

**Seneca Nation Hemp Production Rules: Final Rule**

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## **Chapter 1. PURPOSE**

The Seneca Nation intends to implement a strong and effective Hemp regulatory and enforcement system that will preserve the public safety and health of its members.

## **Chapter 2. AUTHORITY**

The Seneca Nation exercises regulatory authority over the production of Hemp in accordance with the Seneca Nation Hemp Production Ordinance, which controls and governs the production of all Hemp on Seneca Nation Territory. Individuals and business entities interested in producing Hemp on Seneca Nation Territory must possess a valid Seneca Nation Hemp Producer License. Furthermore, the HCA may promulgate rules pursuant to §6.03. of the Hemp Production Ordinance to appropriately carry out the provisions therein.

## **Chapter 3. DEFINITIONS**

- A. “Committee” means the Seneca Nation Hemp License Appeals Committee.
- B. “DEA” means United States Drug Enforcement Administration.
- C. “Growth medium” means soil, or the solid, liquid or semi-solid substance used to support the growth of the plant.
- D. “Licensee” means a Person that has been duly licensed by the HCA to produce Hemp on Seneca Nation Territory.
- E. “Personal Protective Equipment” means protective clothing, helmets, goggles, or other garments or equipment designed to protect the wearer's body from injury or infection. The hazards addressed by protective equipment include physical, electrical, heat, chemicals, biohazards, and airborne particulate matter.
- F. “Pest” means any objectionable insect or other animal including but not limited to birds, rodents, flies, mites, and larvae.
- G. “Physical plant or facility” means all or any part of a building or facility used for or in connection with manufacturing, processing, packaging, labeling, or storage of hemp products or ingredients.
- H. “Quality Management Systems” means a planned and systematic operation or procedure for ensuring the quality of a hemp product. Quality Management Systems means the same as Quality Control (QC).
- I. “Quality Management Systems personnel” means any person, persons, or group, within or outside the organization, designated to be responsible for quality control operations. Quality Management Systems personnel means the same as quality assurance (QA) and quality control (QC) personnel.

- J. “Reserve sample” means a representative sample of product that is held for a designated period of time.
- K. “Sanitize” means to adequately treat cleaned equipment, containers, utensils, etc. or any other cleaned contact surface by a process that is effective in destroying vegetative cells of microorganisms of public health significance, and in substantially reducing numbers of other microorganisms, but without adversely affecting the product or its safety for the consumer.
- L. “Seed source” means the origin of the seed or propagules as determined by valid certification or other pertinent documentation as determined by the HCA.
- M. “Seneca Nation Business Day” means that dates and any corresponding holidays follow the established calendar adopted by the Seneca Nation.
- N. “Tetrahydrocannabinol (THC)” is an intoxicating crystalline compound found in the genus Cannabis.
- O. “USC” means United States Code.
- P. “USD” means United States Dollar.

#### **Chapter 4. HEMP PRODUCER APPLICATION**

1. Completed Hemp Producer application or renewal application, required forms and documents must be received by the HCA by the timeframes established in the application and rules thereof.
2. Where the due date for required forms is delineated by “Seneca Nation Business Day” or “Seneca Nation business day” it is the responsibility of the Applicant or Licensee to ensure their understanding of the Seneca Nation Calendar.
3. Completed Application and required forms and documents shall be delivered to:
  - a. Mail: Hemp Compliance Administrator, 90 Ohi:yo’ Way, Salamanca, NY 14779;
  - b. Email: [SNCannabisDept@sni.org](mailto:SNCannabisDept@sni.org);
  - c. In-person via scheduled appointment: 90 Ohi:yo’ Way, Salamanca, NY 14779
    - i. Or by mail, postmarked for the date it is due.
      1. If applicable, keep a copy of the mail receipt and tracking number for your records.
4. New applications shall be accepted on a rolling basis.
5. License renewal and Deadline:
  - a. Licenses do not automatically renew;
  - b. Licenses shall be valid until December 31 of the year three years after the year in which license was issued;
  - c. Renewal applications and fees must be fully received by 4:30pm Eastern Standard Time and no later than thirty (30) Seneca Nation business days prior to license expiration date;
  - d. If the deadline falls on a weekend, Seneca Nation or Federal Holiday, the following Seneca Nation business day will stand as the deadline;

- e. Completed renewal forms may be submitted within the same parameters as Chapter 4. (3)(a)(b)(c) of this document.
- 6. The HCA may deny licensure that fails to meet the deadlines established in the Application; or is incomplete, inaccurate, or illegible.
- 7. Each Applicant shall pay a Producer Application fee of four-hundred-dollars (\$400.00 USD);
  - a. The fee is non-refundable;
  - a. The payment shall be submitted to the Cannabis Department via check, certified check, or money order.
  - b. Receipt shall be issued by HCA for payment(s) received.
  - c. Licensure may be denied without proper payment.
- 8. Included with the Hemp Producer License Application Form, the Applicant shall submit, at a minimum:
  - a. If the Applicant is an individual:
    - i. The Applicant's (non-business entity) full name (first, middle, and last name);
    - ii. Residential address (street, city, and zip code);
    - iii. Mailing address (street, city, and zip code) (if applicable);
    - iv. Primary telephone number; and
    - v. Email address (if available).
  - b. If the Applicant is a business entity:
    - i. Applicant's primary contact name (first, middle, last);
    - ii. Applicant's primary contact residential address (street, city, state, zip code);
    - iii. Full name of business entity;
    - iv. Employer identification Number (EIN);
    - v. Principal business address (street, city, state, zip code);
    - vi. Principal business telephone number;
    - vii. Business email address (if available); and
    - viii. List the full names and title of Key Participant(s).
  - c. Applicants shall obtain and submit their Federal Bureau of Investigation (FBI) criminal identity history summary.
    - i. The cost of attaining a criminal background check is upon the individual.
      - 1. Electronic records sent from the FBI are acceptable.
    - ii. Criminal background checks are required when applying for licensing, renewal, or submitting material changes to any Key Participant listing.
  - d. Copy of deed or valid lease with legal land description.
  - e. Copy of Seneca Nation Pesticide Use Permit, or a pesticide non-use or anticipated pesticide use statement;
    - i. The pesticide statement shall either declare explicit non-use or a brief description of anticipated use as described in the Seneca Nation Pesticide Ordinance.
    - ii. It is the licensee's responsibility to adhere to timelines established in the Seneca Nation Pesticide Ordinance.
  - f. Completed Seneca Nation Environmental Impact Assessment Form (long form).
  - g. Digital signatures are accepted.

- h. The HCA is not responsible for applications, attachments, or payments lost in the mail or not received.
- 9. Application Review and Notification
  - a. The HCA or its designee will issue a license decision on a new application within thirty (30) Seneca Nation business days of receipt of all documents.
  - b. The HCA or its designee will issue a license decision on a renewal application within fifteen (15) Seneca Nation business days of receipt of all documents.
  - c. A Notice of Completion will be issued to the Applicant from the HCA or its designee once all application materials are successfully received in complete form.
  - d. A Notification of Decision letter shall be sent to the Applicant by the HCA or its designee.
  - e. The HCA or its designee may deny any license application that fails to meet the deadlines established.

## **Chapter 5. LOCATION ID FORM**

- 1. The Hemp Producer Application shall have a Location ID Form attached for each commensurate Lot or Building to be Licensed for production, and each Lot or Building where hemp may be produced, handled, or stored.
- 2. Transplanting from a registered greenhouse or registered indoor production site shall require a Location ID Form for movement of transplants under the same duly licensed property to establish a new or separate Lot. The Location ID for this purpose shall be done at least five (5) Seneca Nation business days prior to movement of transplants.
- 3. Location ID Form contents:
  - i. Applicant's name;
  - ii. Applicant's address (Street, City, State, and Zip Code);
  - iii. Applicant's phone number;
  - iv. type of submittal (new, renewal, or material change);
  - v. GIS appointment date:
    - 1. With month, day, and year;
    - 2. Time;
    - 3. On-time;
    - 4. Re-schedule;
    - 5. Re-schedule date and time;
  - vi. GIS Dept. Employee Name (conducting reading);
  - vii. GIS assigned Lot / Building Location ID;
  - viii. GPS Coordinates;
  - ix. Mapping:
    - 1. Number of maps for Location ID:
      - a. Printed;
      - b. Digital Export
- 4. Process to obtain Location ID:
  - i. Schedule an appointment with Seneca Nation's GIS Department.

- ii. Separate form is required for each Location ID.
  - iii. Applicant shall obtain or produce deed verification of legal ownership of entire property to be used or valid lease with written declaration of use of property for production of Hemp.
  - iv. Applicant obtain GPS readings of production, handling, storage, and other site(s) on property to be used for production of Hemp, from Seneca Nation GIS.
  - v. GIS will assign the LOCATION ID.
    - 1. Example: (Territory\_Lieber\_Page\_LastName\_GrowingOperation)
      - c. O\_L45\_P025\_Stark\_Field\_1)
      - d. XXXXXXXXXXXXXXXXXXXX\_Storage\_3
  - vi. Outdoors: GIS will create an outdoor map from standard template with required content shown in the outdoor mapping examples.
    - 1. GIS will provide map to the Applicant in requested format (print/export).
    - 2. Applicant will submit map(s) to the HCA.
  - vii. Indoors: Applicant will sketch an indoor mapping of hemp producing Lot(s), handling site(s), storage site(s), within declared building on Location ID Form.
    - 1. Applicant will submit sketch to GIS for formatting.
    - 2. GIS will provide to Applicant in requested format (print/export).
    - 3. Applicant will submit map(s) to HCA.
5. Re-schedule Location ID appointment:
- i. In the case the initial appointment may not be kept by either party, a prompt re-schedule shall be determined by both parties.
  - ii. Excessive re-schedules are at the discretion of the GIS Department and HCA.
  - iii. Failure to obtain Location ID within acceptable timeframe may be subject to further action by the HCA.

**Chapter 6. MATERIAL CHANGE**

- 1. The Applicant or Licensee shall report any material changes via submission of a Statement of Material Change to the HCA. Material changes include, but are not limited to: application information contents, business operations, Key Participants, Location ID, and any other information that may alter the way their Hemp Production License is regulated.
- 2. Notification for material changes shall be given within five (5) Seneca Nation business days of the material change.
- 3. Statement of Material Change:
  - a. The statement shall be from the: Applicant, Licensee, or Key Participant only.
    - i. It shall outline any pertinent changes required to be disclosed, including but not limited to:
      - 1. Individual name changes;
      - 2. Entity name changes;
      - 3. Ownership change;

4. Land ownership or lease changes;
  5. Any address change;
  6. Any mailing address change;
  7. Telephone number change;
  8. Email address change; or
  9. Key Participant change.
- ii. Modification of Location ID:
1. Notification of anticipated GPS material change or any other Location ID information change shall be via submission of Statement of Material Change and a Location ID Form, which must be given to HCA for approval within five (5) days of change or sooner if feasible.
  2. Modification to alter a Lot for growing operations must have new GPS readings done.
    - a. Modification to a growing operation Lot by reason of disposal shall follow Section 5.04 of the Ordinance and Chapter 14 of this document.
  3. Modification to storage, handling, or marketing operations shall have new GPS readings done when there is a new or separate building that requires a Location ID.
  4. Modification to a building by reason of deletion shall require notification to HCA within established notification period and without a charge to modify this type of GPS reading change.
- b. Failure to give notice of material changes to the HCA within the established due date may be subject to further action by the HCA.

## **Chapter 7. PERSONNEL**

Employees who grow, process, package, or label hemp shall be qualified to do so, and those responsible for quality control or performing any quality control operations must have the education, training, or experience to perform the assigned functions.

### **a. Sanitization Measures for Personnel**

Employees shall:

- i. Notify their supervisor if there is a possibility that they have an illness, infection, open lesion, or any other abnormal source of contamination for potential removal from operations;
- ii. Wear outer garments in a manner that protects against the contamination;
- iii. Maintain adequate personal cleanliness;
- iv. Maintain thorough hand washing practices, sanitizing (if necessary), in a hand-washing facility or adequate apparatus;
- v. Remove or cover all unsecured jewelry and other objects that might fall into components, hemp, equipment, or packaging;
- vi. Using nitrile gloves when appropriate;

- vii. Wearing hair nets, caps, beard covers, shoes, PPE, etc. (where appropriate).

**b. Personnel and Employee Safety Measures**

Safety measures shall include the following:

- i. Appropriate and adequate first aid equipment;
- ii. Adequate bathrooms and changing rooms;
- iii. Appropriate OSHA or other safety warnings, labels, and training;
- iv. Appropriate personal protective equipment and training; and
- v. Appropriate farm equipment training.

**c. Personnel Training Records**

- i. Records shall be maintained of all training provided to employees for the performance of all assigned functions for three (3) years.

**Chapter 8. PLANTING, HARVEST, LOSS & THEFT, AND VOLUNTEER CANNABIS REPORTS**

**A. Planting Report**

1. Licensee shall provide the HCA a copy of each Crop Acreage Report filed with the Farm Service Agency within five (5) Seneca Nation business days of filing with the FSA.
  - a. Licensee is responsible for adhering to FSA Crop Acreage Report (Form: FSA-578) deadlines.
2. Licensee shall provide the HCA a Seneca Nation Planting Report within fifteen (15) Seneca Nation business days of planting;
  - a. The report shall include, but not limited to:
    - i. Licensee's name;
    - ii. Licensee's Address;
    - iii. License number;
    - iv. Delineate indoor or outdoor production;
    - v. Location ID;
    - vi. Planting date;
    - vii. Varietal name;
    - viii. Purpose (grain, fiber, flower, seed, propagule, or microgreen);
    - ix. Seed or propagule source business name, address; verification document of Seed source; and
    - x. Acres or square feet planted;

**B. Harvest Report**

1. Notice of Harvest shall be sent to the Cannabis Department at least thirty (30) prior to intended harvest date.
2. Licensee shall provide the HCA a Harvest Report within fifteen (15) Seneca Nation business days of harvest.



- a. The report shall include, but not limited to:
  - i. Licensee's name;
  - ii. Licensee's Address;
  - iii. License number;
  - iv. Delineate indoor or outdoor production;
  - v. Location ID;
  - vi. FSA Field/Lot name;
  - vii. Varietal name;
  - viii. Purpose (grain, fiber, flower, seed, propagule, or microgreen);
  - ix. Acres or square feet harvested;
  - x. Date of harvest;
  - xi. Notation of complete harvest; or
  - xii. Notation of failed harvest or disposal required.

### **C. Loss & Theft Report**

1. A licensee shall notify and document theft or loss of hemp with the HCA within five (5) Seneca Nation business days of occurrence.
  - a. The report shall include, but not limited to:
    - i. Licensee's name;
    - ii. Licensee's Address;
    - iii. license number;
    - iv. Full name and title of person reporting the incident;
    - v. Delineate indoor or outdoor production;
    - vi. Location ID;
    - vii. Varietal name;
    - viii. Purpose (grain, fiber, flower, seed, propagule, or microgreen);
    - ix. Acres or square feet being reported; and
    - x. Date of occurrence, if known.
  - b. Any substantiating information or documentation shall be included with report.
2. Hemp plants that require removal/disposal as a result of poor plant health, pests, disease, or weather events, along with removal of male or hermaphrodite plants as a part of cross-pollination prevention plan, or plants that cannot be construed as non-compliant hemp are not subject to the disposal requirements of non-complaint hemp.

### **D. Volunteer Cannabis Report**

1. The Licensee shall scout and monitor licensed outdoor field operations and surrounding areas of land under the control of the Licensee for the duration of a valid license for volunteer cannabis plants.
2. The Licensee shall document and report volunteer cannabis plants prior to disposal.
3. The report shall include, but not limited to:
  - a. Licensee's name;
  - b. Licensee's Address;
  - c. license number;

- d. Location ID;
- e. Name and title of person whom discovered volunteer cannabis;
- f. Date of discovery;
- g. Name and title of person responsible for volunteer cannabis disposal;
- h. Disposal method(s) used;
- i. Amount or square feet disposed;
- j. Date of disposal; and
- k. Photo, video or other proof substantiating incident and disposal.

## **Chapter 9. PRE-HARVEST SAMPLING**

- A. Pre-Harvest sampling requirements shall be in accordance with Section 5.02 of the Ordinance.
- B. The Producer shall contact the HCA to schedule a pre-harvest sampling.
- C. Harvested hemp shall not be moved beyond the producer's possession, nor comingled until test results are complete and substantiate a legal hemp crop.

## **Chapter 10. RANDOM SAMPLING**

- A. Random Sample:
  - i. The HCA or its designee, with a trained and certified sampling agent, shall have the authority to conduct at least one (1) random inspection of a licensed premise at any point during the crop's growth phase and to take a representative sample of each Lot to verify compliance with all requirements of the license issued.
  - ii. The producer or an authorized representative shall be present during sample collection.
  - iii. The inspection sites for taking a representative sample shall be selected at random and with consideration of the anticipated harvest date listed on the Producer's Seneca Nation Planting Report.
  - iv. The representative sample taken shall be tested using the procedures in Section 5.02. (B) of the Ordinance.
  - v. The Producer shall utilize the laboratory the HCA identifies that adheres to the requirements found in Section 5.02. (B)(1) of the Ordinance.
  - vi. The cost of testing in relation to random sampling shall be borne by the Producer and payable to the HCA upon proper invoicing.
  - vii. The HCA shall provide the licensee with a copy of the certificate of analysis attained from random sampling that is in accordance with Section 5.02. (B)(7) of the Ordinance to the Producer.
  - viii. The records shall be kept on file for three (3) years.
- B. Random sampling events may also include random inspection and auditing for verification of compliance with the Ordinance and Rules thereof.
- C. A reserve sample may be kept by the HCA for compliance purposes.
  - i. When reserve sample is no longer needed to verify compliance, it shall be disposed of by the HCA with the assistance of its designee or

authorized sampling agent in accordance with methods in §5.04 (A) of the Ordinance.

## **Chapter 11. RETESTING**

- A. Licensee shall conduct retests in accordance with Section 5.02. (B)(5) of the Ordinance.
- B. Licensee shall use the same laboratory as used for the initial testing of Lot in-question.

## **Chapter 12. RANDOM INSPECTION AND AUDIT**

- A. Random inspection and audit visits in accordance to Section 3.03. of the Ordinance may also include, but not limited to:
  - 1. Inspection of seed, seed labels, and seed certificates thereof;
  - 2. Scouting for voluntary cannabis;
  - 3. Verifying GPS coordinates of all planted Lots;
  - 4. Pesticide records (if applicable);
  - 5. Auditing business records to verify compliance;
  - 6. and any other pertinent action required to verify Producer's compliance with the Ordinance, Rules, and covenants thereof.
- B. Audits may be performed remotely at HCA's discretion.
- C. Any documents requested by the HCA that are not able to be produced on-site during an inspection or audit, shall be submitted to the HCA within twenty-four (24) hours via email or in-person via appointment.

## **Chapter 13. STORAGE & TRANSPORTATION REQUIREMENTS**

### **A. Storage:**

- 1. Storage of hemp shall be properly labeled to indicate a hold or available for release.
- 2. Storage of hemp shall be under appropriate conditions of temperature, humidity, and light so that the identity, purity, strength, and composition of the components and hemp are not affected.
- 3. Storage of hemp shall be properly labeled at all times to prevent contamination and unintended comingling.
- 4. Storage of in-process material shall be held under appropriate conditions of temperature, humidity, and light.
- 5. Storage of packaging and labels shall be under conditions adequate to prevent the packaging and labels from being adversely affected.
- 6. Storage of packaging and labels shall be under conditions adequate to prevent adulteration of the hemp.
- 7. Storage and labeling of hemp shall at a minimum include information representative of variety, field and harvest date.

### **B. Transportation:**

1. The Producer, or a designated representative of the Producer, responsible for the transportation of hemp or hemp products must adhere to Section 3.05 of the Ordinance.
2. Transportation of hemp shall be under conditions that will protect the hemp against contamination and deterioration.
3. The Seneca Nation Hemp Transport Manifest shall include, but not limited to:
  - a. Seneca Nation Hemp Compliance Department information;
  - b. Shipper information, including but not limited to:
    - i. name, license number, address, telephone number, date shipped, and shipper signature.
  - c. The receiving company shall hold a duly authorized license to handle, process, or manufacture Hemp in its applicable respective jurisdiction.
    - i. Receiver information, including but not limited to:
      1. Company name, license number and agency, address, contact person, and telephone number;
      2. Authorized recipient's name (printed name, signed, and dated);
        - a. Affirmation of materials listed as received in full; or
        - b. Affirmation of materials listed as received with a discrepancy and with a brief description thereof.
      3. Receiver shall email a completed copy to the HCA at:  
SNCannabisDept@sni.org
  - d. Production Information:
    - i. Producer name, license number, Location ID, address, contact name, telephone number, contact email, facility address, material, quantity, packaging and identifier.
  - e. Transportation Company Information, including but not limited to:
    - i. Transporter or carrier name,
    - ii. Method(s) of transport (common carrier, trucking, rail, or self); and
    - iii. Transporter signature.

## CHAPTER 14. DISPOSAL

- A. Licensee shall contact the HCA and schedule an inspection prior to any non-compliant hemp disposal activity.
- B. The HCA with the assistance of an certified hemp sampling agent shall ensure proper disposal per Section 5.04. of the Seneca Nation Hemp Production Ordinance.
- C. Any disposal of plant(s) by controlled burning must follow all restrictions set forth by Seneca Nation law or decree.

### D. **Disposal of Non-Compliant Hemp:**

A Licensee shall notify and receive prior approval from the HCA before any disposal of non-compliant hemp is to take place. The HCA, or its designee, and a Sampling Agent may be on-site while on-farm disposal is taking place to document and verify disposal, or photos/ video or other proof documenting HCA approved method of disposal. If hemp is

disposed of by means of a DEA registered reverse distributor, pertinent records shall be submitted to the HCA.

1. The Non-Compliant Hemp Disposal Report shall include, but not limited to:
  - a. Licensee's name;
  - b. License number;
  - c. Location ID;
  - d. Delineate whether a field, greenhouse, storage area, and/or Lot number/ identifier;
  - e. Varietal name(s);
  - f. Type(s) (grain, fiber, flower, seed, or propagule);
  - g. Delineate size or amount to be destroyed or disposed;
  - h. Delineate whether it was disposal of non-compliant hemp or disposal related to unsuccessful remediation of non-compliant hemp;
  - i. Declare any substantiating total THC test results with date(s) test results received;
  - j. Method(s) of disposal or remediation;
  - k. Date(s) of disposal;
  - l. Name, title, and signature of person completing form;
  - m. Name, title, and signature of disposition agent; and
  - n. Attachments to show proof of disposal.

## **Chapter 15. REMEDIATION.**

1. The Licensee or its designee shall notify the HCA or its designee and receive approval prior to commencing any remediation of non-compliant hemp, and the HCA or its designee shall be present during remediation activities.

2. Any non-compliant hemp parts or biomass that are found to be non-compliant with the acceptable hemp THC level after remediation shall be properly rendered non-retrievable or non-ingestible, and unable to enter the stream of commerce.

3. Upon notification that a Lot has tested above the acceptable hemp THC level, the licensee should notify the HCA or its designee of the licensee's decision to either destroy/dispose or remediate the non-compliant Lot and the proposed method(s) shall be declared.

4. If the licensee chooses to remediate the non-complaint Lot, the licensee should select either to separate and remove all flowers from stalks, leaves and seeds of the Lot or to shred the entire Lot into "biomass."

### **A. Separation and removal of the flowers from stalks, leaves and seeds:**

1. The flowers, including buds, trichomes, "trim," and "kief," should be removed from the lot and destroyed.
  - a. Methods may include, but are not limited to, the removal, by hand, of non-compliant flowers and floral materials and the mechanical removal of non-compliant flowers and floral materials.

2. Until such time as the non-compliant flowers and floral material are disposed of, the stalks, leaves, and seeds should be separated from the non-compliant floral material and clearly labeled and demarcated as “hemp for remediation purposes.”
3. Seeds removed from non-compliant hemp during remediation should not be used for propagative purposes.

#### B. Creation of Biomass

1. The entire lot, as reported to the FSA, should be shredded to create a homogenous, uniform biomass.
  - a. Methods may include, but are not limited to, the shredding of hemp plants through shredders, composters, or specialty mechanical equipment.
2. The biomass created through this process shall be resampled and retested to ensure compliance before entering the stream of commerce in accordance with §5.04. and §5.02 (B)(6) of the Ordinance. Biomass that fails the retesting is non-compliant hemp and shall be destroyed.
3. Remediated biomass should be separated from any compliant hemp stored in the area and clearly labeled and demarcated as “hemp for remediation purposes.” All lots subject to remediation should be stored, labeled and demarcated apart from each other and from other compliant hemp lots stored or held nearby.
4. Remediated biomass should not leave the labeled and demarcated area until a test result showing compliance with the acceptable hemp THC level is received or until the biomass will be destroyed.

#### C. Re-sampling Remediated Biomass:

1. Remediated biomass shall be resampled and retested to ensure compliance before entering the stream of commerce in accordance with §5.02 (B)(6) and §5.04. of the Ordinance. Biomass that fails the retesting shall be destroyed.
2. The resample should be taken by sample agent as described in the Sampling Procedures of the Ordinance.
3. A representative sample of the biomass should be taken for compliance purposes. When taking the resample, the sampling agent should take biomass material from various depths, locations, and containers in the labeled and demarcated area to collect a representative sample of the material. At minimum, 750 mL or three (3) standard measuring cups of biomass material should be collected. Sampling agents may collect more biomass material based on the requirements of the testing laboratory. If 750 mL of material is not available, the sampling agent should collect enough biomass material for a representative sample.
4. An original copy of the resample test results will be retained by the Licensee or authorized designee and available for inspection for a period

of three (3) years, a copy of the resample test results shall be provided to the HCA or designee.

5. Laboratories testing a resample will utilize the same testing protocols as when testing a standard sample, the Licensee shall utilize the same laboratory as the initial test.

## **Chapter 16. CIVIL FINES AND SANCTIONS**

- A. Civil fines and sanctions may be assessed at the discretion of the HCA.
- B. Violation Categories:
  - I. Negligent violations consistent with §5.05 (E) of the Ordinance that make a licensee ineligible for a license.
  - II. Violations that create a present threat to public health.
  - III. Violations that create a potential threat to public health or safety.
  - IV. Violations that create a climate conducive to abuses associated with the cultivation of hemp.
  - V. Violations inconsistent with the orderly regulation of the cultivation of hemp.
- C. The HCA may assess a greater or lesser sanction if aggravating or mitigating circumstances are factored, which may include but are not limited to:
  1. Good faith efforts by a licensee to prevent a violation;
  2. Extraordinary cooperation from the licensee to prevent a violation investigation that shows the licensee accepts responsibility;
  3. A prior warning about compliance problems;
  4. Repeated failure to comply with laws;
  5. Efforts to conceal violation;
  6. The violation involved more than one transaction or license representative;
  7. The violation involved an individual under the age of 18; or
  8. The violation resulted in injury or death.

D. Table of fines and sanctions:

Category	1st	2nd	3rd	4th	5th
I	Corrective Action Plan (CAP)	CAP	Revoke (*if found to violate 3 times within a 5-yr. period)		
II	30 days CAP and/or up to (\$500 USD) fine	Extension of CAP and/or suspension, and/or up to (\$1,000 USD) fine	Suspension and/or up to (\$2,500 USD) fine		
III	10 days CAP and/or up to (\$500 USD) fine	30 days CAP and/or up to (\$1,000 USD) fine	Suspension and/or up to (\$2,500 USD) fine		
IV	7 days CAP and/or up to (\$500 USD) fine	10 days CAP and/or up to (\$1,200 USD) fine	20 days CAP and/or up to (\$2,500 USD) fine	Suspension and/or up to (\$2,500 USD) fine	
V	3 days CAP and/or up to (\$250 USD) fine	7 days CAP and/or up to (\$550 USD) fine	10 days CAP and/or up to (\$750 USD) fine	20 days CAP and/or up to (\$1,050 USD) fine	Suspension and/or up to (\$2,500 USD) fine

E. Civil fines shall be paid by check, certified check or money order, made payable to the: Cannabis Department.

F. Receipt shall be issued by HCA for payment(s) received.

G. Funds will then be transferred to the Seneca Nation Fiscal Department.

**Chapter 17. CORRECTIVE ACTION PLAN**

- A. The Producer shall provide an initial copy of the corrective action plan to the HCA within applicable timeframe due and any subsequent revisions within twenty-four (24) hours of revision via email or facsimile.
- B. A reasonable timeline for each infraction shall be clearly defined by the Producer or its designee.
- C. Random inspections shall be performed at the discretion of the HCA.



- D. Scheduled follow-up inspections or audits defined in the corrective action plan shall occur during the licensee's regular business hours.
- E. If a plan submitted by a licensee fails to address negligent violation(s) or non-compliance(s), the HCA may propose a plan for correcting violations or non-compliances consistent with §5.05 (B).

## **Chapter 18. RECORD RETENTION**

At a minimum, the following records shall be kept by a Licensee for commensurate time as outlined in the Ordinance or regulations thereof, if there is not a time delineated, records shall be kept for three (3) years.

1. Record(s) of the licensing for hemp cultivation.
2. Source and quantity of the imported or purchased hemp seed (imported or purchased or grown), and dates thereof and all accompanying documentation.
3. Name and address and country of origin of the entity or person from whom the hemp seed was purchased, and, if licensed, the licensee name, license number, and issuer of the license.
4. If propagated from a source other than seed, such as clones or seedlings, quantity and form in which the propagules are imported or purchased, dates thereof and all accompanying documentation.
5. Name and address and country of origin of the entity or person from whom the propagules were purchased, and, if licensed, the licensee name, license number and issuer of the license.
6. Site history.
7. Plant or facility history.
8. Curing and drying records.
9. Quantity and each form of hemp sold.
10. Required Reports.
11. Date of each pesticide, herbicide, fungicide and fertilizer application, if applicable.
12. Date that each shipment of hemp is sent, or hemp plants received (where applicable):
  - a. Name of the carrier;
  - b. Results of any testing (where applicable); and
  - c. Quantity shipped, or received (where applicable).
13. Name of the person to whom the hemp was sold and the licensee name and valid license number issued from respective jurisdiction.
14. Results of all testing.
15. Remediation Records.
16. Disposition records of any non-compliant hemp, including date(s) of disposition, method, individual(s) who performed the disposition, and evidence of disposition.

## **Chapter 19. PROHIBITIONS**

1. Residential structures shall not be used for the purposes of: producing, handling, storing, or marketing hemp.

2. Hemp production areas shall be physically segregated from other crops being grown, unless prior written approval is procured from the HCA.
3. Hemp production, handling, storing, or distributing shall not take place on property owned by or leased from an Applicant denied for licensure by the Seneca Nation due to failure to obtain an acceptable criminal background check, or failure to comply with an order from the HCA.