Requirements for Cannabis Facilities.** All Cannabis Facilities licensed for Cultivation shall conform to the following requirements:

1. All Cultivation activities shall take place in an enclosed, indoor, locked area or facility.
2. Access to such enclosed, locked area or facility shall be limited to the Cannabis Operator's employees unless access by visitors is necessary and visitors are escorted and supervised in conformance with Section 3.18 [Visitor Controls].
3. Storage areas with adequate lighting, ventilation, temperature, sanitation, humidity, space, equipment, and security conditions shall be provided.
4. Facilities shall remain free from infestation by insects, rodents, birds, or vermin of any kind.

Section 5.03 **Additional Cultivation Recordkeeping Requirements.** In addition to the Records required by Section 3.07 [Recordkeeping], the Cannabis Operator shall also keep and maintain the following Records for each Cannabis Facility licensed for Cultivation, and shall keep such Records for at least four years:

1. All sales of Cannabis Flowers, Cannabis leaves, and Immature Cannabis Plants.
2. The number of ounces of Cannabis Flower produced.
3. The number of ounces of Cannabis leaves produced.
4. The number of Immature Cannabis Plants produced.
5. The dates of all sales and production as enumerated above, including the name of the purchasing entity for each sale.

Section 5.04 **Additional Cultivation Storage and Quarantine Area Requirements.**

1. At each Cannabis Facility licensed for Cultivation, the Cannabis Operator shall establish and implement Standard Operating Procedures for quarantine of any Cannabis seed, cutting, clone, plant, Batch, or Cultivation material or component whose suitability for use or distribution is in question, to prevent its use and distribution pending disposition by quality control personnel.
2. Each Cannabis Facility licensed for Cultivation shall have at least the following storage areas, which shall be segregated from each other:
  - a. Storage for newly received Cultivation materials or components and newly received Cannabis seeds, cuttings, clones, plants, or usable Cannabis.
  - b. Storage for Batches of usable Cannabis awaiting release for distribution pending written reports confirming they meet specifications.

- c. Storage for any usable Cannabis suspected but not yet confirmed to be contaminated, including Cannabis returned as part of a complaint or recall process.
  - d. Storage for any Cannabis, components, or materials that have been confirmed to be contaminated, including, but not limited to, usable Cannabis that fails testing or is returned as part of a recall, and shall be stored with Cannabis waste in a waste disposal room until destroyed or rendered unusable, as applicable.
3. The storage areas required by this Section may be segregated through their location in separate rooms, or within separate cabinets or areas within the same room.

Section 5.05 **Pesticide Use.** In relation to any Cultivation activity, the Cannabis Operator shall only apply pesticides deemed to be “Minimum Risk Pesticides” as defined by the United States Environmental Protection Administration or those on a list of accessible pesticides maintained by the Commission. The Cannabis Operator must disclose all pesticides applied, including those deemed to be “Minimum Risk Pesticides” as defined by the United States Environmental Protection Administration and/or those on a list of accessible pesticides maintained by the Commission, to the Laboratory Testing Facility. Copies of any reports from the Laboratory Testing Facility that identifies pesticides in Cannabis Product being tested, other than “Minimum Risk Pesticides” or pesticides on a list of accessible pesticides maintained by the Commission that were properly disclosed to the Laboratory Testing Facility by the Cannabis Operator, shall be immediately provided to the Commission.

## **PART 6: MANUFACTURING**

Section 6.01 **Authorized Manufacturing Activities.** At Cannabis Facilities licensed for Manufacturing, the Cannabis Operator shall be authorized to:

1. Purchase or otherwise obtain Cannabis from a Cannabis Facility licensed for Cultivation or Manufacturing; however initial plants and start up inventory may be purchased or otherwise obtained from sources not licensed under these Regulations.
2. Purchase or otherwise obtain Cannabis Products from other Cannabis Facilities licensed for Manufacturing.
3. Extract, prepare, treat, modify, compound, process or otherwise manipulate Cannabis for the purpose of extracting or concentrating its cannabinoids.
4. Manufacture or process Cannabis in the following forms:
  - a. Cannabis Concentrate, either in solid form or in liquid form as oil, either as Cannabis extract or as resin extracted using non-chemical processes; or

oil for use in an electronic smoking device as vaporized formulation, in a pressurized metered dose inhaler, or in topical or oral formulations.

- b. Cannabis-infused Products, either in solid or liquid form, containing either useable Cannabis or Cannabis Concentrate along with an additional ingredient that includes, but is not limited to:
  - i. Vaporized formulation;
  - ii. Drops, tinctures, and other sublabial and sublingual forms;
  - iii. Oral lozenges and other buccal forms;
  - iv. Ingestible forms, which shall only include syrups, pills, tablets, capsules, and chewable forms;
  - v. Topical formulations and transdermal forms;
  - vi. Any other form authorized by the Commission.
5. Package, possess, transfer, transport, distribute, supply, or sell Cannabis and Cannabis Products to other Cannabis Facilities.

Section 6.02 **Additional Processing and Packaging Requirements.** At Cannabis Facilities licensed for Manufacturing, the Cannabis Operator shall adhere to the following limitations and restrictions on Cannabis Product processing and packaging:

1. Each package of finished Cannabis Product shall, for inhalable products, contain no more than ¼ ounce or 7.09 grams of usable Cannabis or equivalent weight dependent on form.
2. Each package of finished Cannabis Product shall, for ingestible products, conform to the product potency limit of 10 milligrams (mg) total THC per serving, and 100 mg total THC per package, provided however, that tinctures shall conform to the product potency limit of 10 mg total THC per serving, and 1,000 mg total THC per package.
3. Each single serving of Cannabis Product shall contain no more than 10 mg of active THC or the equivalent weight as best determined based on THC potency, dependent on form.
4. Each single serving of Cannabis Product shall have a cannabinoid concentration that is within 90 to 110 percent of the specified milligram serving size claimed for that Cannabis Product.
5. No ingestible Cannabis Product shall be designed to appeal to anyone under the age of twenty-one (21) years old, which shall include designing Cannabis Products in the shape of, or a shape bearing the likeness or containing



characteristics of, a realistic or fictional human, animal, or part thereof, including artistic, caricature, or cartoon renderings.

6. A commercially manufactured or trademarked food product shall not be used as an ingestible Cannabis Product, provided that a commercially manufactured or trademarked food product may be used as a component of an ingestible Cannabis Product or part of its recipe, so long as the commercially manufactured or trademarked food product is used in a way that renders it unrecognizable in the final ingestible Cannabis Product and the Cannabis Product is not advertised as containing the commercially manufactured or trademarked food product.
7. Each ingestible Cannabis Product shall have a universal symbol marked, stamped, or imprinted directly on it, in accordance with Section 4.03 [Universal Symbol] of these Regulations.
8. No Cannabis Product shall contain synthetic cannabinoids, nor shall any Cannabis Product contain any artificially derived phytocannabinoids.

Section 6.03 **Ingredient Restrictions and Requirements.** At Cannabis Facilities licensed for Manufacturing, the Cannabis Operator shall ensure that all ingredients included in Cannabis Products are compliant with the standards of this Section and used only within the ingredient manufacturer's recommendations:

1. All ingredients used to manufacture Cannabis Products shall be United States Pharmacopeia–National Formulary (USP–NF), analytical reagent (AR), certified American Chemical Society (ACS), or Food Chemicals Codex (FCC) grade substances. If a USP-NF, AR, ACS, or FCC grade substance ingredient is not available, the Cannabis Operator may establish the purity and safety of the ingredient by reasonable means, which may include Lot analysis, manufacturer reputation, or reliability of source study.
2. Inactive ingredients for vaporized formulations may not include inactive ingredients that are additives, cutting agents, and artificial flavorings known to be harmful, including, but not limited to:
  - a. Polyethylene glycol (PEG).
  - b. Propylene glycol (PG).
  - c. Vegetable glycerin, glycerin, or glycerol (VG).
  - d. Vitamin E acetate or tocopherol acetate (VEA).
  - e. Acetic acid.
  - f. Any other ingredient listed on an established and scientifically supported list, published by the U.S. Food and Drug Administration (FDA), of

harmful and potentially harmful constituents in tobacco products and tobacco smoke.

3. The use or integration of alcoholic beverages or nicotine in Cannabis Products is strictly prohibited.
4. Any inactive ingredient used in a vaporized formulation must be listed as an allowable ingredient in an established and scientifically supported list of products, published by the FDA, using the respiratory (inhalation) route of administration and shall be used in an amount less than or equal to the “Potency Amount” allowed for the ingredient.
5. Vaporized formulations of Cannabis Product shall not include vitamin E acetate or medium chain triglycerides (MCT oil).
6. Any inactive ingredient used in an ingestible Cannabis Product must be listed as an allowable ingredient in an established and scientifically supported list of products, published by the FDA, using the oral, buccal, or sublingual routes of administration and shall be used in an amount less than or equal to the “Potency Amount” allowed for the ingredient.
7. Any inactive ingredient used in a dermal Cannabis Product must be listed as an allowable ingredient in an established and scientifically supported list of products, published by the FDA, using the topical and transdermal routes of administration and shall be used in an amount less than or equal to the “Potency Amount” allowed for the ingredient.

Section 6.04 **Restrictions and Requirements for Manufacturing Equipment.**

1. At Cannabis Facilities licensed for Manufacturing, the Cannabis Operator shall possess equipment of appropriate design and capacity to the type of Manufacturing activities to be performed and such equipment shall be suitably located to facilitate operations for the intended use, cleaning, and maintenance of the equipment.
2. Equipment surfaces that contact ingredients shall not be reactive, additive, or adsorptive such that those surfaces could alter the safety, identity, strength, quality and purity of the Cannabis Product.
3. Equipment shall be thoroughly cleaned and sanitized after each use, and when necessary, prior to use, in order to prevent cross-contamination of ingredients and preparations.
4. Equipment shall be stored in a manner to prevent cross-contamination of ingredients and preparations.

5. Automated, mechanical, or electronic equipment may be used in Manufacturing Cannabis Products. All equipment utilized in Manufacturing Cannabis Products shall be inspected, maintained, and validated at appropriate intervals, consistent with manufacturer's recommendations, to ensure the accuracy and reliability of equipment performance.

Section 6.05 **Quality Control.** If engaging in Manufacturing, the Cannabis Operator shall establish and incorporate into their Standard Operating Procedures the following quality control procedures:

1. Cannabis Product specifications that ensure the identity, strength, quality, and purity of the Cannabis Product, and to ensure that the Cannabis Product has been manufactured, packaged, labeled, and stored under conditions to prevent contamination by impurities or foreign substances.
2. Quality control and testing procedures to ensure quality control over the Manufacturing processes.
3. Stability testing.

Section 6.06 **Additional Requirements for Extraction of CBD and THC.**

1. If engaging in Manufacturing, and unless the Cannabis Operator obtains prior written approval from the Commission, the Cannabis Operator shall only conduct extraction using the following methods:
  - a. mechanical extraction methods;
  - b. a professional grade, closed-loop CO2 extraction system that is of a supply equivalent to food or beverage grade of at least 99.5% purity;
  - c. ethanol or alcohol based, provided that all ethanol or alcohol used shall be of a grade that meets or exceeds specifications of official compendiums as defined in the United States Pharmacopoeia, official Homoeopathic Pharmacopoeia of the United States, official National Formulary of the United States, or any supplement to any of them; or
  - d. a volatile solvent or hydrocarbon extraction method, provided that the method:
    - i. utilizes a commercial, professional grade closed-loop system designed to recover the solvent; and
    - ii. utilizes butane, propane, or a different volatile solvent or hydrocarbon with prior written approval by the Commission, and where the butane, propane, or other solvent or hydrocarbon is

accompanied by a Certificate of Analysis which establishes that said substances have a minimum purity level of 99%.

2. If engaging in extraction of either CBD or THC or both, the Cannabis Operator shall incorporate the following into its Standard Operating Procedures:
  - a. A hazard communication program addressing the use, storage and handling of all flammable solvents and other chemicals, including, but not limited to, ethanol, butane, propane, liquid petroleum gas, and CO<sub>2</sub>.
  - b. A procedure for preparing and maintaining a chemical inventory that records, at a minimum, the date the chemical was acquired by the Cannabis Operator, amount of the chemical present at the Cannabis Facility, storage location, and safety information, which is to include information on the chemical's constituents, physical properties, health hazards and permissible exposure limits, first aid measures, personal protective equipment, and special handling and disposal requirements.
  - c. An employee training program educating employees tasked with handling chemicals and equipment related to the extraction process on exposure routes, signs and symptoms of exposure, personal protective equipment, incident response, mitigation steps, and first aid measures.
3. Flammable or combustible solvents shall not be stored near heat sources or in direct sunlight, and shall only be stored in approved storage cabinets, explosion-proof refrigerators, and safety cans.
4. All extraction equipment and extraction processes utilizing hydrocarbon solvents shall be located in a room or area dedicated to extraction.
5. The use of flammable and combustible liquids where the liquid is boiled, distilled, or evaporated shall occur under a hazardous exhaust fume hood, rated for exhausting flammable vapors.
6. Electrical equipment used within the hazardous exhaust fume hood shall be rated for use in flammable atmospheres.
7. Heating of flammable or combustible liquids over an open flame is prohibited.
8. For extraction processes utilizing flammable gases as solvents, a continuous gas detection system shall be provided. The gas detection system shall be calibrated to the types of fuels or gases used for the extraction process. Activation of the gas detection system shall result in all of the following:
  - a. Initiation of distinct audible and visual alarm signals in the extraction room. The alarm signals associated with the gas detection alarm shall be distinctive from fire alarm and carbon monoxide alarm signals.

- b. Deactivation of all heating systems located in the extraction room.
- c. Activation of the mechanical ventilation system, where the system is interlocked with gas detection.

Section 6.07 **Additional Manufacturing Recordkeeping Requirements.** In addition to the Records required by Section 3.07 [Recordkeeping], the Cannabis Operator shall also keep and maintain at all times all material safety data sheets at any Cannabis Facility licensed for Manufacturing. The material safety data sheets shall include, at a minimum, the properties of each chemical utilized in the manufacturing process, the physical, health and environmental health hazards associated with each chemical, and safety precautions for handling, storing, and transporting each chemical.

Section 6.08 **Additional Manufacturing Storage and Quarantine Area Requirements.**

1. All Cannabis Facilities licensed for Manufacturing activities shall have at least the following storage areas, which shall be segregated from each other:
  - a. Storage for newly received Manufacturing materials, including newly received usable or unusable Cannabis, ingredients to be used, and any Cannabis-infused Products or Cannabis Concentrates received from other manufacturers.
  - b. Storage for Lots of Cannabis Products awaiting release for distribution pending written reports confirming they meet specifications.
  - c. Storage for any usable Cannabis Products suspected but not yet confirmed to be contaminated, including Cannabis Products returned as a part of a complaint or recall process.
  - d. Storage for Cannabis Products, components, or materials that have been confirmed to be contaminated, such as usable Cannabis or Cannabis Products that fail testing or are returned as part of a recall, and shall be stored with Cannabis waste in a waste disposal room until destroyed or rendered unusable, as applicable.
2. The storage areas required by this Section may be segregated through their location in separate rooms, or within separate cabinets or areas within the same room.
3. If engaging in Manufacturing, the Cannabis Operator shall establish and implement Standard Operating Procedures for quarantine of any Batch of usable Cannabis, Lot of Cannabis Products or Cannabis Concentrates, or component whose suitability for use or distribution is in question, to prevent its use and distribution pending disposition by quality control personnel.

Section 6.09 **Release for Distribution.** The Cannabis Operator shall only release for distribution and transfer Cannabis Products that have been properly processed, tested, packaged, sealed and labeled in accordance with the requirements of these Regulations.

## **PART 7: RETAIL SALES**

Section 7.01 **Authorized Retail Sales Activities.** At Cannabis Facilities licensed for Retail Sales, the Cannabis Operator shall be authorized to:

1. Purchase or acquire usable Cannabis and Cannabis Products, and related supplies, from Cannabis Facilities.
2. Purchase or acquire Cannabis Paraphernalia or Cannabis Merchandise.
3. Possess, display and transport usable Cannabis, Cannabis Products, Cannabis Paraphernalia, Cannabis Merchandise and related supplies.
4. Distribute, supply, sell, or furnish usable Cannabis, Cannabis Products, Cannabis Paraphernalia, Cannabis Merchandise and related supplies to Cannabis Consumers, either on-site at a Cannabis Facility licensed for Retail Sales or through deliveries made in accordance with Section 3.15 [Secure Transport] and Section 7.07 [Delivery Retail Sales].
5. Distribute, supply, sell, or furnish usable Cannabis and Cannabis products to Cannabis Consumers in any of the following authorized forms:
  - a. Oil for use in an electronic smoking device as vaporized formulation, in a pressurized metered dose inhaler, or in topical or oral formulations.
  - b. Concentrated Cannabis, either in solid form or in liquid form as oil, either as Cannabis extract or as resin extracted using non-chemical processes.
  - c. Cannabis-infused Products, either in solid or liquid form, containing either useable Cannabis or Cannabis Concentrate along with an additional ingredient that includes, but is not limited to:
    - i. Vaporized formulation.
    - ii. Drops, tinctures, and other sublabial and sublingual forms.
    - iii. Oral lozenges and other buccal forms.
    - iv. Ingestible forms, which shall only include syrups, pills, tablets, capsules, and chewable forms.
    - v. Topical formulations and transdermal forms.
    - vi. Any other form authorized by the Commission.

Section 7.02 **Child Resistant Packaging.** All Cannabis and Cannabis Product sold by the Cannabis Operator must be provided to the Cannabis Consumer in child resistant packaging.

Section 7.03 **Restrictions and Requirements for Retail Sales to Cannabis Consumers.**

1. Before allowing entrance of any Cannabis Consumer to any Cannabis Facility licensed for Retail Sales, employees shall examine one of the following forms of photographic identification to confirm that the Cannabis Consumer is of legal age to purchase Cannabis: a valid driver's license or non-driver identification card issued by the federal government, any United States territory, commonwealth or possession, the District of Columbia, a state government within the United States or a provisional government of the dominion of Canada, a valid passport issued by the United States government or any other country, or an identification card issued by the armed forces of the United States.
2. No Cannabis Consumer is required to provide any additional personal information other than one of the forms of photographic identification identified in subdivision (1), above, in order to determine the Cannabis Consumer's identity and age.
3. A Cannabis Facility licensed for Retail Sales shall only sell to Cannabis Consumers Cannabis and Cannabis Products that have been properly tested, packaged, sealed, and labeled in accordance with these Regulations.
4. The Cannabis Facility shall provide the Cannabis Consumer with a receipt that includes, at a minimum:
  - a. The name, address, and telephone number of the Cannabis Facility.
  - b. The date of the sales transaction.
  - c. The Cannabis Products purchased and their purchase price.
5. The Cannabis Facility shall collect any tax from a Cannabis Consumer required by these Regulations.

Section 7.04 **Persons Barred From Cannabis Facilities.**

1. The Commission shall provide to the Cannabis Operator a copy of the Cannabis Retail Sales and Onsite Consumption Exclusion List established and maintained by the Commission pursuant to Section 2.13 [Establishment and Maintenance of the Cannabis Retail Sales and Onsite Consumption Exclusion List].
2. The Cannabis Operator shall exclude persons on the Cannabis Retail Sales and Onsite Consumption Exclusion List from entry into any Cannabis Facility licensed for Retail Sales.

3. The Cannabis Operator may choose to add persons to the Cannabis Retail Sales and Onsite Consumption Exclusion List as “Cannabis Operator Exclusions” and shall provide that list to the Commission consistent with Section 2.12 [Establishment and Maintenance of the Cannabis Retail Sales and Onsite Consumption Exclusion List].
4. The Cannabis Operator may choose to establish and maintain its own, separate, Cannabis Facility-specific exclusion list the terms of which are left to the discretion of the Cannabis Operator.
5. The Cannabis Operator shall also bar entry, or require that persons leave a Cannabis Facility licensed for Retail Sales, if such person is visibly intoxicated or engaging in disorderly conduct or other conduct jeopardizing public safety in the Cannabis Facility.

Section 7.05 **Additional Retail Sales Recordkeeping Requirements.**

1. In addition to the Records required by Section 3.07 [Recordkeeping], at Cannabis Facilities licensed for Retail Sales, the Cannabis Operator shall keep a complete and accurate Record of all Cannabis Products sold and deliveries made to Cannabis Consumers. Such Records shall be kept and maintained for four years, either on-premises or at an off-site facility. Such Records shall include, at a minimum:
  - a. Date of each transaction.
  - b. Quantity, variety, form, and cost of Cannabis or Cannabis Product sold for each transaction.
  - c. Taxes collected.
2. Cannabis Facilities licensed for Retail Sales shall collect and report to the Commission for each calendar year at least the following statistical data:
  - a. The number of Cannabis Consumers who purchased each Cannabis Product.
  - b. Total number of Cannabis item transactions.
3. Cannabis Facilities licensed for Retail Sales shall maintain onsite the most recent updated Cannabis Retail Sales and Onsite Consumption Exclusion List provided by the Commission.

Section 7.06 **Additional Retail Sales Storage Requirements.** At Cannabis Facilities licensed for Retail Sales, the Cannabis Operator shall store Cannabis Products in an enclosed indoor, locked area, with access limited to employees possessing a Cannabis License Card.



Section 7.07 **Delivery Retail Sales.** Through a Cannabis Facility licensed for Retail, the Cannabis Operator may deliver Cannabis and Cannabis Products to Cannabis Consumers pursuant to the following:

1. All requirements established by Section 3.15 [Secure Transport] of these Regulations apply to deliveries direct to Cannabis Consumers.
2. Deliveries to non-Nation Lands are prohibited.
3. The Cannabis Operator may institute geographic and hourly restrictions on where and when they opt to deliver to Cannabis Consumers, so long as these restrictions are listed on the associated Cannabis Facility’s website. The Cannabis Operator may choose to change these restrictions, provided the changed restrictions are posted online.
4. Delivery orders shall be placed in advance, and Cannabis Products shall be assembled for delivery at the Cannabis Facility licensed for retail activities.
5. In-person verification of any purchasing Cannabis Consumer’s age shall be done by the employee conducting the delivery consistent with Section 7.03 [Restrictions and Requirements for Retail Sales to Cannabis Consumers].

Section 7.08 **Point of Sale System.** At all Cannabis Facilities licensed for Retail, the Cannabis Operator shall utilize a retail point-of-sale (“POS”) system designed for seed-to-sale and/or track-and-trace compliance. The POS system shall be designed to include purchase limit alerts, ID verification and staff permissions. The POS system shall be remotely accessible by the Commission.

Section 7.09 **On-Site Consumption.** A Cannabis Facility License for retail sales may include on-site consumption. However, in any on-site consumption area, the following restrictions shall apply:

1. The Cannabis Operator shall control and restrict ingress and egress to the on-site consumption area with placement of an employee at every opening or means of entrance or passageway to the on-site consumption area.
2. The Cannabis Facility shall be subject to inspection by the Oneida Indian Nation Police Department during the hours when the on-site consumption area is open for the transaction of business.

## **PART 8: EMPLOYEE LICENSES**

Section 8.01 **Employee Licensing Requirements.** The Cannabis Operator shall only hire and employ persons issued a valid Cannabis Employee License by the Commission. The Nation

Representative(s) shall approve the initial form of a Cannabis Employee License application form and the Commission may subsequently revise or amend the application form. Only persons meeting the following requirements are eligible to apply for a Cannabis Employee License:

1. The person is at least 18 years of age.
2. The person has no Disqualifying Conviction as defined by Section 8.02 [Employee Criminal History Background Check] without evidence of rehabilitation.

Section 8.02 **Employee Criminal History Background Check.**

1. Prior to application of any person for a Cannabis Employee License, the Cannabis Operator shall conduct a criminal history background check of the person. The results of the criminal history background check shall be provided to the Commission.
2. Where the criminal history background check demonstrates that a person has been convicted of one of the following Disqualifying Convictions in the prior five years, that person shall be disqualified from any employment position associated with any Cannabis Operator or Cannabis Facility and not eligible for a Cannabis Employee License:
  - a. Use of a minor in distributing or dispensing illegal drugs or controlled dangerous substances;
  - b. Distribution of illegal drugs to persons under 18;
  - c. Counterfeit drugs or medical devices; or
  - d. Providing or delivering drug paraphernalia to persons under 18.
3. Notwithstanding the forgoing provisions of this Section, a person required to consent to a criminal background check shall not be disqualified on the basis of any Disqualifying Conviction disclosed by a criminal history background check if the person has affirmatively demonstrated to the Commission clear and convincing evidence of rehabilitation. In determining whether clear and convincing evidence of rehabilitation exists, the Commission shall conduct a thorough review of any Disqualifying Conviction and consider and examine the following factors:
  - a. The nature and responsibility of the position that the person with a conviction would hold, has held, or currently holds.
  - b. The nature and seriousness of the crime or offense.
  - c. The circumstances under which the crime or offense occurred.
  - d. The date of the crime or offense.

- e. The age of the person when the crime or offense was committed.
  - f. Whether the crime or offense was an isolated or repeated incident.
  - g. Any social conditions which may have contributed to the commission of the crime or offense.
  - h. Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of those who have had the person under their supervision.
4. Notwithstanding the forgoing provisions of this Section, the Commission may, in its discretion, offer provisional authority for a person's employment for a period not to exceed three months if the person submits to the Commission a sworn statement attesting that the person has not been convicted of any Disqualifying Conviction.
- a. Such person's provisional status does not guarantee a person's qualification.
  - b. Submission of a false attestation shall result in a determination of the person's disqualification, the revocation of the person's provisional status and any Cannabis License Card and may result in permanent ineligibility for the person to be employed by the Cannabis Operator.

Section 8.03 **Changes to Licensed Cannabis Employee Conviction Status.** In the event there are any changes in the criminal history of any person issued a Cannabis Employee License, that person shall inform the Commission immediately.

Section 8.04 **Suspension or Revocation of Cannabis Employee License.** The Commission may suspend, revoke, or refuse to renew a Cannabis Employee License if the person who is applying for or who holds the license violates any provision of the Ordinance or these Regulations, makes a false statement to the Commission, or refuses to cooperate in any investigation by the Commission.

Section 8.05 **Cannabis Employee Licenses Non-Transferable.** A Cannabis Employee License issued by the Commission is a personal privilege; is not transferable; may not be given, lent or used by any individual other than individual to which it was issued; and does not guarantee employment or continued employment.

Section 8.06 **Cannabis Operator Notification Requirements.** The Cannabis Operator shall notify the Commission within 3 business days of either: (1) the date any employee of the Cannabis Operator ceases to work at or be affiliated with the Cannabis Operator; or (2) the date

the Cannabis Operator becomes aware of any event that would result in the denial of employment or revocation of the Cannabis Employee License.

**Section 8.07 Cannabis License Cards.**

1. Where the Commission determines that a person applying for a Cannabis Employee License meets the eligibility requirements of these Regulations, the Commission shall issue the person a Cannabis Employee License and Cannabis License Card. Cannabis License Cards shall contain:
  - a. The name of the person.
  - b. A unique Cannabis License Card number.
  - c. The name and physical address of the duly licensed Cannabis Facility that the individual has authorization to access.
  - d. The date of issuance and expiration.
  - e. A photograph of the cardholder.
3. Any Cannabis License Card shall be surrendered to the Commission within 3 business days of either: (1) any Commission decision to suspend, revoke, or refuse to renew the card; or (2) the individual ceasing to be affiliated with the Cannabis Operator. It is the duty of the Cannabis Operator to obtain the Cannabis License Card and surrender the same to the Commission.

**Section 8.08 Cannabis Employee License Renewal.** All Cannabis Employee Licenses shall expire five years after the date of issuance and shall require renewal at that time. Renewal requires application to the Commission and submission to a new criminal history background report.

**Section 8.09 Issuance of Cannabis Employee Licenses Pending Commission Appointments.**

Notwithstanding anything to the contrary contained in these Regulations, until the Commission is fully constituted, the Nation's Legal Department shall have the authority to issue the Cannabis Employee Licenses under this Part 8, and shall have the authorities granted to the Commission under this Part 8 in connection with such Cannabis Employee Licenses.

**PART 9: VENDOR AND CONTRACTOR REGISTRATION**

**Section 9.01 Vendor and Contractor Registration Requirements.** With respect to vendors or contractors who are to provide services on-site at any Cannabis Facility, the Cannabis Operator may only hire vendors and contractors registered with the Commission, *provided*, in the event that a vendor or contractor is a company and not an individual person, only the individual employees of the vendor or contractor that will be entering any non-public areas of a Cannabis

Facility shall be required to register as an individual. The Nation Representative(s) shall approve the initial form of a Cannabis vendor and contractor registration form and the Commission may revise or amend the registration form. Only individual persons meeting the following requirements are eligible for registration:

1. Persons at least 18 years of age.
2. Persons with no Disqualifying Conviction as defined by Section 8.02 [Employee Criminal History Background Check] without evidence of rehabilitation.

Upon receipt of a copy of an unexpired and valid Cannabis license, registration or similar documentation issued by any state regulatory agency with oversight over Cannabis, the Commission shall issue the registration card without requiring a criminal history background check.

Section 9.02 **Suspension or Revocation of Registration.** The Commission may suspend, revoke, or refuse to renew any registration if the person registered violates any provision of the Ordinance or these Regulations, makes a false statement to the Commission, or refuses to cooperate in any investigation by the Commission.

Section 9.03 **Cannabis Registration Cards.**

1. Where the Commission determines that a person seeking registration meets the eligibility requirements of these Regulations, the Commission shall register that person and issue that person a Cannabis Registration Card, which may be in digital form. Cannabis Registration Cards shall contain:
  - a. The name of the person, and if applicable, the name of the company with whom the person is employed.
  - b. A unique Cannabis Registration Card number.
  - c. The name and physical address of the duly licensed Cannabis Facility that the individual has authorization to access.
  - d. The date of issuance and expiration.
  - e. A photograph of the cardholder.
2. Any Cannabis Registration Card shall be surrendered to the Commission within 3 business days of either: (1) any Commission decision to suspend, revoke, or refuse to renew the card; or (2) the individual person, vendor, or contractor ceasing to be affiliated with the Cannabis Operator.

Section 9.04 **Cannabis Registration Renewal.** Registration shall expire five years after the date of registration and shall require renewal at that time. Renewal requires submission of a new registration to the Commission.

Section 9.05 **Cannabis Registrations Pending Commission Appointment.** Notwithstanding anything to the contrary contained in these Regulations, until the Commission is fully constituted, registrations required by this Part 9 shall be submitted to the Nation’s Legal Department, and the Nation Legal Department shall have the authorities granted to the Commission under this Part 9 in connection with such registrations, including, without limitation to issue Cannabis Registration Cards.

## **PART 10: TESTING**

The requirements of this Part 10 [testing] shall only apply if the State of New York allows New York State licensed independent testing laboratories to test cannabis cultivated or manufactured by cannabis operators licensed by the Oneida Indian Nation.

Section 10.01 **Scope of Testing.** Each Batch of Cannabis Cultivated or Manufactured by the Cannabis Operator shall be tested by a licensed Laboratory Testing Facility, selected by the Cannabis Operator and approved by the Commission, prior to being transferred or distributed to any Cannabis Facility.

### Section 10.02 **Certificate of Analysis.**

1. The Laboratory Testing Facility shall produce a written certificate of analysis detailing the results of all completed testing of all Batches and Lots cultivated or manufactured by any Cannabis Operator. Each certificate of analysis shall certify to the condition and calibration of all testing equipment utilized, and that such meets industry standard. The certificate of analysis shall, with supporting data, report the following for all tested Batches and Lots of Cannabis and Cannabis Product:
  - a. The concentrations of the following compounds:
    - i. Active Ingredients
      - A. Cannabinoids (in typical order of elution of reverse-phase liquid chromatography), including Cannabidiolic Acid (CBDA); Cannabigerol (CBG); Cannabidiol (CBD);  $\Delta$ 9-Tetrahydrocannabinol ( $\Delta$ 9-THC);  $\Delta$ 8-Tetrahydrocannabinol ( $\Delta$ 8-THC); Cannabigerolic Acid (CDGA); Cannabinol (CBN); and Tetrahydrocannabinolic Acid (THCA). Concentrations of the following may additionally be included in the testing and certificate of analysis: Cannabidivarin (CBDV);  $\Delta$ 9-tetrahydrocannabivarin ( $\Delta$ 9-THCV); Cannabichromene (CBC); Cannabidivarinic Acid (CBDVA); Tetrahydrocannabivarin (THCVA).

- B. Terpenoids (in typical order of elution on gas chromatography).
  - C. Decarboxylation (with decarboxylation calculations applied to THCA > THC conversions and the corresponding decarboxylations for CBDA and CBGA; the proper constant to use for the conversion is  $0.877 \times [\text{Cannabinoids Acid}] = [\text{Free Cannabinoid}]$ ).
- b. That the presence of the following contaminants does not exceed the levels indicated in the Cannabis Operator's approved Standard Operating Procedures for:
- i. Heavy metals, mercury, lead, cadmium, or arsenic;
  - ii. Foreign material such as hair, insects, or any similar or related adulterant;
  - iii. Microbiological impurities such as:
    - (1) Total aerobic microbial count (TAMC);
    - (2) Total yeast and mold count (TYMC);
    - (3) Escherichia coli;
    - (4) Salmonella spp.;
    - (5) Aflatoxin B1, B2, G1, and G2;
    - (6) Ochratoxin A.; and
    - (7) Pesticide residue.
- c. Whether the tested Batch displays normal characteristics of:
- i. Appearance; and
  - ii. Moisture content.
- d. Whether the tested Lot includes:
- i. Any residential solvent or processing chemicals; and
  - ii. Residual levels of volatile organic compounds (VOCs).

Section 10.03 **Methodology.** All sampling shall be completed according to a scientifically valid methodology.

Section 10.04 **Submission to Cannabis Operator.** Upon the completion of testing, the Laboratory Testing Facility shall provide the written certificate of analysis directly to the Cannabis Operator.

Section 10.05 **Copies to Commission.** The Cannabis Operator shall provide written certificates of analysis indicating that a Batch or Lot has failed to meet standards immediately. The Cannabis Operator shall provide written certificates of analysis for Batches and Lots indicating conformance with standards upon request of the Commission.

Section 10.06 **Cannabis Operator Determination That a Batch May be Released.** If the Cannabis Operator, upon review of the certificate of analysis, determines that a Batch or Lot meets the Cannabis Operator's Standard Operating Procedure specifications for the variety, the Cannabis Operator shall assign an expiration date and use by date to the Batch or Lot, release the Batch or Lot for distribution, and revise the status of the Batch or Lot in the inventory control system. If the Cannabis Operator, upon review of the certificate of analysis, determines that the test results do not meet the Cannabis Operator's Standard Operating Procedure specifications, the Cannabis Operator may rework or reprocess the Batch or Lot according to their Standard Operating Procedures. The reworked or reprocessed Batch or Lot shall be resampled and retested by the Laboratory Testing Facility to ensure that all required specifications are met.

Section 10.07 **Retention of Certifications of Analysis.** The Cannabis Operator shall retain every certificate of analysis for a period of at least five years.

Section 10.08 **Stability Testing and Retention Sampling.** The Cannabis Operator shall provide a sample from at least one Batch and Lot of every new Cannabis Product introduced by the Cannabis Operator to the Laboratory Testing Facility sufficient to perform stability testing at 6-month intervals to ensure product potency and purity, and provide support for expiration and use by dating.

Section 10.09 **Independence.** No employee conducting any testing at any Laboratory Testing Facility shall also be an employee of any Cannabis Operator or serve as a member of the Commission.

Section 10.10 **Remaining Samples.** Any sample remaining after testing shall be destroyed by the representatives of the Laboratory Testing Facility or returned to the Cannabis Operator, unless that sample does not meet the applicable standards established by these Regulations and the Cannabis Operator's Standard Operating Procedures, in which case it may be retained for purposes of retesting upon request of the Cannabis Operator.

Section 10.11 **Retesting.** If a sample inspected and tested under this Part does not meet the applicable health, safety, and potency standards established by these Regulations or the Cannabis Operator's Standard Operating Procedures, the sample may be retested at the request of the Cannabis Operator. In addition to the retest, or as an alternative thereto, the Cannabis Operator may also be permitted an opportunity to remediate the Batch or Lot from which the failed sample was taken. Also as an alternative to the retest, the Cannabis Operator may choose to declare the Batch or Lot out of compliance and have it destroyed and/or recalled in accordance with Section 3.14 [Destruction of Cannabis] and/or Section 3.17 [Cannabis Recall Process].



Section 10.12 **Potency and Purity.** Any statements regarding potency and purity of Cannabis or Cannabis Product shall be limited to those determined by testing and confirmed by a certificate of analysis.

## **PART 11: HOME POSSESSION CULTIVATION AND PERSONAL USE**

Section 11.01 **Home Cultivation Permitted.** The Cultivation of Cannabis for personal use may only occur in, or on the grounds of, a person's Private Residence. No individual under the age of 21 may Cultivate Cannabis for personal use.

Section 11.02 **Maximum Personal Cultivation.**

1. No person shall plant, cultivate, harvest, dry, process or possess more than three Mature Cannabis Plants and three Immature Cannabis Plants within any Private Residence or on the grounds of a person's Private Residence at any one time.
2. No more than six Mature Cannabis Plants and six Immature Cannabis Plants may be Cultivated, harvested, dried, or possessed within any Private Residence or on the grounds of a person's Private Residence at any one time.

Section 11.03 **Prohibition Against Sale.** Except for Retail Sales conducted through licensed Cannabis Facilities and licensed Cannabis employees, no person shall sell or barter any Cannabis seeds, Immature Cannabis Plant, Mature Cannabis Plant, or Cannabis, produced by a plant cultivated pursuant to this Part. This Section does not prohibit the transfer, without compensation, to a person twenty-one years of age or older, of up to three ounces of Cannabis and up to twenty-four grams of Concentrated Cannabis.

Section 11.04 **Home Processing.** No person shall process Cannabis at home by means of any liquid or gas, other than alcohol, that has a flashpoint below 100 degrees Fahrenheit.

Section 11.05 **Security and Screening.** Immature Cannabis Plants and Mature Cannabis Plants shall be stored in a secure location within a person's Private Residence or on the grounds of such person's Private Residence, and reasonable measures shall be taken to ensure that such plants, and any Cannabis cultivated from such plants, is not readily accessible to anyone under the age of 21. Such reasonable measures including, but are not limited to:

1. Conducting Cannabis Cultivation in an enclosed area, which may not be plainly visible from public view, including from the street of the Private Residence or grounds of the person's Private Residence, and in a reasonable manner that prioritizes attempts at mitigating Cannabis odor;
2. Installing and maintaining reasonable security device(s); and
3. Locking and storing Cannabis in a manner that prevents theft, loss, or access by an unauthorized person.

Section 11.06 **Lawful Possession and Use.** Cannabis and Cannabis Products involved in any way with conduct permitted under this Part is not subject to seizure, and no conduct permitted under this Part shall constitute the basis for detention, search, or arrest.

Section 11.07 **Schools, Libraries, Parks and Playgrounds.** Nothing in this Part shall be construed to permit any person to smoke Cannabis or Cannabis Products within 500 feet of any elementary or secondary school grounds, or the grounds of facility whose purposes is the education, or educational support, or pupils who are under the age of eighteen, including a playground, library and public park, except in or upon the grounds of a Private Residence and only if such smoking is not detectable by others on the grounds of such a school or facility while children are present.

## **PART 12: TAXATION**

Section 12.01 **Cannabis Excise Tax.** There is hereby imposed a Cannabis Excise Tax of Nine Percent of Seventy-Five Percent of the amount charged for the sale or transfer of Cannabis Product to a Cannabis Consumer under these Regulations.

Section 12.02 **Cannabis Retail Tax.** There is hereby imposed a Cannabis Retail Tax of thirteen percent of the amount charged for the sale or transfer of Cannabis Product to a Cannabis Consumer under these Regulations.

Section 12.03 **Tax Accrual.**

1. For Cannabis and Cannabis Product that is Cultivated, Manufactured, and sold to a Cannabis Consumer on Nation Lands, all taxes established and levied under this Part shall accrue at the time of Retail Sale to the Cannabis Consumer.
2. In the event that Cannabis or Cannabis Product is Cultivated and/or Manufactured on Nation Lands and then sold to manufacturers, distributors, or retailers not located on Nation Lands and not licensed under these Regulations, the Cannabis Excise Tax will accrue at the time of transfer to a manufacturer, distributor or retailer not located on Nation Lands.

Section 12.04 **Taxes Imposed Under Oneida Indian Nation Tax Ordinance.** All taxes established and levied under this Part are governed, imposed, and collected pursuant to the Oneida Indian Nation Tax Ordinance, Ordinance No.: O-13-01.

Section 12.05 **Tribal Membership Exemption.** Notwithstanding anything to the contrary contained in these Regulations, with respect to in-person retail sales of Cannabis or Cannabis Product occurring on Nation Land, the Cannabis Operator may exclude the amount of any taxes imposed under these Regulations, including the Cannabis Retail Tax, from sales made to an individual enrolled in a Federally recognized Indian tribe who shows evidence of enrollment at the time of the sale (“Tribal Membership Exemption”). However, with respect to in-person retail

sales of Cannabis or Cannabis Product occurring on Nation Land, the Tribal Membership Exemption shall be limited to nine ounces of Cannabis or 72 grams of Concentrated Cannabis per week per individual (in any given week).

## **PART 13: PENALTIES**

### **Section 13.01 Commission Authority and Procedure.**

1. In response to a violation of any provision of the Ordinance or these Regulations, the Commission is authorized to take enforcement action or impose penalties against the Cannabis Operator. Penalties may include one or more of the following: suspension, revocation, non-renewal, or denial of a Cannabis License or Cannabis License Card; referral to the Oneida Indian Nation Police Department; or any combination thereof.
2. The Commission may, in its discretion, impose multiple enforcement actions or penalties to be applied concurrently or consecutively.
3. No enforcement action or penalty shall be made until a five-day notice of enforcement action against the Cannabis Operator or individual employed by the same has been given by the Commission to the subject of the action personally, or by certified mail, return receipt requested, and reasonable opportunity to be heard thereon is afforded to the subject of the action. The notice shall set forth the specific violations, charges, or other reasons for the action.
4. The Commission may, in its sole discretion, consider additional factors in determining the penalty for each violation. Such factors may include, but are not limited to:
  - a. Any prior violations that the Cannabis Operator or individual employed by the same has admitted to or was found to have engaged in.
  - b. Good faith measures by the Cannabis Operator or individual employed by the same to self-report or prevent the violation.
  - c. The Cannabis Operator's or individual employed by the same's record of compliance with these Regulations.
  - d. Corrective action(s) taken by the Cannabis Operator or individual employed by the same related to the current violation or prior violations.
  - e. Willfulness and deliberateness of the violation.
  - f. Likelihood of reoccurrence of the violation.
  - g. Violations involving damage or danger to the life, health, welfare, safety or property of any person.

Section 13.02 **Adjudicatory Hearings.** A final enforcement action revoking or suspending a Cannabis License may be challenged by the Cannabis Operator in Oneida Indian Nation Court by filing with the Court a complaint pursuant to the Oneida Indian Nation Rules of Civil Procedure.