

TITLE 49. MASHANTUCKET PEQUOT TRIBAL NATION CANNABIS REGULATORY ACT

CHAPTER 1. FINDINGS AND PURPOSE

49 M.P.T.L. ch. 1 § 1

§ 1. Short Title

This Act shall be known and may be cited as the "Mashantucket Pequot Tribal Nation Cannabis Regulatory Act"

49 M.P.T.L. ch. 1 § 2

§ 2. Purpose and Authority

a. The Mashantucket Pequot Tribal Nation is a sovereign nation federally recognized by the United States.

b. The Mashantucket Pequot Tribal Council ("Tribal Council" or "Council") is the duly recognized governing body of the Mashantucket Pequot Tribal Nation ("Tribe") and is vested with the sovereign powers of the Tribe.

c. The Federal Controlled Substance Act ("CSA") classifies cannabis as a Schedule I drug and prohibits any possession or use of cannabis except in the course of federally approved research projects. The CSA makes it unlawful, under federal law, for any person to cultivate, manufacture, transport or sell cannabis.

d. In 2021, the State of Connecticut enacted the Responsible and Equitable Regulation of Adult-Use Cannabis Act, which legalized possession of one and one-half (1.5) ounces of cannabis for persons twenty-one (21) and older, and the cultivation, manufacture, transportation, and sale of cannabis.

e. Cannabis Activities occurring within the Tribe's Reservation (as hereinafter defined) is a civil and regulatory matter over which the Tribe has governmental jurisdiction.

f. The Tribal Council has determined that robust regulation of Cannabis Activities within the Tribe's Reservation will protect the health, safety and welfare of the Tribe and its members, promote Tribal self-governance and economic self-sufficiency, provide jobs for Tribal citizens, and provide revenues to enable the Tribe to fulfill its governmental responsibilities to the Tribal membership.

g. The Tribal Council thus enacts this Mashantucket Pequot Cannabis Regulatory Act and establishes the Mashantucket Pequot Cannabis Regulatory Commission in order to authorize and regulate all Cannabis Related Business Activities within the Tribe's Reservation.

h. The Tribal Council further intends that the regulatory and enforcement systems established by this Act, and any regulations promulgated hereunder, shall align

with the Guidance Priorities (as defined herein) to ensure that no Cannabis Activities are permitted within the Reservation that substantially depart from the Guidance Priorities.

49 M.P.T.L. ch. 1 § 3

§ 3. Intergovernmental Agreement with the State of Connecticut

a. Nothing in this Act prevents the Tribe from entering into a compact, memorandum of understanding or other intergovernmental agreement with the State of Connecticut for the purpose of engaging in commerce of cannabis.

b. In the event of a conflict between an intergovernmental agreement with the State of Connecticut regarding the Tribe's Cannabis Activities and the provisions of this Act, the applicable terms of the intergovernmental agreement shall govern.

49 M.P.T.L. ch. 1 § 4

§ 4. Severability

If any provision of this Act, or the application of it to any person or circumstance, is held invalid, the remainder of this Act and the application to other persons or circumstances are not affected.

CHAPTER 2. DEFINITIONS

49 M.P.T.L. ch. 2 § 1

§ 1. Definitions

As used in this Act, the terms below have the following meanings unless the context clearly requires otherwise:

a. "Act" means this Title 49, the Mashantucket Pequot Tribal Nation Cannabis Regulatory Act.

b. "Cannabis" means all parts of any plant, or species of the genus cannabis, growing or not; the seeds of that plant; 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. Included are cannabimon, cannabimonol or cannabidiol and chemical compounds which are similar to cannabimon, cannabimonol or cannabidiol in chemical structure or which are similar thereto in physiological effect, and which show a like potential for abuse, which are controlled substances unless derived from hemp. Cannabis does not include:

- i. 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 from those stalks, fiber, oil, or cake, or the sterilized seed of the plant that is incapable of

germination;

ii. "hemp" as defined in 7 U.S.C 1639o, as amended from time to time.

c. "Cannabis Accessory" means any equipment, product, material or combination of equipment, products or materials that is specifically designed for use in Cannabis Related Business Activities, or for ingesting, inhaling, consuming, or otherwise introducing Cannabis Product into the human body.

d. "Cannabis Activities" means the cultivation, production, manufacturing, packaging, labeling, processing, storage, transport, delivery, testing, purchase, sale, possession, and/or consumption of Cannabis Products.

e. "Cannabis Concentrate" means any form of concentration, including, but not limited to, extracts, oils, tinctures, shatter and waxes, that is extracted from cannabis.

f. "Cannabis Facility" means a cultivator, retailer, product manufacturer, product packager, delivery service, testing service, or transporter or any other operation on the Reservation at which Cannabis Activities occur pursuant to a license issued by the Commission.

g. "Cannabis Flower" means the flower, including abnormal and immature flowers, of a plant of the genus cannabis that has been harvested, dried and cured, and prior to any processing whereby the flower material is transformed into a cannabis product. "Cannabis Flower" does not include:

i. the leaves or stem of such plant; or

ii. hemp, as defined in 7 USC 1639o et seq.

h. "Cannabis Product" means cannabis that is in the form of a cannabis concentrate or a product that contains cannabis, which may be combined with other ingredients, and is intended for use or consumption. For the purposes of this act, "Cannabis Product" shall include individually and collectively, "Cannabis," "Cannabis Flower," "Cannabis Concentrate," and/or "Cannabis-Type Substances" as defined herein.

i. "Cannabis-Type Substances" include all parts of any plant, or species of the genus cannabis or any infra specific taxon thereof whether growing or not; the seeds thereof; the resin extracted from any part of such a plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks, except the resin extracted therefrom, fiber, oil or cake, the sterilized seed of such plant which is incapable of germination, or hemp, as defined in 7 USC 1639o, as amended from time to time. Included are cannabimon, cannabimol, cannabidiol and chemical compounds which are similar to cannabimon, cannabimol or cannabidiol in chemical structure or which are similar thereto in physiological effect, and which show a like potential for abuse, which are controlled substances under this chapter unless derived from hemp, as defined in 7 USC 1639o et seq.

- j. "Cultivator" means a person or entity that is licensed by the Commission to engage in the cultivation, growing and propagation of Cannabis.
- k. "Delivery Service" means a person or entity that is licensed by the Commission to deliver Cannabis Products from a Retailer to a consumer.
- l. "Guidance Priorities" means the priorities regarding federal Cannabis enforcement set forth in the U.S. Department of Justice memorandum dated August 29, 2013 from Deputy Attorney General James Cole titled "Guidance Regarding Marijuana Enforcement" and the U.S. Department of Justice memorandum dated October 28, 2014 from Director Monty Wilkinson titled "Policy Statement Regarding Marijuana Issues in Indian Country" (notwithstanding the rescission of those memoranda by U.S. Department of Justice memorandum dated January 4, 2018 from Attorney General Jefferson Sessions titled "Marijuana Enforcement"):
- i. preventing the distribution of Cannabis to minors;
 - ii. preventing revenue from the sale of Cannabis from going to criminal enterprises, gangs, and cartels;
 - iii. preventing the diversion of Cannabis from states where it is legal under state law in some form to other states;
 - iv. preventing state-authorized Cannabis activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;
 - v. preventing violence and the use of firearms in the cultivation and distribution of Cannabis;
 - vi. preventing drugged driving and the exacerbation of other adverse public health consequences associated with Cannabis use;
 - vii. preventing the growing of Cannabis on public lands and the attendant public safety and environmental dangers posed by Cannabis production on public lands; and
 - viii. preventing Cannabis possession or use on federal property.
- m. "License" means a limited grant of authority by the Commission under this Act to a business, proprietorship, association, partnership, syndicate, corporation, firm, joint venture, or other form of business association or entity, or natural person to engage in certain Cannabis Activities that cannot be lawfully performed or engaged in on Tribal Lands without such grant of authority.
- n. "Licensee" means any business, proprietorship, association, partnership, syndicate, corporation, firm, joint venture, or other form of business association or entity, or natural person holding a License approved by the Commission to engage in one or more Cannabis Activities.
- o. "Mashantucket Pequot Cannabis Regulatory Commission" or "Commission" means a Tribal instrumentality created for the purpose of enforcing the Act and any regulations issued thereunder.

- p. "Product Manufacturer" means a person or entity that is licensed by the Commission to obtain Cannabis, extract and manufacture Cannabis Products.
- q. "Product Packager" means a person or entity that is licensed by the Commission to package and label Cannabis Products.
- r. "Regulations" means any regulation promulgated pursuant to this Act.
- s. "Reservation" means all lands, the title to which is held in trust by the United States for the benefit of the Tribe.
- t. "Retailer" means that operation, which is licensed to obtain Cannabis Products in any form from one or more Cannabis Facilities for the purpose of sale to individuals who are twenty-one (21) years of age or older.
- u. "Tribal Cannabis Analytic Tracking System" or "Tribal CATS" means the Tribe's electronic seed-to-sale tracking system that captures and maintains records of cannabis process and Licensee activity on the Reservation.
- v. "Testing Service" means a laboratory located on the Reservation that is licensed by the Commission for analysis and testing of Cannabis Products.
- w. "Transporter" means a person or entity licensed by the Commission for the transport of Cannabis Products on Tribal Lands from one Licensee to another Licensee.
- x. "Tribally-Owned Business" means any business entity owned in whole or part by the Tribe.

CHAPTER 3. MASHANTUCKET PEQUOT CANNABIS REGULATORY COMMISSION ESTABLISHMENT, AUTHORITY AND ADMINISTRATION

49 M.P.T.L. ch. 3 § 1

§ 1. Establishment of the Commission

The Tribal Council hereby establishes the Mashantucket Pequot Cannabis Regulatory Commission as an independent governmental subdivision of the Tribe.

49 M.P.T.L. ch. 3 § 2

§ 2. Governmental Attributes of the Commission

As a governmental subdivision of the Tribe, the Commission possesses all the rights, privileges, and immunities of the Tribe, including but not limited to the sovereign immunity of the Tribe from suit absent express waiver by Tribal Council. The individual members of the Commission are public officials pursuant to 48 M.P.T.L. and as such, shall be immune from suit if sued in their official or individual capacity to the same extent as the Tribe.

49 M.P.T.L. ch. 3 § 3

§ 3. Delegation of Regulatory Authority

The Tribal Council delegates to the Commission sole authority and responsibility to regulate all Cannabis Activities on the Reservation consistent with the requirements of this Act.

49 M.P.T.L. ch. 3 § 4

§ 4. Independence of Commission

In all matters subject to its regulatory authority, the Commission shall be and shall act independently and autonomously from the Tribal Council. No prior or subsequent review by the Tribal Council of any actions of the Commission shall be required or permitted, except as may be otherwise explicitly provided in this Act. Notwithstanding the foregoing, the Commission shall be subject to all Tribal laws, including generally-applicable Tribal administrative policies and procedures that are not in conflict with this Act, except to the extent that an exception for the Commission is expressly provided. The Commission's fiscal year shall be the fiscal year of the Tribe.

49 M.P.T.L. ch. 3 § 5

§ 5. Commission Funding

Commission funding shall be in an amount adequate for the Commission to properly fulfill all of its regulatory responsibilities under this Act. The amount of the Commission funding shall be established annually for the subsequent Fiscal Year through a detailed annual budget to be prepared by the Commission for Tribal Council approval. The Commission budget shall take into account any unexpended funds retained by the Commission at the end of the prior Fiscal Year, excluding funds that are obligated for costs or expenses incurred during the prior Fiscal Year. The Tribal Council shall not reduce the Commission's annual budget during any Fiscal Year, but may approve requests by the Commission to supplement the budget when necessary.

49 M.P.T.L. ch. 3 § 6

§ 6. Powers and Duties of the Commission

a. General. The Commission shall be responsible for ensuring that all Cannabis Facilities within the Tribe's Reservation are operated in compliance with tribal law, including this Act and any applicable administrative regulations, and any intergovernmental agreement that the Tribe establishes with the state of Connecticut.

b. Licensing. The Commission shall have the power to conduct investigations and determine the eligibility of applicants for any license to operate, manage, conduct business with, or be employed at any Cannabis Facility in accordance with the standards and procedures set forth in this Act and any applicable administrative regulations of the Commission. The Commission shall also have

the power to limit, revoke, terminate, condition, suspend, or restrict any License and to reprimand, warn, or fine a Licensee when the same will further the purposes and requirements of this Act.

c. Regulatory Authority. The Commission shall develop, propose, and promulgate administrative regulations consistent with the requirements of this Act regarding:

- i. all Cannabis Activities within the Reservation;
- ii. the licensing of Cannabis Facilities and any other licensing for the conduct of Cannabis Activities on the Reservation;
- iii. background investigations and licensing of Cannabis Facility employees;
- iv. background investigations and licensing of Cannabis Facility contractors;
- v. the conduct of formal and informal hearings on any matters under the jurisdiction of the Commission; and
- vi. other activities as required by law or as deemed prudent by the Commission as necessary and proper to carry out the duties and functions of the Commission.

Regulations promulgated pursuant to this chapter shall provide, at a minimum, the procedural protections consistent with tribal law and shall be consistent with the requirements of § 7 of this chapter.

d. Rulemaking Process. The Commission shall give public notice of its intent to adopt a regulation by posting a copy of the notice on a web page accessible to the general public and delivering the notice via electronic mail to the Tribal Council and the Office of Legal Counsel. The notice shall include a copy of the proposed regulation and a description of the nature and effect of the proposed regulation. In addition, the notice shall include the following:

- i. Comment Submission. Comments on the proposed regulation may be submitted no later than sixty (60) days from the date of the notice; and
- ii. Comment Review. The Commission shall review all comments received during the comment period and, based on such comments, shall make such changes to the proposed regulation as the Commission deems necessary or appropriate.

The Commission shall fully consider and address all comments recommending changes to the proposed regulation that are based on sound analysis or are supported by reliable data and information as determined by the Commission. The Commission shall approve the regulation by resolution and shall, by official action, set the effective date of the regulation and publish and post copies of a notice of adoption of the regulation in the same manner as for the notice of

intent to adopt the regulation. The notice of adoption shall summarize the final regulation and the changes to the proposed regulation. At the Commission's discretion and to the extent practicable, the notice of adoption may include written responses to all substantive comments, provided that the Commission may offer a single response to substantially similar comments.

The Commission shall post to a website accessible to the general public all regulations adopted pursuant to this Act.

e. Administrative Changes. The Commission may make administrative changes to the regulations without following the process set forth in subsection d. of this section, provided that such administrative changes are necessary only to:

- i. correct typographical errors;
- ii. clarify requirements, if it is determined through consultation with the Office of Legal Counsel that such changes do not alter any substantive requirement or provision within the regulation; or
- iii. make regulations consistent with any new, or changed applicable federal law or regulation.

f. Expedited Regulations.

- i. If the Commission concludes, after investigation, that there is a direct and immediate threat to the health, welfare, or safety of the Tribe, tribal members or anyone else, the Commission may expedite the promulgation of regulations relating to Cannabis Related Business Activities pursuant to this subsection f.
- ii. The Commission shall provide the Tribal Council, the Office of Legal Counsel, and every Cannabis Facility with prior written notice of its intent to promulgate regulations on an expedited basis prior to promulgating the expedited regulations or as soon as practicable thereafter.
- iii. Expedited regulations shall become effective upon adoption by resolution by the Commission. The resolution adopting the expedited regulations shall specify the time-period that the expedited regulations shall remain in effect, which shall not exceed ninety (90) days.
- iv. The Commission shall give public notice of its adoption of the expedited regulations by:
 - 1. publishing a copy of the notice on a website accessible to the general public and, at the Commission's discretion, by also posting it at one or more locations on the Reservation where public notices are usually posted; and
 - 2. delivering a copy of the notice by U.S. mail or other appropriate means to the Tribal Council, the Office of Legal

Counsel, and every Cannabis Facility.

- v. The Commission shall review expedited Regulations within thirty (30) days of the date of its adoption and may only promulgate expedited Regulations as final, permanent regulations in accordance with the requirements of subsection d. of this section.

g. Other Powers of Commission. In addition to and in conjunction with the enumerated regulatory powers set forth above in this Act, the Commission shall also have the power to:

- i. Suspend, restrict, or revoke a License for:
 - 1. any direct and immediate threat to the health, welfare, or safety of the public;
 - 2. the failure to make prompt and satisfactory progress to correct a problem that was the basis for a license suspension or other disciplinary measure;
 - 3. repeated or substantial violations of this Act, any applicable compact, or regulations; or
 - 4. failure to maintain eligibility for the license.
- ii. Enforce the provisions of this Act, Regulations or any applicable compact, consistent with the Commission's enforcement authority further detailed in § 7 of this chapter by initiating administrative proceedings before the Commission or civil actions in the Mashantucket Pequot Tribal Court.
- iii. Compromise, negotiate or settle any dispute to which the Commission is a party relating to the Commission's authorized activities, subject to consultation with the Office of Legal Counsel of any such matter;
- iv. Enter, through its investigators, agents and the Tribal Police, at any time a Cannabis Facility or other related place in order to gain access to, inspect, examine, copy, and audit all records, equipment, supplies or other items concerning any Cannabis Related Business Activity conducted within the Reservation;
- v. Investigate, review, decide, adjudicate, enforce, and to undertake such other regulatory activities regarding any matters subject to the Commission's jurisdiction as necessary for the Commission to carry out its express duties and responsibilities under this Act;
- vi. Conduct such hearings consistent with the procedures established within the Tribal Administrative Procedures Act (40 M.P.T.L) as the Commission may deem appropriate in carrying out its duties, including administering oaths or affirmations to witnesses and issuing subpoenas to compel the production of records and the appearance of witnesses at such hearings;

vii. Provide information obtained through audits or other investigations that indicates a violation of Tribal, federal or applicable state laws or regulations to the appropriate law enforcement officials and to cooperate with such agencies in the investigation and prosecution of charges brought as a result of violations of law;

h. Monitoring and Investigation. The Commission shall have the power and duty to monitor all Cannabis Facility operations for compliance with this Act, any applicable compact or regulation and any other Tribal law that expressly delegates responsibilities to the Commission, subject to any limits on the Commission's power set forth in such laws. The Commission shall have the power to undertake such investigations and inspections as the Commission deems appropriate, review the results of such related investigations, and initiate enforcement actions as it deems necessary.

i. Access to Records and Information. The Commission, through its authorized personnel shall have access to all areas of any Cannabis Facility and to all records, files, information, and data of any related operation, wherever located, and may interview any employee, agent or representative of any related operation with respect to matters relating to the operation of any Cannabis Facility. Advance notice to the Cannabis Facility or any employee, agent, or representative of the Cannabis Facility shall not be required for the Commission to exercise the authority described in this Paragraph.

j. Establishment of Budget. The Commission shall establish an annual budget for its operations, which shall reflect the reasonable costs of cannabis regulation pursuant to this Act, other applicable laws or compact. The Commission shall present its annual budget to the Tribal Council on or before June 30 of each year for the Tribal Council's review and approval. The Commission shall have the authority to expend funds within the approved budget without further authorization from the Tribal Council, subject to generally applicable Tribal accounting and procurement policies.

k. Initial regulations adopted by Tribal Council. Notwithstanding any notice and comment requirements set forth in subsections d. or f. of this section or anywhere else in this Act concerning rulemaking or the promulgation of regulations governing Cannabis Activities on the Reservation, nothing herein shall prohibit the Tribal Council from adopting any initial regulations governing Cannabis Activities without providing any opportunity for notice and comment.

49 M.P.T.L. ch. 3 § 7

§ 7. Minimum Regulatory Standards

All Cannabis Activities on the Reservation shall meet or exceed the following public health, safety and welfare regulatory standards adopted by the State of Connecticut, provided that nothing herein shall grant or be deemed to grant the State of Connecticut any jurisdiction over Cannabis Activities occurring on the Reservation:

a. Reportable Events [State Regulation 21a-421j-2];

b. Disposal of Cannabis [State Regulation 21a-421j-3];

- c. Inventory [State Regulation 21a-421j-4];
- d. Seed to Sale Traceability System [State Regulation 21a-421j-5];
- e. Cannabis Establishment Records; Furnishing Information; Audits [State Regulation 21a-421j-6];
- f. Cannabis Establishment Minimum Security Systems and Equipment Requirements [State Regulation 21a-421j-7];
- g. Cannabis Establishment Minimum Security Procedures [State Regulation 21a-421j-8];
- h. Cannabis Establishment Visitors [State Regulation 21a-421j-9];
- i. Responsibilities of Key Employees [State Regulation 21a-421j-10];
- j. Employee Training [State Regulation 21a-421j-11];
- k. Marketing; Advertising [State Regulation 21a-421j-14], sections (c)-(h);
- l. Operation of Hybrid Retailers and Retailers [State Regulation 21a-421j-15], sections (a), (b) as to the prohibition on providing cannabis samples, (c), (e), (j), (k)(1)-(3), and (l);
- m. Operation of a Producer, Cultivator, Micro-Cultivator, Product Manufacturer, Food and Beverage Manufacturer, Product Packager, Delivery Service, and Transporter [State Regulation 21a-421j-24], section (a);
- n. Minimum Requirements for the Storage and Handling of Cannabis by a Producer, Cultivator, Micro-Cultivator, Food and Beverage Manufacturer, Product Manufacturer, Product Packager, Delivery Service, and Transporter [State Regulation 21a-421j-25];
- o. Cannabis Manufacturing Restrictions [State Regulation 21a-421j-26];
- p. Cannabis Content Restrictions [State Regulation 21a-421j-27];
- q. Delivery Device Restrictions [State Regulation 21a-421j-28];
- r. Laboratory Testing [State Regulation 21a-421j-30];
- s. Brand Name Testing and Registration [State Regulation 21a-421j-31];
- t. Cannabis Packaging Requirements [State Regulation 21a-421j-32];
- u. Cannabis Labeling Requirements [State Regulation 21a-421j-33];
- v. Cannabis Delivery and Transportation Requirements [State Regulation 21a-421j-34];
- w. Vehicle Security [State Regulation 21a-421j-35];
- x. Manifests [State Regulation 21a-421j-36]; and

y. Transporting Agents; Transportation of Cannabis [State Regulation 21a-421j-37].

49 M.P.T.L. ch. 3 § 8

§ 8. Enforcement

a. The Commission shall have the authority to enforce compliance with this Act and any Regulation or License issued hereunder by:

- i. referring to appropriate law enforcement officials or other appropriate governmental agencies upon receiving information that a violation of this Act, Regulations, License, or other applicable law has occurred;
- ii. pursuing further investigation, and initiating administrative enforcement proceedings or a civil action in the Mashantucket Pequot Tribal Court, consistent with the terms of this Act of any matter within the Commission's authority; or
- iii. consulting with representatives of a Cannabis Facility to correct a violation of this Act, Regulation, or License, or resolve such a matter without formal proceedings.

Any enforcement action taken by the Commission shall be fair and reasonable under the circumstances, shall be proportionate to the violation, and shall be designed to promote the goals of correction and improvement, unless the nature or severity of the violation is such that the goals of correction and improvement would be unrealistic. Any enforcement action taken by the Commission must be within its powers, related to its regulatory responsibilities.

b. Authority to Inspect.

- i. At all reasonable times, authorized representatives of the Commission shall have the authority to enter a Cannabis Facility, or upon any property within Mashantucket, to:
 1. inspect through observations, sampling, and testing, to evaluate compliance with any applicable Regulation or standard;
 2. investigate any complaint or report of non-compliance, including interviewing management, employees, or contractors;
 3. examine any records, and take copies, that any person or entity maintained or that was required to maintain under any applicable Regulation or License; and,
 4. sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with this Act and any Regulations or License.

- ii. The authorized representative shall make best efforts to provide adequate notice prior to the inspection; however, lack of notice shall not prevent the representative from gaining access to the Cannabis Facility or the property.
- iii. Where access to the property or Cannabis Facility is restricted by any security measure or device, the owner of such property shall promptly allow access to the authorized representative upon presentation of proper identification.
- iv. The Commission shall have the right to install or require the installation of such devices, as are necessary, to conduct sampling, metering, and/or monitoring of the Cannabis Related Business Activities occurring at the property of the property at the expense of the Licensee or owner of the property. The sampling, metering and monitoring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the Licensee or owner of the property.
- v. Any refusal or unreasonable delay in allowing the authorized representative access to the Cannabis Related Business Activities shall be deemed a violation of this Act, and may subject the Licensee or owner of the property to enforcement action penalties as provided herein.

49 M.P.T.L. ch. 3 § 9

§ 9. Other Actions to Carry Out Commission Functions

Notwithstanding anything else in this Act, until such time that the Tribal Council makes its initial appointments of one or more individuals to act as Commissioner to govern and carry out the powers and responsibilities of the Commission as set forth in this Act, nothing shall prohibit the Tribal Council from taking any other steps to regulate Cannabis Activities on Tribal Lands, including but not limited to promulgating regulations to implement the requirements of this Act, making any other appointments or contracting with any other party as deemed necessary by the Tribal Council in its sole discretion to carry out any function of the Commission described in this Act.

CHAPTER 4. CANNABIS TRACKING

49 M.P.T.L. ch. 4 § 1

§ 1. Cannabis Tracking System

a. The Commission shall establish a Tribal Cannabis Analytic Tracking System for Cannabis Product tracking, inventory and verification, which shall allow for interface with third-party inventory and tracking systems to provide for access by the Commission and Licensees.

b. At a minimum, the CATS must be capable of storing and providing access to information that, in conjunction with one or more third-party inventory control

and tracking systems, allows for all of the following:

- i. Retention of a record of the date, time, quantity and price of each sale or transfer of Cannabis Products to a person that is at least twenty-one (21) years of age;
- ii. Effective monitoring of Cannabis seed-to-sale transfers; and
- iii. Receipt and integration of information from third-party inventory control and tracking systems.

49 M.P.T.L. ch. 4 § 2

§ 2. Tracking Identification and Labeling Requirements

a. All Cannabis Products sold or transferred between Cannabis Facilities must have the tracking identification numbers that are assigned by the cannabis tracking system affixed, tagged, or labeled and recorded, and any other information required by the Commission pursuant to this Act.

b. To ensure access to safe sources of Cannabis Products, the Commission, if alerted in the CATS, may recall any Cannabis Products, issue safety warnings, and require a Cannabis Facility to provide information material or notifications to customers at the point of sale.

49 M.P.T.L. ch. 4 § 3

§ 3. Compatibility with Connecticut Tracking System

The CATS shall be identical to or wholly compatible with the Cannabis Analytic Tracking System used by the State of Connecticut as described in the State's Department of Consumer Protection Cannabis Policies and Procedures, Section 21a-421j-5.

CHAPTER 5. SALE OR TRANSFER

49 M.P.T.L. ch. 5 § 1

§ 1. Sale or Transfer; Retailers

A Retailer may sell a Cannabis Product to a person twenty-one (21) years or older if all of the following are met:

- a. The Licensee confirms that the customer presented their valid driver license or government-issued identification card that bears a photographic image of the qualifying customer.
- b. The Licensee determines, if completed, any transfer or sale will not exceed the purchasing limit prescribed in ch. 5 § 2.
- c. Any Cannabis Product that is sold or transferred under this rule has been tested and is labeled and packaged for sale or transfer in accordance with

the requirements of this Act and administrative regulations issued by the Commission.

A Retailer shall enter all transactions, current inventory, and other information required by this Act and any Commission regulations in the CATS. The retailer shall maintain appropriate records of all sales or transfers under the Act and make them available to the Commission through its investigators, agents, auditors, or the Tribal Police upon request.

49 M.P.T.L. ch. 5 § 2

§ 2. Daily Purchasing Limits; Retailers

A Retailer shall not sell more than one and one-half (1.5) ounces of Cannabis Product to a person twenty-one (21) years or older within a twenty-four (24) hour period. All sales to any person under the age of twenty-one (21) are prohibited.

49 M.P.T.L. ch. 5 § 3

§ 3. Marketing and Advertising Restrictions

a. A Licensee shall not engage in advertising that is deceptive, false, or misleading. A licensee shall not make any deceptive, false, or misleading assertions or statements on any cannabis product, any sign, or any document provided.

b. A Licensee shall not advertise Cannabis Products or Cannabis Accessories in any physical form visible to the public within five hundred (500) feet of any elementary or secondary school ground, recreation center or facility, child care center, playground, park, museum or library.

c. Any advertisements from a Licensee shall contain the following warning: "Do not use cannabis if you are under twenty-one (21) years of age. Keep cannabis out of the reach of children." In a print or visual medium, such warning shall be conspicuous, easily legible and shall take up not less than ten per cent of the advertisement space. In an audio medium, such warning shall be at the same speed as the rest of the advertisement and be easily intelligible.

d. A Cannabis Product must not be marketed or advertised to persons under twenty-one (21) years of age. Advertisements and sponsorships targeted to persons under twenty-one (21) years of age are prohibited. Nor shall any advertisement portray anyone under the age of twenty-one (21), anyone reasonably expected to be under the age of twenty-one (21), objects suggestive of the presence of anyone under the age of twenty-one (21), or the use of a figure, symbol or language that is customarily associated with anyone under the age of twenty-one (21).

49 M.P.T.L. ch. 5 § 4

§ 4. Sales Tax

Taxes on sales of Cannabis Products shall be governed by 16 M.P.T.L..

CHAPTER 6. LICENSING

49 M.P.T.L. ch. 6 § 1

§ 1. Licensing

a. Any person or entity required to obtain and maintain a valid License from the Commission under this Act, any Regulations, or any Compact shall at all times remain responsible to obtain and maintain such required License.

b. The Commission shall ensure that all persons or entities who are required to obtain and maintain a valid License from the Commission comply with such requirement.

c. No person or entity other than a Tribally-Owned Business that maintains a valid License may lawfully operate a Cannabis Facility on the Reservation.

49 M.P.T.L. ch. 6 § 2

§ 2. Types of Licenses

a. The Commission shall issue Cannabis Facility Licenses in accordance with the terms of this Act and any Regulations.

b. The Commission may issue, in accordance with the terms of this Act and any Regulations:

i. Temporary Licenses; and

ii. Licenses for persons or entities engaged in Cannabis Activities within the Reservation who are not expressly required to hold a license under this Act.

c. The Commission may divide any License into a subset of multiple Licenses, but any such division shall not alter any requirements applicable to such License under this Act.

49 M.P.T.L. ch. 6 § 3

§ 3. Term of Licenses

a. The terms of the Licenses issued by the Commission shall be as follows:

i. Cannabis Facility License - three (3) years;

ii. Temporary License - as specified in the temporary License; and

iii. Any other License - as specified in the other License.

§ 4. Conditions and Limits

a. Every License issued by the Commission is conditioned upon the Licensee remaining eligible to hold such License under the requirements of this Act and Commission regulations.

b. The Commission reserves the right to impose additional conditions or limitations on any License, and may require an applicant to comply with the same in connection with holding the License, but such conditions or limitations must be:

- i. related to the type of License sought; and
- ii. narrowly tailored to address any specific regulatory concerns associated with the Applicant, as revealed by the background investigation, including the particular job responsibilities or contractual obligations to be performed by the Licensee.

§ 5. License Fees

a. The Commission shall establish a schedule of fees for each type of License issued under this Act.

b. The amount of such fees shall be reasonably related to the recovery of the costs of administering the Commission's licensing responsibilities under this Act and shall not be used as a means of generating revenue.

c. The applicant shall pay any fees required by the Commission to process the application.

§ 6. No Property Interest

a. Neither the filing of an application for a License nor the Commission's decision on any License shall create a property interest or due process rights in favor of the applicant except as otherwise expressly stated in this Act or other Tribal law.

b. The granting of a License by the Commission does not constitute a commitment on behalf of the Commission or any other party to contract with, hire or continue to employ or contract with the holder of the License.

§ 7. Duties and Rights

a. Standard and Burden. Every applicant for a License shall have the burden of proving by clear and convincing evidence that all standards and other requirements applicable to such License have been or continue to be met. A License shall not be granted to an applicant, and a License may be suspended or revoked under this Act and any regulations promulgated hereunder, for any applicant that fails to meet the evidentiary standards and all applicable licensing standards and requirements.

b. Duty to Disclose. Every applicant for a License shall have the continuing responsibility and duty to promptly furnish all information, documentation, assurances, consents, waivers, fingerprint impressions, photographs, or other materials required or requested by the Commission and to cooperate with the Commission in the performance of its responsibilities and duties. Any failure to furnish the same after receipt of a request on behalf of the Commission shall constitute grounds for denial or suspension of consideration of an application for a License.

c. Duty to Update. Every Licensee shall have a continuing duty to promptly notify the Commission of any occurrence or event which constitutes a material change (e.g., arrest, filing of criminal charges, address change, etc.) in any information provided in an application for a license. Any failure to promptly report such information or refusal to comply with a request on behalf of the Commission for information, evidence, or testimony shall constitute grounds for the denial, suspension, restriction, or revocation of a License.

d. Power to Seize. The Commission may seize, revoke, restrict, condition, or suspend any License in accordance with the procedures prescribed in this Act and any Regulations.

e. Non-Transferable. All Licenses granted pursuant to this Act shall be non-transferable. No license holder shall transfer any rights or duties related to the license, either directly or indirectly, without the express approval of the Commission.

CHAPTER 7. EMPLOYEES

§ 1. Employees; Requirements

a. A Licensee shall conduct a criminal history background check on any prospective employee before hiring that individual. A Licensee shall keep records of the results of the criminal history background checks. A Licensee shall record confirmation of criminal history background checks and make the confirmation available for inspection upon request by the Commission through its investigators, agents, auditors, or the Tribal Police.

b. A Licensee shall comply with all of the following:

- i. Have a policy in place that requires employees to report any new or pending charges or convictions. If an employee is charged or convicted for a controlled substance-related felony or any other felony, the licensee shall report it immediately to the Commission.
- ii. Enter in the CATS the employee's information and level of CATS access within seven (7) business days of hiring for the system to assign an employee identification number. The Licensee shall update in the CATS employee information and changes in status or access within seven (7) business days.
- iii. If an employee is no longer employed by a Licensee, the Licensee shall remove that employee's access and permissions to the Cannabis Facility and the CATS.
- iv. Train employees and have an employee training manual that includes, but is not limited to, employee safety procedures, employee guidelines, security protocol, and educational training, including, but not limited to, cannabis product information, dosage and purchasing limits if applicable, or educational materials.
- v. Establish point of sale or transfer procedures for employees at Retailers. The point of sale or transfer procedures must include, but are not limited to, training in dosage, cannabis product information, health or educational materials, point of sale training, purchasing limits, CBD and THC information, serving size, and consumption information including any warnings.
- vi. Screen prospective employees against a list of excluded employees based on a report or investigation maintained by the Commission.
- vii. A Licensee shall ensure that employees handle Cannabis Products in compliance with current good manufacturing process in manufacturing, packing, or holding human food, consistent with the requirements of 21 CFR part 110.

c. If an individual is present at a Cannabis Facility or in a Transporter or Delivery Service vehicle who is not identified as a Licensee or an employee of the Licensee in the CATS or is in violation of this Act or Regulations, the Commission, through its investigators, agents, auditors, or the Tribal Police may take any action permitted under this Act and Regulations, including but not limited to issuing fines and/or suspension or revocation of a License issued pursuant to this Act.

d. Employee records are subject to inspection or examination by the Commission, through its investigators, agents, or auditors to determine compliance with this Act or Regulations.

e. Consumption of food by employees is prohibited where Cannabis Product is stored, processed or packaged or where hazardous materials are used, handled or stored unless the Cannabis Facility has an employee designated area that includes,

but is not limited to, a room with floor to ceiling walls and a door that separates the room from any Cannabis Product.

f. As used in this Act, "employee" includes, but is not limited to, hourly employees, contract employees, trainees, or any other person given any type of employee credentials or authorized access to the Cannabis Facility. Trade services provided by individuals not normally engaged in the operation of a Cannabis Facility, except for those individuals required to have employee credentials under this rule, must be reasonably monitored, logged in as a visitor, and escorted through any limited access areas.

CHAPTER 8. CANNABIS POSSESSION AND CONSUMPTION PERMITS

49 M.P.T.L. ch. 8 § 1

§ 1. Possession, Use and Consumption Limits Consistent with Connecticut Law

a. Any person twenty-one (21) years of age or older may possess, use and otherwise consume Cannabis, provided the amount of all such cannabis does not exceed such person's possession limit as provided in C.G.S. 21a-279a. No one under twenty-one (21) years of age may possess, use or otherwise consume Cannabis or Cannabis Products on the Reservation.

b. Violation of the limits established by § 1a of this chapter shall result in a violation of the Tribe's criminal laws pursuant to 2 M.P.T.L. ch. 2 § 1a. and 2 M.P.T.L. ch. 2 § 1d. to the same extent such violation of the possession limits would result in a violation of the criminal laws of the State of Connecticut if such possession occurred outside the Reservation.

49 M.P.T.L. ch. 8 § 2

§ 2. Cannabis Consumption Permit

a. Cannabis consumption shall be permitted in a designated consumption area identified on a valid cannabis consumption permit issued by the Commission, subject to any operational or other restrictions on cannabis consumption provided in such permit.

b. The designated consumption area identified on a cannabis consumption permit may be an area located inside of or adjacent to a Cannabis Facility or any other location within the Reservation approved by the Commission consistent with the terms of this Act and any Regulations.

c. Any cannabis consumption permit shall designate the length of time for which the permit shall be valid, and/or designate specific times for when Cannabis may be consumed in the designated consumption area pursuant to the permit.

49 M.P.T.L. ch. 8 § 3

§ 3. Consumption Area Designation by Tribal Council

In the event enough Commissioners have not been appointed to form a quorum, the Tribal Council may designate areas within Mashantucket for the consumption of cannabis.

49 M.P.T.L. ch. 8 § 4

§ 4. Consumption in Residences and Outdoor Locations

a. Nothing in this Act shall prohibit any person twenty-one years of age or older from consuming cannabis within a residence within Mashantucket or in any outdoor area within Mashantucket where smoking of tobacco or vaping are not prohibited.

b. Notwithstanding anything in subsection 4a of this chapter, except as authorized pursuant to a consumption permit issued under Chapter 8 of this Act, Cannabis Products may not be consumed within five hundred (500) feet of any daycare, school, museum, or any other building or grounds used for tribal government operations or tribal cultural activities. Anyone in violation of this prohibition shall be subject to the penalty provided for violations of the Mashantucket Pequot Criminal Laws described in 2 M.P.T.L. ch. 2 §1a and/or issued a civil fine by the Commission.

CHAPTER 9. Safety and Enforcement

49 M.P.T.L. ch. 9 § 1

§ 1. Premises Checks

The Tribal Police or other agency authorized under Tribal law will conduct premises checks on any Licensee to observe compliance with the Tribal Code and other Tribe laws and to provide support and education to Licensees. The results of such checks shall be provided to the Commission and the Tribal Council. Nothing in this section shall provide the Tribal Police regulatory authority over any Licensee.

49 M.P.T.L. ch. 9 § 2

§ 2. Compliance Checks - Minors

The Tribal Police or other regulatory agency in accordance with Tribal law, conduct at least one compliance check per year at any Retailer using minors ages eighteen (18), nineteen (19), or twenty (20). The results of such checks shall be provided to the Commission and the Tribal Council. No criminal action may be taken against any minor who purchases Cannabis Products as part of such a compliance check.

Historical and Statutory Notes

Derivation.

Effective September 30, 2021, TCR093021-01 of 13, enacted the 49 M.P.T.L. "Mashantucket Pequot Cannabis Law".

Effective August 10, 2023, TCR081023-04 of 11, repealed and replaced 49 M.P.T.L. in its entirety with the "Mashantucket Pequot Tribal Nation Cannabis Regulatory Act".