



Mille Lacs Band of Ojibwe
Department of Cannabis Regulation
Cannabis Regulations

BUSINESS LICENSING

Document No. CR – 2

Effective: *Date*

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1. PURPOSE

The purpose of this regulation is to set forth the standards, processes, and procedures by which: (1) applicants may seek non-transferable Business Licenses for the privilege of participating in Commercial Cannabis Activity under the laws and regulations of the Band, and (2) the Department shall review and process Business License applications, including determinations of an applicant's suitability to possess a License, consistent with the requirements under 15 MLBS §§ 1201-1225 (hereinafter referred to as the "Code").

2. BUSINESS LICENSE REQUIREMENTS AND ELIGIBILITY

2.1. Persons Required to Possess a Business License

- 2.1.1. Every Person seeking to engage in Commercial Cannabis Activity must obtain a Business License in the applicable category from the Department prior to engaging in any Commercial Cannabis Activity within Tribally Regulated Land.
- 2.1.2. Mille Lacs Corporate Ventures or any Band-owned subsidiary seeking to engage in Commercial Cannabis Activity must obtain a Business License in the applicable category from the Department prior to engaging in any Commercial Cannabis Activity outside of Tribally Regulated Land, but within the State of Minnesota.

2.2. Persons Eligible to Possess a Cannabis Business License

- 2.2.1. The following Persons are eligible for a Business License to engage in Commercial Cannabis Activity within Tribally Regulated Land, provided that they submit an application for a Business License to the Department, be determined suitable to possess a Business License by the Department in accordance with Section 3, and pay all applicable Business License fees:
 - a. Enrolled Mille Lacs Band members;
 - b. Mille Lacs Corporate Ventures; or
 - c. Any Band-owned subsidiary.
- 2.2.2. The following Persons are eligible for a Business License to engage in Commercial Cannabis Activity outside of Tribally Regulated Land, but within the State of Minnesota, provided that they submit an application for a Business License to the Department, be determined suitable to possess a Business



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License by the Department in accordance with Section 3, and pay all applicable Business License fees:

- a. Mille Lacs Corporate Ventures; or
- b. Any Band-owned subsidiary.

2.2.3. In addition to the eligibility requirements described in this Section 2, eligibility for a cannabis event organizer license is limited to the holder of a cannabis retail license (with or without on-site consumption) who seeks to host events on the retail premises for participants 21 years of age or older.

2.3. Types of Cannabis Business Licenses

2.3.1. Persons eligible and required to obtain a Business License may apply for a Business License from the Department in the following categories:

- a. Cannabis Cultivator
- b. Cannabis Manufacturer
- c. Cannabis wholesale;
- d. Cannabis retail (without on-site consumption);
- e. Cannabis retail (with on-site consumption);
- f. Cannabis testing;
- g. Cannabis event organizer;
- h. Lower-potency hemp edible manufacturer; and
- i. Lower-potency hemp edible retailer

2.3.2. The Department will develop Business License application forms unique to each Business License category that will allow the Department to adequately assess the suitability criteria specific to such category, consistent with the requirements of the Code and these Regulations.

2.3.3. The Department may issue Business Licenses in the categories provided under Section 2.3.1 above to Persons eligible and required to obtain a Business License engage in Commercial Cannabis Activity outside of Tribally Regulated Land, but within the State of Minnesota, provided that the Department issues



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such Licenses in the numbers and under the conditions, limitations, and categories as provided under the Compact.

3. SUITABILITY FOR A BUSINESS LICENSE

3.1. Suitability Determination Criteria

- 3.1.1. The Department shall find an applicant suitable to hold a Business License for engaging in Commercial Cannabis Activity only if such Person demonstrates to the satisfaction of the Department, in its sole discretion, all criteria under this Section 3.1.
- 3.1.2. The applicant must file with the Department a disclosure of ownership and control on a form prescribed by the Department confirming that the applicant has 51% or more ownership by an enrolled Mille Lacs Band member or 100% ownership by Mille Lacs Corporate Ventures or any Band-owned subsidiary, as applicable, in accordance with the Code.
- 3.1.3. Granting the applicant a Business License must not:
 - a. place the Band in violation of applicable Band law, grant or funding conditions, or inter-governmental compacts;
 - b. pose a threat to the public interest or health and welfare of the Band and its communities;
 - c. pose a threat to the effective regulation of cannabis by the Band; or
 - d. authorize the sale of cannabis in a casino or in an establishment physically attached to a casino.
- 3.1.4. All True Parties of Interest of the applicant must pass a Background Check showing they have not been convicted of a disqualifying offense.
- 3.1.5. The applicant's facilities must pass a Safety and Security Investigation, which at a minimum includes a review of the information required under Section 5.1 of these Regulations.
- 3.1.6. The applicant must submit a Complete Application demonstrating to the satisfaction of the Department that the applicant possesses the character, knowledge, experience, and financial capacity to successfully engage in the Commercial Cannabis Activity in the Business License category sought in



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accordance with the Code and these Regulations, and such application must include, at a minimum:

- a. the name, address, date of birth, and, if applicable, tribal identification number of the applicant;
- b. the disclosure of the ownership and control required under this Section;
- c. the specific Commercial Cannabis Activity proposed for licensure;
- d. the mailing and physical address of the cannabis business premises where the Commercial Cannabis Activities are intended to take place;
- e. standard operating procedures outlining that the intended methods for operation that are compliance with the Code and these Regulations, including any specific standard operating procedures required for the Business License category sought;
- f. a list of proposed employees, including their names, addresses, dates of birth, and photo government-issued identification demonstrating each individual is over 21 years of age;
- g. criminal background checks on all True Parties of Interest of the applicant consistent with the requirements of Section 4 of these Regulations;
- h. a safety and security plan that includes the information required under Section 5.1 of these Regulations;
- i. a floor plan identifying the square footage available and descriptions of each functional area of the cannabis business facility and premises;
- j. a copy of the applicant's business plan showing the expected size of the business; anticipated growth; the methods of record keeping; the knowledge and experience of the applicant and any officer, director, manager, and general partner of the business; the environmental plan; and other relevant financial and operational components;
- k. an explanation detailing the funding sources used to finance the business;
- l. certification that the applicant will comply with the requirements of this Code relating to the ownership and operation of a cannabis business;



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- m. a description of the training and education that will be provided, or has already been provided, to any employee regarding responsible cannabis use; and
- n. any other information required by the Department in its discretion relevant to the applicant's suitability for a Business License.

3.2. Suitability Determination Procedure

- 3.2.1. Upon submission of an application for a Business License, the Executive Director shall first review the application for completeness and shall provide notice to the applicant of whether the application is complete or incomplete with thirty (30) calendar days of submission of the application to the Department.
- 3.2.2. If an application is incomplete, the Executive Director shall provide the applicant with notice and a reasonable opportunity to remedy any deficiencies. If the applicant fails to remedy all identified deficiencies within 60 calendar days of receipt of notice of such deficiencies by the Executive Director, the Executive Director shall deny the application.
- 3.2.3. If the application is complete, the Executive Director shall provide the applicant with notice and shall prepare, or facilitate the preparation of, the following documents for review by the Board:
 - a. A Background Check Report for any True Party of Interest of the applicant.
 - b. The Safety and Security Check Report on the applicant's facility(ies).
- 3.2.4. The Executive Director shall review the application, Background Check Report(s), and Safety and Security Check Report, and such documents shall be the basis for the Executive Director to determine whether to recommend that the applicant is suitable for a Business License.
- 3.2.5. The Executive Director shall submit their recommendation to grant or deny the application to the Board for approval.
- 3.2.6. The Board shall consider the Executive Director's recommendation and may approve it, approve it subject to modifications or conditions, or reject it. The Board's decision on the Business License application shall be made within 30 calendar days of the applicant's submission of all required documentation to the Department, including a Complete Application.



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- 3.2.7. If the Board determines that an applicant is suitable for a Business License, it shall inform the applicant by letter, with a copy of its approved License enclosed. The License shall be effective on the date of approval by the Board.
- 3.2.8. If the Board determines that the applicant is not suitable for a License, the Board shall inform the applicant by letter. If the reasons for ineligibility are of a nature that are reasonably capable of cure, the Board may, at its discretion, provide the applicant notice of the reasons giving rise to its determination of unsuitability and, if the applicant so desires, it may resubmit its application for reconsideration within 30 days of receiving such notice.
- 3.2.9. If an applicant is deemed unsuitable by the Board with no further opportunity to cure, the Board shall inform the applicant by letter of its decision and retain the application fee.
- 3.2.10. The Department may require the submission of any additional documents, materials or information, and may conduct interviews of any Persons associated with the applicant, it deems reasonably necessary to make a suitability determination.

3.3. Business License Ineligibility; Default Unsuitability

An applicant shall be deemed unsuitable and its application for a Business License shall be denied if:

- 3.3.1. Any True Party in Interest of the applicant:
 - a. has knowingly made a false statement of a material fact or purposefully omitted a material fact in a License application;
 - b. has an outstanding arrest warrant or a felony criminal matter that has not been adjudicated;
 - c. is either openly associated with, or reasonably suspected to be associated with, any Illicit Organization;
 - d. is under twenty-one years of age;
 - e. is not eligible to work in the United States;
 - f. owes any fees to the Department; or
 - g. owes any taxes or other debt to the Band.



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3.3.2. Granting the applicant a Business License:

- a. places the Band in violation of applicable Band law, grant or funding conditions, or inter-governmental compacts;
- b. poses a threat to the public interest or health and welfare of the Band and its communities;
- c. poses a threat to the effective regulation of cannabis within the Band's Tribally Regulated Land; or
- d. authorizes the sale of cannabis in a casino or in an establishment physically attached to a casino.

4. BACKGROUND CHECKS FOR BUSINESS LICENSE APPLICANTS

4.1. Conduct of Background Checks

- 4.1.1. The applicant must facilitate the completion of a Background Check on all True Parties of Interest of the applicant, using the criteria outlined in this Section 4, through a third-party consumer reporting agency or background screening company that is in compliance with the federal Fair Credit Reporting Act and accredited by the Professional Background Screening Association. The Department may publish a list of approved third-party consumer reporting agencies and background screening companies for use by applicants.
- 4.1.2. Upon submission of its application to the Department, the applicant shall submit all required and completed Background Checks to the Department using instructions provided by the Department for secure transmission of the Background Checks.

4.2. Scope of Background Checks

- 4.2.1. For any True Party of Interest of the applicant, the Background Check completed by the third party shall cover all jurisdictions where the True Party of Interest has lived and worked (company headquarters and physical location) for the past seven years, and must include:
 - a. Address and social security number trace.
 - b. County criminal searches.
 - i. All jurisdictions provided and developed.



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- ii. All names provided and developed (include aliases).
 - iii. Minnesota county searches to be searched directly with public access terminals.
 - c. Statewide criminal searches.
 - i. Minnesota Judicial Branch, Minnesota Court Records Online on all applicants.
 - ii. New York Office of Court Administration required if applicant lived and/or worked in New York state for the past seven years.
 - d. Federal criminal searches.
 - i. All jurisdictions provided and developed.
 - ii. All names provided and developed (include aliases).
 - iii. Minnesota federal on all applicants.
 - e. A Mille Lacs Band Tribal Court criminal search.
 - f. Nationwide criminal database (multijurisdictional).
 - i. All names provided and developed (include aliases). Reporting requirements must include primary source validation in courts or record of origin.
- 4.2.2. For any True Party of Interest of the applicant, the Department may:
- a. verify, question, and interview any Person listed as a reference by the applicant in its application;
 - b. conduct a financial and credit check; and
 - c. conduct any other investigation deemed necessary or appropriate by the Department.

4.3. Background Check Standards

A True Party of Interest of the applicant must not have a disqualifying offense listed under Minnesota Rules, Section 9810.1001, subparts 1-3, including an offense under the laws of the Band that includes the same elements that those listed under Minnesota Rules, Section 9810.1001, subparts 1-3.



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4.4. Background Check Reports

- 4.4.1. Once the Background Checks are submitted by an applicant, the Department shall produce a Background Check Report for each True Party in Interest of the applicant.
- 4.4.2. A Background Check Report shall include:
 - a. the results of the Background Check;
 - b. a statement about whether the True Party in Interest has satisfied the applicable standards outlined in Section 4.3;
 - c. the conclusions reached based on the results of the Background Check; and
 - d. the justifications for such conclusions.
- 4.4.3. The Background Check Report shall be made available to the Board for use in making suitability determinations.

4.5. Prior Obtained Backgrounds

- 4.5.1. Background Check Reports shall be valid for 90 days.
- 4.5.2. The Department may use all relevant materials from such Background Check Reports in making additional suitability determinations.

5. SAFETY AND SECURITY CHECKS FOR BUSINESS LICENSE APPLICANTS

5.1. Conduct of Safety and Security Checks

- 5.1.1. The Department shall conduct a Safety and Security Check on the applicant as part of its suitability determination.
- 5.1.2. In performing a Safety and Security Check, the Department shall at a minimum review:
 - a. the safety and security plan submitted with the application;
 - b. if required to be submitted in association with an application, the building plans and specifications of the proposed cannabis facility(ies); and
 - c. the lighting plan submitted with the applicant's application.



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- 5.1.3. In reviewing the plans submitted as part of the application, the Department shall ensure to its satisfaction, before issuing a License, that the proposed cannabis facility(ies), and the planned Commercial Cannabis Activity to occur therein, meets or exceeds the relevant facility and operational standards of the cannabis facility(ies), as provided in the Code and these Regulations.

5.2. Safety and Security Check Reports

- 5.2.1. Once a Safety and Security Check is complete, the Department shall produce a Safety and Security Check Report.
- 5.2.2. A Safety and Security Check Report shall include:
- a. the results of the Safety and Security Check;
 - b. the conclusions reached based on the results of the Safety and Security Check;
 - c. the justifications for such conclusions; and
 - d. any recommendations or requirements for obtaining a License with which the applicant must comply prior to obtaining a License.
- 5.2.3. The Safety and Security Check Report shall be made available to the Board for use in making suitability determinations.

6. BUSINESS LICENSE RENEWALS AND FORM, DELIVERY, AND DISPLAY OF LICENSES

6.1. Business License Renewals

- 6.1.1. Business Licenses must be renewed annually.
- 6.1.2. No less than 30 and no more than 90 days prior to the expiration of its License, a Licensee must submit to the Department an application for renewal of its Business License on a form provided by the Department for that purpose.
- 6.1.3. The form referenced in Section 6.1.2 shall include instructions for the Licensee to submit any changes to the Licensee's status; state that failure to declare any such changes in status is a violation of Department Regulations subject to fine, suspension or revocation; and provide instructions for payment of renewal application fees to the Department.



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- 6.1.4. Suitability determinations are not required for Business License renewal applications but may be performed at the discretion of the Department.

6.2. Form, Delivery, and Display of Licenses

- 6.2.1. Business Licenses shall include on the face of the License the name of the Licensee, the category of Business License for which the Licensee is approved, the signature of the Executive Director, a unique Business License number, and the expiration date of the Business License.
- 6.2.2. Licensees shall obtain their Business Licenses in a digital format from the Department. The Business License will be emailed by the Department to the provided contact information on the submitted license application.
- 6.2.3. All Licensees must display their Business License in a conspicuous location in a Public Access Area. If the Licensee does not have a Public Access Area, the Business License may be displayed in a conspicuous location in a Limited Access Area.

7. TRANSPORT ENDORSEMENTS

7.1. Persons Required to Possess a Transport Endorsement

- 7.1.1. Every Person who transports immature cannabis plants and seedlings, cannabis flower, and cannabinoid products to a destination located outside the Band's Tribally Regulated Land, to a location inside the Band's Tribally Regulated Land from an origin located outside the Band's Tribally Regulated Land, or to and from locations within the Band's Tribally Regulated Land, must be in possession of a Transport Endorsement.

7.2. Persons Eligible to Possess a Transport Endorsement

- 7.2.1. To be eligible for a Transport Endorsement, a Person must be eligible to receive a Business License in the category of cannabis cultivator, manufacturer, retailer, or wholesaler.

7.3. Obtaining a Transport Endorsement

- 7.3.1. An eligible Person must submit for a Transport Endorsement in its application for a Business License in the categories of cannabis cultivator, cannabis manufacturer, cannabis retailer, or cannabis wholesaler.



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- 7.3.2. If already in possession of a Business License in the categories of cannabis cultivator, cannabis manufacturer, cannabis retailer, or cannabis wholesaler, the Licensee must submit an application for a Transport Endorsement.
- 7.3.3. All Persons, in order to obtain a Transport Endorsement, must be determined suitable to possess a Transport Endorsement by the Department in accordance with this Section 7.
- 7.3.4. All Persons, in order to obtain a Transport Endorsement, must pay all required License application fees.

7.4. Suitability Determinations for Transport Endorsement

- 7.4.1. If the applicant is requesting a Transport Endorsement, whether in conjunction with an application for a Business License or separately after securing a Business License, the Department shall grant the applicant a Transport Endorsement if the applicant is deemed suitable for the Business License and satisfies the following criteria through an application to the Department:
 - a. the applicant demonstrates to the satisfaction of the Department that the applicant will comply with applicable transportation requirements outlined in Section 1216(b) of the Code;
 - b. the applicant provides a current and accurate list of all Employees of the applicant who will be responsible for physically transporting cannabis product;
 - c. the applicant provides current and valid state-issued driver's license for each Employee of the applicant who will be responsible for physically transporting cannabis product; and
 - d. the applicant provides a motor vehicle report obtained in association with the Background Check for each Employee of the applicant who will be responsible for physically transporting cannabis product that evidences that each Employee can safely and securely transport immature cannabis plants and seedlings, cannabis flower, and cannabinoid products.

7.5. Transport Endorsements Do Not Require Renewal

A Transport Endorsement shall automatically renew with the renewal of the Business License to which it is attached, provided however that the Department shall reserve the



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right to terminate a Transport Endorsement based on good cause, without revoking or non-renewing the Business License to which it is associated.

7.6. Form of Transport Endorsements

- 7.6.1. A Business Licensee with a Transport Endorsement shall be indicated as such on the face of the Business License.
- 7.6.2. The full names of all individuals with a Transport Endorsement who are authorized to perform the physical transport of immature cannabis plants and seedlings, cannabis flower, and cannabinoid products on behalf of the Licensee shall be listed on the face of the Licensee's Business License.

7.7. Delivery of Business Licenses with Transport Endorsements

The Department shall send, or arrange for the pick-up of, a Business License whenever Transport Endorsements associated with such License are added, terminated, or otherwise modified. Licensees shall obtain their Business Licenses in a digital format from the Department. The Business License will be emailed by the Department to the provided contact information on the submitted application.

8. FORGIVENESS POLICY

8.1. Purpose

The purpose of this Section 8 is to provide the Department the discretion to waive certain disqualifications for applicants seeking a Business License, based on good cause, and in recognition of the national trend toward felony forgiveness, particularly with regard to cannabis-related felonies, as a form of social equity.

8.2. Criteria a Forgiveness Waiver

- 8.2.1. The Department may grant a forgiveness waiver forgiving a disqualifying offense(s) to a True Party of Interest who has committed a disqualifying offense under Section 4.3 that would otherwise render an applicant ineligible for a Business License ineligible if the True Party of Interest can prove, to the reasonable satisfaction of the Department:
 - a. That the applicant for a Business License satisfies all other eligibility criteria for a Business License, as applicable, and the only reason the Department would deny licensure is because of a disqualifying offense.



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- b. The number of disqualifying offenses for which the True Party of Interest was convicted do not demonstrate a propensity or pattern of engaging in unlawful behavior.
- c. The amount of time that has passed since the offense or completion of the sentence, including the age of the True Party of Interest at the time the offense was committed, is sufficient to demonstrate rehabilitation, and that it is unlikely the True Party of Interest or Employee will commit another offense while in possession of a Business License.
- d. All circumstances relative to the disqualifying offense, including mitigating circumstances or social conditions surrounding the commission of the crime, suggest that the offense was not representative of the True Party of Interest's character.
- e. The True Party of Interest has provided sufficient evidence to the Department to demonstrate he or she is fit to comply with applicable law and discharge the responsibilities and privileges of holding a License without posing a risk to the health and safety of the public or the integrity of Commercial Cannabis Activity. Evidence of suitability may include personal and professional references, demonstrated patterns of good behavior, community service, self-reflection activities, honorable discharge from the armed forces, a release order from a local, state, or federal jurisdiction, evidence showing that since release from incarceration there have been no subsequent convictions, compliance with all terms of probation or parole, record of discharge showing completion of probation or parole, post-conviction employment history, and post-conviction education and/or training.

8.3. Department Procedure for Granting a Forgiveness Waiver

- 8.3.1. If the Department discovers that a True Party of Interest has a disqualifying offense under Sections 4.3 during review of a License application, it shall:
 - a. Direct the True Party of Interest to this Forgiveness Policy and the criteria set forth herein.
 - b. Advise the True Party of Interest that cooperation with this Section 8 is a condition of being considered for a Business License if the individual is a True Party in Interest.



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- c. Advise the True Party of Interest that records and other documentation of the disqualifying offense and rehabilitation and other mitigating factors must be provided to the Department within two (2) weeks of request by the Department, and that extensions of that time are available upon request for a True Party of Interest actively seeking to gather the records and documents who require additional time.
- d. Advise the True Party of Interest that the Department is available to answer any questions about what additional records and documentation they may need to provide.
- e. Advise the True Party of Interest that the Department will consider the criteria herein, and the records and other documentation they provide, to determine whether granting them a forgiveness waiver would be appropriate.

9. MISCELLANEOUS LICENSING MATTERS

9.1. Provisional Licenses

The Department recognizes any provisional licenses issued by the Band Assembly pursuant to Section 1224 of the Code. After expiration of a provisional license issued by the Band Assembly authorizing a Person to conduct Commercial Cannabis Activity, any such Person must hold a valid Business License issued by the Department pursuant to these Regulations in order to engage in Commercial Cannabis Activity.

9.2. Temporary Retail Licenses

- 9.2.1. Temporary Retail Licenses and endorsements, not to exceed 60 days, may be issued during the pendency of Background Checks for good cause at the discretion of the Department to Persons seeking a Business License in the cannabis retail category.
- 9.2.2. The Department may, at its discretion and based on an initial determination of suitability, issue a Temporary Retail License to an applicant for the purpose of authorizing the applicant to engage in pre-sales activities, provided that a full Business License shall be required prior to the applicant opening to the general public or selling Cannabis Product or Cannabis Flower to a third-party.
- 9.2.3. The applicant must pass a Safety and Security Check prior to being granted a Temporary Retail License.



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9.3. Conditional Licenses

The Department may, at its discretion and based on the totality of the circumstances, issue a Conditional License, not to exceed 120 days, to a Person that the Department has determined violated the Code or these Regulations, but desires to allow the Licensee to continue to engage in Commercial Cannabis Activity under certain conditions to ensure compliance.

9.4. Licensee Continuing Duties

- 9.4.1. Licensees have a continuing duty to disclose information required by the Department and to fully cooperate in any investigation conducted by or on behalf of the Department.
- 9.4.2. If any information provided by a Licensee to the Department at any time changes or becomes inaccurate or outdated in any way (including but not limited to information provided during the original Background Check, renewal, or subsequent investigation) so that updates become necessary, the Licensee shall promptly provide written notification to the Department.



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Appendix A – Definitions

The Department intends to develop a separate MLBO Cannabis Regulation that sets forth all relevant definitions for the Cannabis Regulations. However, in the interest of encouraging robust notice and comment, the Department is providing the following definitions of terms that are found in this Licensing Regulation:

The following terms used through this regulation shall have the following meanings:

- (1) “Background Check” means an examination of the civil, criminal, and financial history of a True Party of Interest of a Business License applicant or an Employee of the holder of a Business License in order to determine if the applicant or Employee is suitable for a License. The results of a Background Check serve as the informational basis of a Background Check Report.
- (2) “Background Check Report” means a report summarizing a Background Check in association with a License suitability determination.
- (3) “Band” means the Mille Lacs Band of Ojibwe, a federally recognized Indian tribe.
- (4) “Board” means the Department of Cannabis Regulation Board established pursuant to the Code.
- (5) “Business License” means permission to operate a cannabis business in a specific category issued by the Department pursuant to the Code and the Regulations.
- (6) “Cannabis Flower” means the harvested flower, bud, leaves, and stems of a cannabis plant. Cannabis flower includes adult-use cannabis flower and medical cannabis flower. Cannabis flower does not include cannabis seed, industrial hemp, or hemp-derived consumer products.
- (7) “Cannabis Product” means:
 - a. cannabis concentrate;
 - b. a product infused with cannabinoids, including but not limited to tetrahydrocannabinol, extracted or derived from cannabis plants or cannabis flower;
 - c. any other product that contains cannabis concentrate; or
 - d. a product infused with artificially derived cannabinoids; and includes adult-use cannabis products, including but not limited to edible cannabis products and medical cannabinoid products, and does not include cannabis flower, artificially derived cannabinoid, lower-potency hemp edibles, hemp-derived consumer products, or hemp-derived topical products.
- (8) “Code” means the Department of Cannabis Regulation Code, 15 MLBS §§ 1201-1225.
- (9) “Commercial Cannabis Activity” means cannabis cultivation activities, cannabis manufacturing activities, cannabis wholesale activities, cannabis retail activities, cannabis testing activities, cannabis event organizing activities, lower-potency



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- hemp edible manufacturing activities, and lower-potency hemp edible retail activities.
- (10) “Compact” means the Cannabis Compact between the Mille Lacs Band of Ojibwe and the State of Minnesota.
 - (11) “Complete Application” means an application that includes all information submitted by the applicant as required by the Code and under these Regulations in a form or forms prescribed by the Department.
 - (12) “Department” means the Mille Lacs Band of Ojibwe Department of Cannabis Regulation.
 - (13) “Employee” means a natural person who participates in Commercial Cannabis Activity on behalf of a Licensee, including a Key Employee, who is not a True Party in Interest. An “Employee” includes employees, independent contractors, paid or unpaid interns, volunteers or any other person in privity of contract with a Licensee who (i) regularly perform job duties at or within a cannabis facility, or (ii) qualifies as a Key Employee, irrespective of whether he or she regularly performs job duties at or within a cannabis facility.
 - (14) “Employee License” means permission to be employed by a cannabis business operating under a Business License issued by the Department pursuant to the Code and the Regulations.
 - (15) “Employee Licensee” means the holder of an Employee License issued by the Department.
 - (16) “Executive Director” means the Executive Director of the Department established under the Code, or his or her designee.
 - (17) “Illicit Organization” means any organization that operates in contravention of Band law, or in contravention of state or federal law not in conflict with Band law, including but not limited to criminal enterprises, gangs, cartels or other organizations participating in, or aiding and abetting, criminal activity.
 - (18) “Key Employee” means an Employee who has day-to-day management responsibilities over the staff, finances, inventory or business operations of a Licensee. It includes the general and assistant managers of the Licensee, and if otherwise not included, the two most highly compensated Employees of the Licensee. It also includes any Employee who is determined to be a Key Employee by the Department.
 - (19) “License” means a Business License or an Employee License.
 - (20) “Licensee” means the holder of a Business License issued by the Department.
 - (21) “Limited Access Area” means those areas of a Licensee’s facility that are accessible only by individuals who are over 21 years of age.
 - (22) “Person” means any natural person, corporation, limited liability company, trust, joint venture, association, company, partnership, governmental authority, or other business entity.



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- (23) The phrase “Privity of contract,” as used in association with the definition of an Employee refers to any individual who is in a contractual relationship with a cannabis business, including individuals who are bound by duties or obligations to, or in association with, a corporate charter, operating agreement, partnership agreement or other governing document of a Licensee.
- (24) “Public Access Area” means those areas of a Licensee’s facility that are open to the general public and not constituting a Limited Access Area.
- (25) “Regulation” or “Regulations” mean the regulations promulgated by the Department to implement the Code.
- (26) “Safety and Security Check” means the Department’s review of an applicant’s safety and security plan, lighting plans and applicable building plans and specifications and in association with a proposed cannabis facility. The results of the Safety and Security Check serve as the informational basis of a Safety and Security Check Report.
- (27) “Safety and Security Check Report” means the report summarizing a Safety and Security Check.
- (28) “Transport Endorsement” means a Business License designation authorizing an eligible Licensee to engage in the transport of immature cannabis plants and seedlings, cannabis flower, and cannabinoid products.
- (29) “Tribally Regulated Land” shall mean:
 - a. all land held in trust by the United States for the benefit of the Band;
 - b. all land held by the Band in restricted fee status; and
 - c. all land within the exterior boundaries of the 1855 Mille Lacs Reservation that is subject to the civil regulatory jurisdiction of the Mille Lacs Band of Ojibwe Tribal Government. For the purposes of this definition, land that is subject to the civil regulatory jurisdiction of the Band includes:
 - i. trust land, or fee land held (including leased land) by the Band, entities organized under Band law, or individual Indians; and
 - ii. land held (including leased land) by non-Indian entities or individuals who consent to the civil regulation of the Band or are otherwise subject to such regulation under federal law.
- (30) “True Party of Interest” has the meaning ascribed to that term under Minnesota Statutes, section 342.185, subd. 1(g).
- (31) “Vendor Licensee” means the holder of a Vendor License issued by the Department.