

TITLE 51. CANNABIS CONTROL CODE

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CHAPTER 1. GENERAL PROVISIONS

SECTION 51-1-1. Title.

This title shall be known as the Omaha Tribal Cannabis Regulatory Code.

SECTION 51-1-2. Authority.

This Code is adopted by the Omaha Tribal Council pursuant to Article IV of the Constitution of the Omaha Tribe of Nebraska, and in the exercise of the Tribe's inherent sovereign powers of self-government and regulatory authority over its lands, citizens, and commerce.

SECTION 51-1-3. Purpose and Intent.

The purpose of this Code is to exercise the Tribe's inherent sovereignty by establishing a comprehensive legal and regulatory framework for the cultivation, processing, distribution, sale, possession, use, and testing of cannabis and cannabis-derived products within the jurisdiction of the Omaha Tribe of Nebraska, including all trust, allotted, fee, and restored lands such as Blackbird Bend.

This Code is adopted to:

1. Protect the health, safety, and welfare of Tribal members and Reservation residents;
2. Promote sustainable Tribal economic development and self-sufficiency;
3. Ensure effective oversight of cannabis activity through Tribal regulation consistent with federal law, including the Controlled Substances Act, the 2018 Farm Bill, and relevant Department of Justice guidance;
4. Affirm the Tribe's sovereign rights to regulate trade, health, taxation, land use, and commerce in a manner consistent with Umóⁿhoⁿ culture and governance.

SECTION 51-1-4. Findings and Policies.

The Omaha Tribal Council makes the following findings:

- (a) The Omaha Tribe of Nebraska is a federally recognized sovereign Indian Nation with jurisdiction over its members and Reservation lands.
- (b) Article IV, Section 1(f), (g), and (j) of the Omaha Tribal Constitution authorizes the Tribal Council to manage Tribal economic affairs, appropriate funds, and safeguard public health, safety, and welfare.

- (c) The cannabis plant has been present in North America for centuries. Indigenous peoples have long used plant-based substances for healing, spiritual, and ceremonial purposes. Cannabis, when respected and regulated properly, can be aligned with Tribal values and healing traditions.
- (d) The development of a legal cannabis industry provides critical opportunities for the Tribe to generate revenue, create employment, and invest in health, education, housing, and infrastructure.
- (e) The Tribe has endured generations of systemic harm and economic disenfranchisement and must adopt innovative strategies to strengthen its economy and protect future generations.
- (f) The Controlled Substances Act (21 U.S.C. § 801 et seq.) classifies cannabis as a Schedule I substance, but federal guidance has acknowledged Tribal sovereignty and enforcement discretion.
- (g) On August 29, 2013, the U.S. Department of Justice issued the “Cole Memorandum,” identifying eight priorities for federal cannabis enforcement, including prevention of youth access, criminal enterprise involvement, violence, impaired driving, and diversion.
- (h) On October 28, 2014, the DOJ issued the “Policy Statement Regarding Marijuana Issues in Indian Country,” affirming that federal cannabis enforcement priorities also apply to Tribes and should be addressed through consultation.
- (i) Although the Cole Memorandum was rescinded in 2018, Congress has enacted annual appropriations restrictions preventing DOJ interference with Tribal and state medical cannabis programs.
- (j) Regulated Tribal cannabis operations advance federal Indian policy goals of self-governance, economic development, and public safety.
- (k) Oversight of cannabis within Tribal jurisdiction is essential to prevent misuse, protect consumers, and ensure products meet health and safety standards.
- (l) This Code reflects the Tribe’s intent to regulate cannabis in accordance with Tribal laws, customs, and values, and to do so in a way that respects spiritual teachings, economic justice, and the sacredness of the land and people.

SECTION 51-1-5. Control of Cannabis.

- (a) The Omaha Tribe of Nebraska shall have the sole and exclusive authority to regulate all cannabis-related activities within its jurisdiction. No person, entity, or agency may cultivate, process, distribute, sell, possess, test, or use cannabis or cannabis-derived products on Tribal lands except in accordance with this Code and regulations promulgated under it.
- (b) All cannabis-related activities shall be subject to regulation and oversight by a Tribal Cannabis Commission or other regulatory authority designated by the Omaha Tribal

Council. This includes, but is not limited to, licensing, inspection, testing, taxation, enforcement, and the development of rules and procedures necessary to implement this Code.

- (c) This Code applies to all lands within the jurisdiction of the Omaha Tribe, including but not limited to trust lands, allotted lands, fee lands within reservation boundaries, tribally owned lands, and any lands restored to the Tribe by federal action, settlement, or litigation.
- (d) No activity governed by this Code shall be lawful unless conducted in full compliance with the provisions of this Code and all duly adopted regulations, license conditions, and enforcement orders issued under Tribal law.
- (e) Any cannabis-related activity conducted in violation of this Code shall be subject to enforcement action, including but not limited to suspension or revocation of licenses, civil fines, forfeiture, and referral for criminal prosecution under Tribal or applicable federal law.

SECTION 51-1-6. Sovereign Immunity.

Nothing in this Code shall be construed as a waiver of the sovereign immunity of the Omaha Tribe of Nebraska, its Tribal Council, agencies, officers, employees, or instrumentalities. The Tribe consents to suit solely in the Omaha Tribal Court for the limited purpose of enforcement or appeal of administrative actions authorized by this Code, and only to the extent explicitly set forth herein. No other waiver, express or implied, shall be deemed or construed. This Code does not create any rights enforceable by any person or entity against the Tribe, its officers, employees, or agents except as expressly provided herein. The Omaha Tribal Court shall have exclusive jurisdiction to interpret and enforce the provisions of this Code, including appeals of actions taken by the Cannabis Commission or other regulatory authority designated under this Title.

SECTION 51-1-7. General Definitions.

For the purposes of this Title, the following definitions shall apply. The Tribe reserves the right to interpret all terms consistent with its sovereign authority, customs, and regulatory needs.

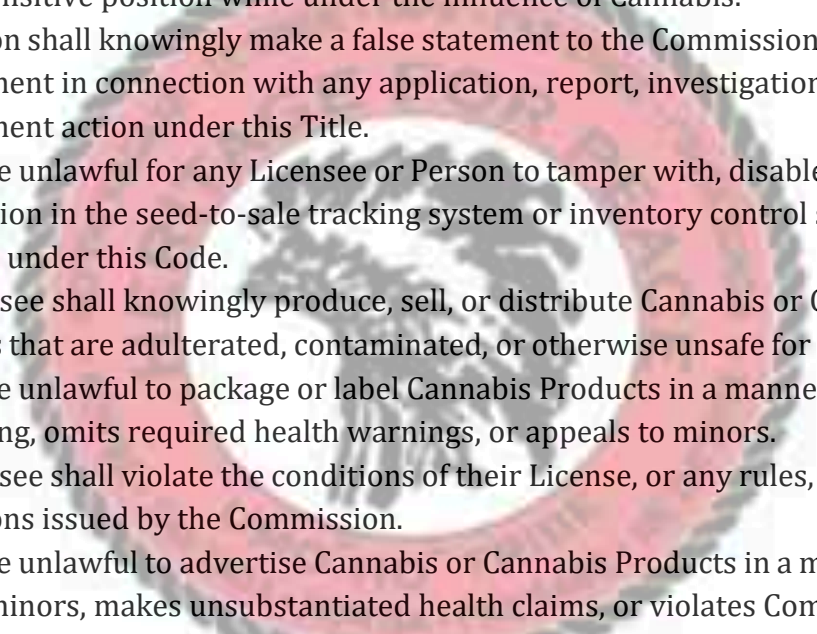
- (a) “Adulterated” means Cannabis or a Cannabis Product that contains any poisonous or deleterious substance, is unsafe for consumption, or has been produced or handled under unsanitary conditions.
- (b) “Applicant” means a Person applying for a license, permit, registration, or other authorization under this Title.
- (c) “Batch” means a specific quantity of Cannabis or Cannabis Product that is uniform in strain, harvest, processing, and production and is identified by a unique batch number.

- (d) “Cannabis” means all parts of the plant *Cannabis sativa* L., whether growing or not, including its seeds, resin, and all derivatives, compounds, and preparations thereof, regardless of THC content, except as excluded under the definition of Hemp.
- (e) “Cannabis Establishment” means a Person or entity licensed to engage in commercial Cannabis activities, including cultivation, manufacturing, testing, distribution, or retail sales.
- (f) “Cannabis Product” means any product intended for consumption or use that contains Cannabis or Cannabis-derived compounds, including but not limited to edibles, concentrates, topicals, tinctures, beverages, capsules, or vape products.
- (g) “Cannabis Testing Facility” means a facility licensed by the Commission to test Cannabis or Cannabis Products for potency, contaminants, safety, and compliance.
- (h) “Caregiver” means a Person designated by a qualified patient to assist with the purchase, transport, or administration of Medical Cannabis, registered with and approved by the Commission.
- (i) “Child-resistant packaging” means packaging designed to prevent access by children and compliant with federal child-resistance standards.
- (j) “Commission” means the Omaha Cannabis Regulatory Commission, the regulatory body established under this Title.
- (k) “Cultivation” means the planting, growing, harvesting, curing, drying, grading, or trimming of Cannabis.
- (l) “Dispensary” means a licensed Cannabis Establishment where Cannabis or Cannabis Products are sold or distributed to consumers, patients, or caregivers.
- (m) “Distribution” means the licensed transport or transfer of Cannabis or Cannabis Products between Cannabis Establishments.
- (n) “Hemp” means the plant *Cannabis sativa* L. and any part of that plant, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis, as defined by federal law and recognized by the Tribe.
- (o) “Infused product” means a product created by combining Cannabis with other ingredients through infusion, such as edibles, beverages, or topicals.
- (p) “Inventory control” means a process used to monitor the chain of custody of Cannabis from the point of cultivation to the point of retail sale or disposal.
- (q) “License” means an official written authorization issued by the Commission for a Person to engage in Cannabis activities under this Title.
- (r) “Licensee” means a Person or entity holding a valid License issued by the Commission under this Title.
- (s) “Manufacture” means the preparation, production, infusion, compounding, extraction, packaging, or labeling of Cannabis or Cannabis Products by manual, mechanical, or chemical means.

- (t) “Medical Cannabis” means Cannabis used or intended to be used under Tribal law for treatment of a qualifying medical condition as authorized by a licensed medical provider.
- (u) “Medical Cannabis Registration Card” means an identification card issued by the Commission to a qualifying patient or caregiver that allows for lawful possession and use of Medical Cannabis.
- (v) “Permittee” means a Person or entity granted limited authorization by the Commission for a specific Cannabis-related activity.
- (w) “Person” means any individual, corporation, limited liability company, partnership, Tribal entity, government agency, or organization.
- (x) “Public place” means any place open and accessible to the general public, including parks, sidewalks, streets, schools, and Tribal buildings.
- (y) “Qualifying condition” means a medical condition recognized by the Commission or Tribal Health Services as eligible for treatment with Medical Cannabis.
- (z) “Qualifying patient” means a Person who has been diagnosed with a qualifying condition and has been issued a valid Medical Cannabis Registration Card under this Title.
- (aa) “Seed-to-sale tracking system” means a Commission-approved electronic system used to trace Cannabis and Cannabis Products through all stages of production and sale.
- (bb) “Serving size” means the quantity of THC in a single dose of a Cannabis-infused product, not to exceed 10 milligrams for adult-use products unless otherwise authorized.
- (cc) “Solvent-based concentrate” means a Cannabis concentrate created using solvents such as butane, propane, ethanol, or carbon dioxide.
- (dd) “Tribal Council” means the duly elected governing body of the Omaha Tribe of Nebraska
- (ee) “Tribal Court” means the judicial body of the Omaha Tribe having jurisdiction over matters arising under this Title.
- (ff) “Tribal Member” means an enrolled citizen of the Omaha Tribe of Nebraska, as determined under Tribal enrollment law.
- (gg) “Tribe” means the Omaha Tribe of Nebraska.
- (hh) “Use” or “Consumption” means the act of ingesting, inhaling, absorbing, or otherwise introducing Cannabis into the body.

CHAPTER 2. UNLAWFUL CONDUCT AND LEGAL DEFENSES

SECTION 51-2-1. Unlawful Conduct.

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- (a) It shall be unlawful for any Person to cultivate, process, manufacture, distribute, sell, test, transport, or otherwise engage in commercial Cannabis activity within Tribal jurisdiction without a valid License or Permit issued under this Title.
 - (b) No Licensee or individual shall divert Cannabis or Cannabis Products to any person or location not authorized by this Code or Commission regulations.
 - (c) No Person shall knowingly sell, distribute, or otherwise provide Cannabis or Cannabis Products to any individual under twenty-one (21) years of age, except as explicitly authorized for qualified patients under a valid Medical Cannabis Registration Card and with a designated caregiver.
 - (d) It shall be unlawful to consume Cannabis or Cannabis Products in a Public Place unless expressly authorized by the Commission for limited use areas.
 - (e) No Person shall operate a motor vehicle, heavy machinery, or perform duties in a safety-sensitive position while under the influence of Cannabis.
 - (f) No Person shall knowingly make a false statement to the Commission or Tribal law enforcement in connection with any application, report, investigation, or enforcement action under this Title.
 - (g) It shall be unlawful for any Licensee or Person to tamper with, disable, or falsify information in the seed-to-sale tracking system or inventory control systems required under this Code.
 - (h) No Licensee shall knowingly produce, sell, or distribute Cannabis or Cannabis Products that are adulterated, contaminated, or otherwise unsafe for consumption.
 - (i) It shall be unlawful to package or label Cannabis Products in a manner that is misleading, omits required health warnings, or appeals to minors.
 - (j) No Licensee shall violate the conditions of their License, or any rules, orders, or regulations issued by the Commission.
 - (k) It shall be unlawful to advertise Cannabis or Cannabis Products in a manner that targets minors, makes unsubstantiated health claims, or violates Commission restrictions on time, place, and manner.

SECTION 51-2-2. Enforcement.

- (a) The Commission shall have authority to impose administrative and civil penalties for any violation of this Title or Commission regulations, including but not limited to:
 - 1. Issuance of written warnings or notices of violation;
 - 2. Monetary fines not to exceed amounts set by regulation;
 - 3. Orders requiring corrective action within a specified time;
 - 4. Temporary suspension of licenses or permits;
 - 5. Permanent revocation of licenses or permits;
 - 6. Restitution for harm caused to the Tribe, consumers, or the public.

- (b) The Commission may deny, suspend, modify, or revoke any License or Permit issued under this Title upon finding that the Licensee or Permittee has:
1. Violated any provision of this Title or implementing regulations;
 2. Provided false or misleading information to the Commission;
 3. Failed to comply with Commission orders or conditions of licensure;
 4. Engaged in conduct constituting a threat to public safety, product integrity, or Tribal sovereignty.
- (c) Any Licensee or Permittee subject to enforcement action under this section shall have the right to request a hearing before the Commission and to appeal final decisions to the Omaha Tribal Court pursuant to procedures established by regulation.
- (d) Conduct prohibited under Section 51-2-1 that constitutes a criminal offense may be prosecuted under the Omaha Tribal Criminal Code. Such offenses may include, but are not limited to:
1. Unlawful possession or sale of Cannabis without a License;
 2. Diversion of Cannabis to unauthorized persons or locations;
 3. Knowingly furnishing Cannabis to a minor;
 4. Tampering with tracking systems or submitting false records;
 5. Criminal fraud or misrepresentation.
- (e) The Omaha Tribal Court shall have jurisdiction over all civil, regulatory, and criminal matters arising under this Title, subject to any applicable waivers or limitations on sovereign immunity.

SECTION 51-2-3. Legal Defenses.

- (a) It shall be an affirmative defense to any civil, criminal, or administrative enforcement action under this Title that the Person charged:
1. Was a Qualifying Patient in possession of a valid Medical Cannabis Registration Card issued by the Commission; or,
 2. Was a registered Caregiver acting lawfully on behalf of a Qualifying Patient; and,
 3. Possessed or used Cannabis in quantities within the limits established by Commission regulation or medical guidance.
- (b) It shall be an affirmative defense that the conduct alleged to violate this Title was:
1. Expressly authorized in writing by the Commission; or,
 2. Undertaken reasonable, good-faith reliance on a valid License, Permit, or Commission-issued guidance in effect at the time of the alleged violation.
- (c) It shall be an affirmative defense that the conduct was performed by an officer, agent, or employee of the Omaha Tribe acting within the scope of their official duties under this Title, including activities related to enforcement, licensing, compliance, or public health.

- (d) A Person may assert an Emergency Medical Necessity defense to any violation involving authorized Cannabis possession or administration where:
1. The conduct occurred during a documented medical emergency or life-threatening situation;
 2. The Cannabis use was reasonably necessary to prevent imminent serious harm; and,
 3. The incident was promptly reported to the Commission or Tribal Health Services for review.
- (e) In an enforcement action involving unlawful distribution to a minor, it shall be an affirmative defense that:
1. The Person demanded, examined, and reasonably relied upon a valid government-issued photo identification showing the recipient to be twenty-one (21) years of age or older; and,
 2. The identification was not known or reasonably should not have been known to be false.
- (f) Nothing in this Title shall prevent the Commission from recognizing culturally significant or ceremonial uses of Cannabis authorized by Tribal law or resolution. In such cases, participation in good faith in a sanctioned Tribal ceremony may be asserted as an affirmative defense, provided such use does not involve commercial distribution, public endangerment, or diversion.

SECTION 51-2-4. Deleterious Outcomes.

The Tribe, including its officers, employees, agents, representatives, successors, and assigns, shall not be held responsible for any deleterious outcomes from the use of Cannabis by any person.

CHAPTER 3. CANNABIS REGULATORY COMMISSION

SECTION 51-3-1. Establishment.

- (a) The Omaha Tribal Council hereby establishes the Omaha Cannabis Regulatory Commission ("the Commission") as the independent regulatory authority for the licensing, oversight, enforcement, and development of Cannabis activities conducted under Tribal law.
- (b) The Commission shall act as an instrumentality of the Tribe, exercising delegated sovereign powers under the authority of the Omaha Tribal Council. The Commission shall be independent in its regulatory decision-making and insulated from political or financial influence.
- (c) The Commission shall have full authority to license and regulate both Tribal-owned and non-Tribal businesses, including partnerships between the two, provided such

operations comply with this Title and serve the long-term economic interests of the Omaha Tribe.

SECTION 51-3-2. Mission and Guiding Principles.

The mission of the Commission is to promote public health, consumer safety, economic development, and Tribal sovereignty through the lawful regulation of Cannabis. In pursuit of this mission, the Commission shall:

- (a) Prioritize licensing and support for Tribal Members, Tribal enterprises, and Omaha-owned businesses;
- (b) Create pathways for outside businesses, including non-Native and out-of-state applicants, to invest in and operate on the Reservation under Tribal regulatory authority;
- (c) Develop a robust, transparent, and enforceable regulatory system to ensure product safety, youth protection, market integrity, and fair taxation;
- (d) Act swiftly and strategically to position the Tribe as a regional leader in lawful Cannabis commerce, especially in light of regulatory delays or limitations in the State of Nebraska.

SECTION 51-3-3. Composition and Appointments.

- (a) The Commission shall consist of no fewer than three (3) and no more than five (5) voting members, appointed by majority vote of the Omaha Tribal Council. The Council may increase or reduce the number of sitting Commissioners within this range by resolution, based on need, expertise, and capacity.
- (b) At least two (2) members of the Commission shall be enrolled Members of the Omaha Tribe. Up to three (3) members may be non-Members, provided they possess demonstrated expertise in areas critical to Cannabis regulation, such as cultivation science, manufacturing, regulatory compliance, laboratory testing, or financial auditing.
- (c) All Commissioners must be at least twenty-five (21) years of age, demonstrate good character, and have relevant experience in one or more of the following areas: law, public health, regulatory compliance, economic development, cannabis science, finance, or Tribal governance.
- (d) The Commission shall reflect diverse expertise and shall not include any individual who:
 - 1. Holds an elected office within the Tribal Council;
 - 2. Has a direct financial interest in a licensed Cannabis business (unless serving as a designated Tribal enterprise appointee with proper firewalls in place);
 - 3. Has been convicted of a disqualifying offense as defined by Commission regulation.

- (e) The Attorney General of the Omaha Tribe, or their designee, shall serve as the legal advisor to the Cannabis Regulatory Commission in a non-voting, ex officio capacity and shall have access to all records necessary to provide legal guidance.

SECTION 51-3-4. Terms and Removal.

- (a) Commissioners shall serve staggered four (4) year terms. Initial appointments may be for shorter terms to establish staggered rotation.
- (b) Commissioners may be reappointed for additional terms by majority vote of the Tribal Council.
- (c) Commissioners may be removed for good cause by a two-thirds (2/3) vote of the Tribal Council following written notice and an opportunity to respond. Grounds for removal include but are not limited to:
 - 1. Malfeasance or misconduct;
 - 2. Neglect of duty or repeated absences;
 - 3. Breach of confidentiality or ethics standards;
 - 4. Conflict of interest violations.

SECTION 51-3-5. Powers and Duties.

The Commission shall have full authority to regulate the Cannabis industry within Tribal jurisdiction and shall exercise the following powers and responsibilities:

- (a) Promulgate rules, policies, and standards to implement and enforce this Title, in accordance with the regulatory procedures outlined in Chapter 13, Section 51-13-4;
- (b) Issue, deny, renew, suspend, or revoke licenses;
- (c) License Tribal enterprises, Member-owned businesses, and non-Tribal applicants pursuant to Commission procedures;
- (d) Create licensing categories and tiers, including for vertical integration and retail operations;
Conduct background checks, due diligence, inspections, and audits;
- (e) Enforce this Title through investigations, compliance reviews, administrative orders, and penalties;
- (f) Establish and maintain a secure seed-to-sale tracking system;
- (g) Maintain a seed-to-sale tracking system;
- (h) Collaborate with Tribal, federal, or neighboring agencies where consistent with Tribal law;
- (i) Collect and administer regulatory fees, taxes, and assessments under this Title;
- (j) Develop policies to incentivize Tribal Member ownership, local hiring, and reinvestment;
- (k) Submit annual reports to the Tribal Council including licensing, revenue, enforcement, and policy updates.

SECTION 51-3-6. Operations and Structure.

- (a) The Commission shall elect a Chairperson, Vice Chairperson, and Secretary from among its members annually.
- (b) The Commission shall meet at least quarterly and may convene additional meetings as necessary. A quorum consists of a majority of appointed voting members. All actions require majority vote of those present.
- (c) The Commission may hire staff, retain legal or technical consultants, and contract with third-party vendors as needed.
- (d) The Commission shall maintain meeting minutes and conduct public proceedings subject to confidentiality safeguards.

SECTION 51-3-7. Funding and Sustainability.

- (a) The Commission shall be funded through license fees, regulatory assessments, penalties, and appropriations approved by the Tribal Council.
- (b) All funds collected shall be deposited into a dedicated Cannabis Regulatory Fund and used solely for implementation, enforcement, education, community benefit programs, and Commission operations.
- (c) The Commission shall submit an annual budget for approval and shall be subject to Tribal audit and financial oversight procedures.

SECTION 51-3-8. Role of the Tribe's Attorney General.

- (a) The Attorney General of the Omaha Tribe, or designee, shall:
 - 1. Serve as legal advisor to the Commission;
 - 2. Attend all Commission meetings in a non-voting, ex officio capacity;
 - 3. Provide counsel on regulatory matters, enforcement actions, and intergovernmental agreements;
 - 4. Review proposed regulations and policies for legal compliance.
- (b) Where a conflict of interest arises or the Attorney General represents the Commission in litigation, the Commission may request independent legal counsel with approval of the Tribal Council.

CHAPTER 4. LICENSING

SECTION 51-4-1. License Required.

- (a) No Person may engage in any Cannabis activity within the jurisdiction of the Omaha Tribe unless such Person holds a valid License issued by the Commission under this Title.
- (b) A separate License shall be required for each physical location and each distinct Cannabis activity unless otherwise authorized by Commission regulation.

- (c) Licensure under this Title does not exempt any Person from compliance with other applicable Tribal, federal, or intergovernmental requirements.

SECTION 51-4-2. Eligible Applicants.

- (a) The following Persons are eligible to apply for Licenses under this Title:
1. Tribal enterprises wholly owned and operated by the Omaha Tribe;
 2. Individual enrolled Members of the Omaha Tribe;
 3. Tribally chartered corporations, LLCs, or business arms;
 4. Joint ventures between Tribal Members and other Persons;
 5. Non-Tribal individuals, corporations, or other legal entities, including non-Nebraska residents, who agree to submit to Tribal jurisdiction and comply with this Title and all applicable regulations.
- (b) All applicants shall submit to the jurisdiction of the Omaha Tribal Court and execute any required agreements acknowledging Tribal civil and regulatory authority.

SECTION 51-4-3. License Categories.

The Commission shall create and maintain categories of Licenses, which may include but are not limited to:

- (a) Cultivation License – authorizes the planting, growing, harvesting, and initial processing of Cannabis.
- (b) Manufacturing License – authorizes the processing, infusion, extraction, packaging, and labeling of Cannabis Products.
- (c) Retail License – authorizes the sale of Cannabis and Cannabis Products directly to consumers.
- (d) Testing Laboratory License – authorizes the scientific testing and analysis of Cannabis for potency, contaminants, and compliance.
- (e) Transport License – authorizes the secure transport of Cannabis and Cannabis Products between licensed establishments.
- (f) Tribal Enterprise License – a special classification granted exclusively to wholly owned Tribal business entities, which may be subject to streamlined procedures or alternative compliance requirements.
- (g) Microbusiness License – a limited-scale vertically integrated license reserved for small operations, with preferences for Tribal Member applicants.
- (h) Vertically Integrated Enterprise License – authorizes a single Licensee to engage in two or more licensed activities under a unified compliance and regulatory structure, subject to heightened oversight and reporting.

SECTION 51-4-4. Vertical Integration.

- (a) The Commission may approve vertical integration for any eligible Licensee that demonstrates capacity to meet regulatory standards across multiple activities (e.g., cultivation + retail).
- (b) Tribal enterprises and businesses with majority Tribal Member ownership shall receive priority consideration for vertically integrated Licenses.
- (c) The Commission may require additional operational safeguards and audit standards for vertically integrated Licensees to ensure full compliance across all licensed activities.
- (d) The Commission shall adopt rules ensuring that vertical integration is implemented in a manner that encourages Tribal economic development and prevents monopolization or undue market control.

SECTION 51-4-5. Tribal Priority and Incentives.

- (a) The Commission shall adopt rules and scoring preferences that prioritize Licenses for:
 - 1. Businesses wholly owned by the Omaha Tribe;
 - 2. Individual enrolled Tribal Members;
 - 3. Partnerships or joint ventures with at least 51% Tribal Member ownership or control.
- (b) Incentives for qualifying Tribal enterprises may include:
 - 1. Expedited license processing;
 - 2. Reduced or waived application and renewal fees;
 - 3. Reserved License categories or microbusiness slots;
 - 4. Access to compliance support services or startup technical assistance.
- (c) The Commission may establish a revolving loan or grant fund to support Tribal Member-owned businesses licensed under this Title.
- (d) Additional scoring criteria may be developed for Tribal veterans, locally impacted applications, or others disproportionately affected by past criminalization.

SECTION 51-4-6. License Term, Renewal, Transfer, and Joint Ventures.

- (a) All Licenses issued under this Title shall be valid for a term of one (1) year from the date of issuance unless otherwise provided by Commission regulation.
- (b) Licensees may apply for renewal no later than sixty (60) days prior to expiration. The Commission shall evaluate each renewal request based on:
 - 1. Compliance history;
 - 2. Continued adherence to licensing requirements and public safety standards;
 - 3. Fulfillment of community benefit obligations or Tribal hiring goals, if applicable;
 - and,
 - 4. Demonstrated cooperation with inspections, audits, and reporting obligations.

(c) The Commission may, by regulation, authorize multi-year License terms of up to three (3) years for Licensees in good standing. To qualify for an extended term, a Licensee must meet one or more of the following criteria:

1. Are wholly owned Tribal enterprises;
2. Are at least 51% Tribal Member-owned;
3. Have maintained full compliance with this Title and all Commission rules for at least one full License term; or,
4. Are joint ventures with guaranteed Tribal equity growth or community reinvestment.

(d) Licenses shall not be transferred, sold, assigned, or otherwise conveyed without prior written approval of the Commission. Any material change in:

1. Ownership structure;
2. Management or controlling interest; or,
3. Physical business location

must be reported to the Commission within ten (10) calendar days and shall require Commission review and written approval prior to continued operation.

SECTION 51-4-7. License Fees.

The Commission shall establish, publish, and maintain a fee schedule for License applications, issuance, renewals, amendments, and regulatory oversight activities under this Title. Fees shall be reasonably calculated to support the costs of effective administration, enforcement, staffing, auditing, and program infrastructure. All fees shall be reviewed periodically and may be adjusted by regulation to ensure sustainability and alignment with Tribal economic objectives.

SECTION 51-4-8. Joint Ventures and Outside Investment.

(a) The Commission may issue Licenses to non-Tribal applicants, including out-of-state entities, subject to the following conditions:

1. Execution of a Tribal Regulatory Compliance Agreement;
2. Submission to the civil jurisdiction of the Omaha Tribal Court;
3. Annual financial reporting and audit rights retained by the Commission;
4. No claim of exemption from Tribal taxation, licensing, or employment requirements.

(b) All joint ventures between non-Tribal entities and Tribal Members or Tribal entities must:

1. Disclose full ownership and management structure;
2. Maintain at least 25% equity ownership or profit-sharing by the Tribal partner, unless waived by the Commission for exceptional public benefit;

3. Include buy-back, equity vesting, or reversion provisions favoring Tribal ownership.
- (c) The Commission may deny any joint venture or investment that threatens Tribal sovereignty, public safety, or long-term economic interests.

SECTION 51-4-9. License Suspension, Revocation, and Appeals.

- (a) The Commission may suspend, revoke, or take other enforcement action against any Licensee upon a finding that the Licensee, its owners, employees, or agents have:
 1. Violated any provision of this Title or regulations issued pursuant to it;
 2. Provided false or misleading information in an application, report, or inspection;
 3. Failed to comply with any order, condition, or requirement imposed by the Commission;
 4. Operated in a manner that endangers public health, safety, or the environment;
 5. Engaged in financial misconduct, diversion, or tampering with tracking systems;
 6. Allowed unlicensed individuals to conduct regulated Cannabis activities;
 7. Been convicted of a disqualifying criminal offense under Commission rules; or,
 8. Ceased operations for more than sixty (60) consecutive days without notice and approval.
- (b) The Commission may issue an emergency suspension order without prior hearing where the Commission finds that immediate action is necessary to protect public health, safety, or Tribal economic interests. Such an order must:
 1. Be in writing and state the grounds for suspension;
 2. Take effect immediately upon service to the Licensee; and,
 3. Include notice of the Licensee's right to request an expedited hearing within ten (10) business days.
- (c) Except in emergency situations, the Commission shall provide written notice to the Licensee of its intent to suspend or revoke a License, including:
 1. A description of the alleged violation(s);
 2. The specific disciplinary action proposed; and,
 3. The Licensee's right to request a hearing before the Commission within fifteen (15) days of service. Failure to request a timely hearing shall constitute a waiver of the right to contest the proposed action.
- (d) Upon request, the Commission shall conduct an administrative hearing in accordance with procedures established by regulation. The Licensee may:
 1. Appear personally or through counsel;
 2. Present evidence and call witnesses; and,
 3. Cross-examine witnesses presented by the Commission.

A final written decision shall be issued within thirty (30) days of the hearing, unless extended for good cause.

(e) A Licensee aggrieved by a final disciplinary decision of the Commission may file a written appeal to the Omaha Tribal Court within thirty (30) days of service of the final decision. The Tribal Court's jurisdiction shall be limited to:

1. Determining whether the Commission acted within the scope of its authority;
2. Reviewing whether the decision was arbitrary, capricious, or not supported by substantial evidence;
3. Providing appropriate remedies consistent with Tribal law.

The Tribal Court shall give deference to the Commission's technical expertise and policy determinations.

(f) A Licensee whose License has been revoked may reapply for reinstatement no sooner than one (1) year from the date of revocation, unless otherwise authorized by the Commission upon a showing of corrective action and changed circumstances.

SECTION 51-4-10. Provisional and Conditional Licenses.

- (a) The Commission may issue provisional or conditional Licenses with limited terms or operational scope.
- (b) Such Licenses may be granted pending facility buildout, background checks, or satisfaction of other conditions.
- (c) Provisional Licenses shall not be transferable and shall expire if full Licensure is not obtained within the designated period.

SECTION 51-4-11. Mandatory Denial of License.

The Commission shall deny any application if the applicant:

- (a) Has been convicted of a disqualifying felony within the past ten (10) years;
- (b) Has previously held a License revoked for cause within three (3) years;
- (c) Fails to disclose material facts in the application;
- (d) Is currently in violation of any Commission order or settlement agreement.

SECTION 51-4-12. Voluntary License Surrender.

- (a) A Licensee may voluntarily surrender a License by providing written notice at least thirty (30) days prior to ceasing operations.
- (b) All Cannabis inventory must be lawfully transferred, destroyed, or disposed of under Commission supervision.
- (c) Surrender does not extinguish liability for prior violations or outstanding obligations under this Title.
- (d) The Commission shall evaluate each application based on objective and discretionary criteria, including:
 1. Compliance with this Title and applicable regulations;

2. Financial responsibility and operational capacity;
 3. Public health and safety considerations;
 4. Prior conduct and criminal history of owners or controlling persons;
 5. Community impact and location suitability;
 6. Ownership structure and participation of Tribal Members or Tribal entities;
 7. Past compliance or violations, if renewing.
- (e) The Commission shall give priority consideration to:
1. Tribal enterprises and wholly owned Tribal businesses;
 2. Tribal Member applicants;
 3. Applicants proposing to hire or train Tribal Members or reinvest in the local economy.
- (f) The Commission may deny any application based on a failure to meet legal or regulatory requirements, or for cause consistent with public interest and the purposes of this Title.

SECTION 51-4-13. Application Process.

- (a) All applications for Licenses under this Title shall be submitted on forms prescribed by the Commission and shall include:
1. Legal name, organizational structure, and contact information of the applicant;
 2. Ownership, control, and management disclosures, including all persons with a financial interest;
 3. A detailed operations plan, including inventory control, safety, and security measures;
 4. A proposed location and documentation of right to use the premises;
 5. A business plan demonstrating financial capacity and regulatory readiness;
 6. Employment and community impact plans, including any Tribal Member hiring commitments;
 7. Payment of the required application fee;
 8. Any other information required by Commission regulation.
- (b) All applicants, owners, officers, and key personnel shall submit to background investigations as required by the Commission. Refusal to submit shall result in denial of the application.
- (c) The Commission may request additional information, documents, or interviews. Failure to respond within the time provided may result in denial.
- (d) The Commission shall notify applicants of any deficiencies. If not corrected within the prescribed period, the application may be deemed withdrawn.
- (e) The Commission shall act on complete applications within a reasonable time, as defined by regulation. Denials shall include written explanation and notice of appeal rights.

- (f) The Commission shall treat sensitive business or personal information in accordance with Tribal law and Commission confidentiality rules.

CHAPTER 5. PROCESSING, MANUFACTURING, AND OPERATIONAL STANDARDS

SECTION 51-5-1. General Compliance Obligation

All Licensees shall operate in strict compliance with this Title, applicable Commission regulations, and any additional conditions of licensure imposed by the Commission. Compliance with operational standards is a continuing obligation. Failure to comply may result in suspension, fines, or revocation.

SECTION 51-5-2. Licensee Operating Procedures.

- (a) All Licensees shall develop, implement, and maintain written standard operating procedures (SOPs) appropriate to their specific licensed activities. At a minimum, SOPs shall address:
1. Sanitation and hygiene protocols;
 2. Secure product handling, storage, and inventory management;
 3. Chain of custody procedures for internal transfers and external distribution;
 4. Employee roles, responsibilities, and training on operational safety;
 5. Emergency response protocols.
- (b) Licensees engaged in the processing or manufacturing of Cannabis Products, including edibles, concentrates, or infused goods, shall maintain additional SOPs addressing:
1. Dosage formulation and cannabinoid potency control;
 2. Infusion, extraction, and cooking procedures;
 3. Equipment cleaning and food-grade sanitation standards;
 4. Prevention of cross-contamination, spoilage, or adulteration;
 5. Batch tracking, packaging workflow, and labeling verification.
- (c) The Commission shall adopt regulations establishing SOP requirements tailored to each license type, including but not limited to cultivation, manufacturing, retail, transport, testing, and microbusiness operations.
- (d) All SOPs shall be kept current, retained onsite, and made available to the Commission for inspection upon request.

SECTION 51-5-3. Security and Surveillance.

- (a) Subject to the Commission's regulations, Licensees at their facilities shall install and maintain:
1. 24-hour video surveillance with recording capabilities covering all entry points, processing areas, storage rooms, and loading docks;
 2. Controlled-access systems to limit unauthorized entry;

3. Intrusion detection and alarm systems;
 4. Exterior lighting sufficient to deter unauthorized activity.
- (b) Surveillance footage must be retained for at least thirty (30) days and made available to the Commission upon request.

SECTION 51-5-4. Food Safety.

- (a) Any individual engaged in edible Cannabis product manufacturing shall complete a food handler safety course approved by the Commission or a Tribal, state, or federal health agency.
- (b) Certificates of completion must be maintained onsite and presented to the Commission upon request.

SECTION 51-5-5. Cannabis Concentrates.

- (a) Licensees may manufacture and sell the following Cannabis concentrates:
1. Water-Based Cannabis Concentrates;
 2. Fat-Based Cannabis Concentrates;
 3. Solvent-Based Cannabis Concentrate; and,
 4. Critical Fluid Extraction Cannabis Concentrates, provided the solvents used in this process only include N-Butane, Iso-Butane, Propane, Heptane, or Carbon Dioxide.
- (b) A processing facility that engages in the production of Cannabis concentrates, regardless of the method of extraction or type of concentrate being produced, must:
1. Ensure that the space in which any Cannabis Concentrate is to be produced is a fully enclosed room and clearly designated.
 2. Establish a standard operating procedure for each method used to produce a Cannabis concentrate.
 3. Establish written quality control procedures designed to minimize any potential risks to employees or contamination of Cannabis products.
 4. Ensure that all equipment used in the production of a Cannabis concentrate is food-grade, including ensuring that all counters and surface areas were constructed in such a manner that it reduces the potential for the development of microbials and mold and can be easily cleaned.
 5. Ensure that all equipment, counters, and surfaces used in the production of a Cannabis concentrate is thoroughly cleaned after the completion of each production of a Cannabis concentrate.
 6. Have a comprehensive training manual that provides step-by-step instructions for each method used to produce a Cannabis concentrate. The training manual must include, but need not be limited to, all standard operating procedures, quality control procedures and safety procedures for each method of production,

instructions on the appropriate use and maintenance of all equipment involved in each process, and any cleaning required to comply with all applicable sanitary rules.

7. Provide adequate training prior to individual engaging the production of a Cannabis Concentrate. Adequate training must include, but need not be limited to, providing the appropriated employee or volunteer with the training manual and live, in-person instruction detailing safety procedures for each method of production, instructions on the appropriate use and maintenance of all equipment involved in the process, and any cleaning required to maintain compliance with all applicable sanitary rules.
 8. Maintain clear and comprehensive records that document every phase of each step in the production of the Cannabis concentrate, which must include the name and license number of every employee or volunteer that worked on the production of that Cannabis concentrate.
 9. Ensure that the room in which Cannabis concentrate shall be produced contains an emergency eye-wash station.
- (c) With respect to Critical Fluid Extraction Cannabis Concentrates, the processing facility must also ensure that the facility and all equipment used in production of the Critical Fluid Extraction Cannabis Concentrate meets the following requirements:
1. A professional grade, closed-loop extraction system capable of recovering the solvent used.
 2. If a pressurized extraction system is utilized, then every vessel in the system must be rated to a minimum of nine hundred pounds per square inch.
 3. A sufficient fume hood and exhaust system is installed in the room in which a Critical Fluid Extraction Cannabis Concentrate shall be produced and that the system is fully functioning prior to the production a Critical Fluid Extraction Cannabis Concentrate.
 4. All flammable material used in the production of a Critical Fluid Extraction Cannabis Concentrate are stored in a storage-tank designed to hold flammable material and is outside of the room in which the concentrates are to be produced.
 5. A sufficient fire-suppression system is installed in the room in which a Critical Fluid Extraction Cannabis Concentrate shall be produced and that the system is fully functioning prior to the production a Critical Fluid Extraction Cannabis Concentrate.
 6. A hydro-carbon gas monitoring system, a carbon dioxide gas monitoring system or both, depending on the type of Cannabis Concentrate to be produced, with emergency shutdown relays is installed in the room in which a Critical Fluid Extraction Cannabis Concentrate shall be produced and that the system is fully

functioning prior to the production a Critical Fluid Extraction Cannabis Concentrate.

7. The room in which a Critical Fluid Extraction Cannabis Concentrate shall be produced is a spark-free environment.
8. The room in which a Critical Fluid Extraction Cannabis Concentrate shall be produced contains an emergency shower.
9. Ensure that all fluids used in the extraction process are food-grade and 99% pure.
10. Establish a standard operating procedure for each type of Critical Fluid Extraction Cannabis Concentrate to be produced that is designed to maximize employee safety and minimize potential contamination of products with residual solvents or microbials and mold.

SECTION 51-5-6. Product Testing and Quality Assurance.

- (a) Cannabis processed and each Cannabis product sold must be tested for safety and quality assurance, including but limited to, potency testing, residual solvents testing, microbial testing, aflatoxin testing, pesticide testing, and heavy metal testing.
- (b) If the chemicals, inputs, and processes of the licensee cannot result in heavy metals in the products, and those chemicals, inputs, and processes do not result in detectable amounts of heavy metals after six months of testing, the licensee does not need to test for heavy metals.
- (c) Testing labs shall be ISO/IEC 17025 certified.
- (d) Testing results shall be retained and reported to the Commission. No product shall be sold without passing quality assurance standards established by regulation.
- (e) The Commission may require random re-testing and third-party audits.

SECTION 51-5-7. Packaging and Labeling.

- (a) Every package or unit of Cannabis or Cannabis product, distributed shall have a label or labels that state the following, as may be applicable:
 1. The name of the product.
 2. An identification and tracking number for the specific package or unit of Cannabis, or Cannabis product.
 3. The species or strain of the Cannabis.
 4. Identification of the strength and dosage of the Cannabis (within twelve months of the passage of this ordinance).
 5. A statement that the Cannabis or Cannabis product has been tested for safety and quality assurance and that the testing results, and chain of custody

information is available by contacting the distribution facility (within twelve months of the passage of this ordinance).

6. All edibles must be sold in child-resistant packaging that is commonly accepted in the cannabis industry.
- (b) The following warning placed in a conspicuous location on the package: “Smoking may be hazardous to the health of the user, and smoking by pregnant women may result in fetal injury, premature birth, and low birth weight. Further, ingestion of Cannabis in any form may be hazardous to the health of the user and may impair the judgment of the user.”
- (c) The following specific requirements for edible Cannabis products:
1. List of all ingredients used to manufacture the edible Cannabis product; which may include a list of any potential allergens contained within, or used in the manufacture of, the product.
 2. A statement that the Cannabis product, if perishable, must be refrigerated.
 3. A product expiration date, for perishable Cannabis products, upon which the product will no longer be fit for consumption, or a use-by-date, upon which the product will no longer be optimally fresh. Once a label with a use-by or expiration date has been affixed to a container of a Cannabis product, it may not be altered in any way or have a new label affixed with a later use-by or expiration date.
 4. All edibles must be sold in child-resistant packaging that is commonly accepted in the cannabis industry.
- (d) All perishable products must be stored and transported in accordance with the labeling requirements and applicable health and safety standards as determined by Commission regulations.
- (e) The Commission shall adopt packaging and labeling regulations tailored to each license type. Compliance is required as a condition of licensure and subject to inspection.

SECTION 51-5-8. Health, Sanitation, and Safety.

- (a) All facilities licensed under this Title shall be maintained in a clean, safe, and sanitary condition. At a minimum, Licensees shall:
1. Implement written hygiene and sanitation protocols for all staff;
 2. Use appropriate personal protective equipment (PPE);
 3. Routinely disinfect equipment, contact surfaces, and floors;
 4. Maintain ventilation systems to control odor, particulates, and airborne contaminants;
 5. Install and maintain pest prevention and waste disposal systems that mitigate odor, contamination, and infestation risks;

6. Ensure adequate lighting in all areas where Cannabis is stored, processed, or handled;
 7. Construct floors, walls, and ceilings of durable, cleanable materials and keep them in good repair;
 8. Provide readily accessible hand-washing stations and toilet facilities, kept in sanitary condition, and properly stocked.
- (b) No person shall be permitted to work in direct contact with Cannabis if they exhibit:
1. Signs of infectious illness, open wounds, or skin conditions likely to contaminate products;
 2. Symptoms that pose a risk to the safety or cleanliness of Cannabis products.
- (c) All equipment, utensils, and surfaces used for Cannabis processing shall:
1. Be of food-grade materials where applicable;
 2. Be regularly cleaned and sanitized between use; and
 3. Be maintained in a manner that prevents mold, microbial growth, or chemical contamination.
- (d) The Commission shall adopt specific sanitation and occupational safety standards by license type through regulation, including cultivation, processing, manufacturing, and testing facilities. Compliance with these standards is a condition of continued licensure.

SECTION 51-5-9. Security and Surveillance.

- (a) All Licensees engaged in the cultivation, processing, manufacturing, distribution, or retail sale of Cannabis or Cannabis Products shall utilize a Commission-approved electronic seed-to-sale inventory tracking system. This system shall track Cannabis and Cannabis Products from initial planting or production through final sale or disposal.
- (b) At a minimum, the tracking system shall provide:
1. Real-time visibility into the movement of all Cannabis and Cannabis Products;
 2. Unique identification for each plant, product batch, and packaged item;
 3. Record of all transfers, transformations, sales, and disposals by batch and licensee;
 4. Automatic calculation of inventory balances by weight and unit;
 5. Audit trail of user activity and inventory changes.
- (c) All Licensees shall conduct weekly inventory reconciliations and submit inventory reports to the Commission in a format prescribed by regulation.
- (d) Any discrepancies, diversion, theft, or loss of Cannabis or Cannabis Products must be reported to the Commission and Tribal law enforcement within twenty-four (24) hours of discovery.

- (e) The Commission shall adopt regulations establishing license-type-specific inventory control and reporting requirements, which may include physical inventory counts, packaging label verification, audit procedures, and cross-license chain-of-custody verification.
- (f) Licensees shall implement reasonable data security measures to protect inventory tracking systems from unauthorized access, tampering, or data loss.
- (g) The Commission shall have unrestricted access to inventory data maintained in the tracking system and may conduct physical or digital audits at any time to ensure compliance.

SECTION 51-5-10. Prohibited Onsite Conduct.

- (a) The following conduct is strictly prohibited on the premises of any licensed facility, unless expressly permitted by the Commission through a designated consumption or research license:
 - 1. Consumption, sampling, or use of Cannabis or Cannabis Products by the public or by employees during work hours or within active work areas;
 - 2. Sale, display, or distribution of unregulated or unauthorized Cannabis paraphernalia;
 - 3. Onsite marketing or advertising materials that appeal to minors, include cartoon imagery, toy likenesses, or misleading health claims, or are visible from outside the premises;
 - 4. Production or operational practices that create offsite nuisances or hazards including odor, glare, heat, noise, vibration, fumes, mold, dust, or excessive traffic;
 - 5. Entry of individuals under twenty-one (21) years of age onto licensed premises, unless they are registered medical patients accompanied by a guardian, or the license is a Tribal research, educational, or medical facility operating under an age waiver authorized by the Commission;
 - 6. Unauthorized persons entering secure or restricted areas of the facility;
 - 7. Onsite storage of hazardous chemicals or waste in a manner that risks public safety or violates environmental standards.
- (b) Licensees shall post conspicuous signage at each public entrance indicating:
 - 1. That consumption of Cannabis is prohibited on the premises unless otherwise authorized;
 - 2. That entry is restricted to persons twenty-one (21) and older, or to medical patients with proper documentation; and,
 - 3. Any additional Commission-required warnings or conduct restrictions.

- (c) The Commission shall adopt additional rules and enforcement standards tailored to license type. Failure to comply with this section may result in license suspension, revocation, fines, or other enforcement actions.

SECTION 51-5-11. Inspection and Records.

- (a) All Licensees shall maintain accurate, complete, and up-to-date business records appropriate to their licensed activities. At a minimum, records shall include:
1. Operational and inventory logs, including acquisition, storage, transfers, and sales;
 2. Financial transactions, tax filings, and compliance reports;
 3. Employee training, certifications, and occupational safety documentation;
 4. Testing and quality assurance results;
 5. Packaging and labeling records;
 6. Security logs, surveillance archives, and facility access records; and
 7. Any additional records required by Commission regulations or license-specific conditions.
- (b) All records must be:
1. Maintained in physical or digital form that is secure, legible, and retrievable;
 2. Retained for a minimum of five (5) years from the date of creation or as otherwise required by the Commission; and
 3. Made available to the Commission upon request, including during inspections or audits.
- (c) The Commission may conduct inspections or audits of any licensed facility on a scheduled or unannounced basis during normal business hours. Inspections may include:
1. Entry into any licensed premises or secure area;
 2. Review and copying of records, documents, or data systems;
 3. Seizure of samples, evidence, or contraband when required;
 4. Interviews with employees or management personnel; and
 5. Follow-up inspections to verify remediation of deficiencies.
- (d) Licensees shall cooperate fully with all inspections, investigations, and compliance reviews. Failure to grant access, produce records, or respond truthfully to Commission inquiries may result in enforcement action, including fines, license suspension, or revocation.
- (e) The Commission shall issue written inspection reports identifying any violations, required corrective actions, and deadlines for remediation. Repeat or willful noncompliance may result in escalating penalties.

- (f) Unless otherwise provided by law, the Commission shall issue a written notice of deficiency and allow a reasonable opportunity to cure any violation prior to initiating suspension, revocation, or monetary penalties.
- (g) The Commission shall promulgate regulations establishing license-type-specific reporting schedules, audit protocols, and minimum recordkeeping requirements to ensure accountability, traceability, and public safety.

SECTION 51-5-12. License-Type Specific Operational Standards.

The Commission shall, by regulation, define operational requirements and inspection criteria tailored to each license type, including but not limited to cultivation facilities, manufacturing and processing facilities, testing laboratories, transporters, and retail dispensaries.

CHAPTER 6. TAXATION, FEES, AND REVENUE ALLOCATION

SECTION 51-6-1. Authority of the Omaha Tribe Tax Commission.

- (a) The Omaha Tribe of Nebraska exercises its sovereign authority to levy, assess, and collect taxes on all Cannabis-related commercial activity conducted within Tribal jurisdiction.
- (b) The Omaha Tribe Tax Commission, as established under Chapter 2 of Title 50 of the Omaha Tribal Code, shall serve as the designated taxing authority for the purposes of this Chapter and shall be vested with the exclusive authority to administer, implement, and enforce all tax provisions arising under this Title.
- (c) The Tax Commission shall adopt and publish all necessary forms, schedules, regulations, and procedures to administer the tax provisions contained herein, consistent with its general authority under Title 50.
- (d) All Licensees subject to taxation under this Chapter shall register with the Omaha Tribe Tax Commission prior to commencing taxable activity.

SECTION 51-6-2. Excise Tax on Cannabis Activity.

- (a) There is hereby imposed an excise tax on the sale and transfer of Cannabis and Cannabis Products, as follows:
 - 1. Retail Excise Tax: Up to fifteen percent (15%) of the gross sales price of all Cannabis and Cannabis Products sold directly to consumers;
 - 2. Wholesale or Transfer Tax: Up to five percent (5%) of the fair market value of Cannabis or Cannabis Products transferred between Licensees or from producer to retailer.
- (b) The Tax Commission shall, by regulation, establish applicable rates within these parameters and may adjust them periodically in response to market trends or Tribal economic needs.

- (c) All Cannabis remittances shall be due on or before the fifteenth (15th) day of the month following the reporting period, unless otherwise specified by regulation.

SECTION 51-6-3. License Fees, Regulatory Charges, and Penalties.

- (a) In addition to taxes, the Cannabis Regulatory Commission shall establish a fee schedule for:
1. Application, licensing, and renewal;
 2. Regulatory compliance inspections;
 3. Business modifications and changes in ownership;
 4. Enforcement actions and administrative penalties.
- (b) The Cannabis Regulatory Commission may assess civil fines for any violation of this Title or associated regulations. All fines shall be enforceable through administrative process and may be collected through liens, offsets, or legal action.
- (c) The Tax Commission shall maintain a schedule of penalties and procedures for administrative appeals in accordance with Title 50.

SECTION 51-6-4. Administration of Cannabis Tax Revenues.

- (a) All revenue derived from Cannabis taxes, license fees, and penalties shall be deposited into the Omaha Tribe of Nebraska Tribal Tax Account under the oversight of the Tax Commission, as provided in Section 50-5-15 of the Tax Code.
- (b) Revenue deposited into the account shall be used exclusively for the following purposes:
1. Cannabis regulatory administration and enforcement;
 2. Substance abuse treatment and behavioral health services;
 3. Tribal youth education and workforce development initiatives;
 4. Public safety and emergency medical services;
 5. Economic reinvestment into Tribal-owned enterprises or infrastructure projects.
- (c) The Tax Commission shall publish annual reports on revenue collections, expenditures, and allocations in partnership with the Cannabis Regulatory Commission.

SECTION 51-6-5. Enforcement and Collection.

- (a) The Tax Commission shall have full authority to conduct audits, require records, issue subpoenas, and enforce the collection of Cannabis-related taxes in accordance with Title 50, Chapter 5.
- (b) A Licensee that fails to remit any Cannabis tax or regulatory fee is subject to the same collection remedies available under Section 50-5-17 through 50-5-23, including liens, distress warrants, and seizure of assets.

- (c) The Tax Commission may suspend or revoke a Cannabis License for failure to remit required tax payments or for impeding the enforcement of this Chapter.
- (d) Licensees subject to enforcement under this Chapter shall have access to the administrative and judicial appeal procedures available under Title 50, subject to any limitations adopted by the Tax Commission.

SECTION 51-6-6. Tribal Tax Commission Regulatory Powers.

- (a) The Tax Commission shall promulgate regulations tailored specifically to Cannabis taxation, including:
 - 1. Tax reporting and remittance forms;
 - 2. Rules governing the valuation of wholesale transfers;
 - 3. Guidelines for tax-exempt sales (if any);
 - 4. Coordination protocols with the Cannabis Regulatory Commission.
- (b) The Tax Commission may enter a memoranda of understanding (MOUs) with the Cannabis Regulatory Commission to facilitate data sharing, auditing, and joint compliance actions.

SECTION 51-6-7. Optional Tax Agreements and Waivers.

- (a) The Tribal Council may authorize the Tax Commission to negotiate tax compacts or revenue-sharing agreements with state or local governments, provided:
 - 1. No waiver of Tribal sovereign immunity occurs except by express written resolution;
 - 2. The agreement preserves the Tribe's exclusive jurisdiction over all taxation and regulation of Cannabis on Tribal lands;
 - 3. Any agreement is approved by formal resolution of the Omaha Tribal Council.
- (b) Nothing in this section shall be construed to recognize or affirm the jurisdiction of any state or federal authority to regulate or tax Cannabis within the Tribe's jurisdiction.

CHAPTER 7. ENFORCEMENT, PENALTIES, AND APPEALS

SECTION 51-7-1. Enforcement Authority.

- (a) The Cannabis Regulatory Commission shall have primary authority to enforce all provisions of this Title and its implementing regulations.
- (b) The Commission may conduct investigations, issue citations, conduct inspections, suspend or revoke licenses, and impose administrative penalties.
- (c) The Commission may refer cases to the Omaha Tribal Prosecutor for civil or criminal enforcement, and may coordinate with Tribal law enforcement when public safety or criminal activity is implicated.

SECTION 51-7-2. Classes of Violations.

- (a) Violations of this Title shall be classified as follows:
1. Minor Violations: Technical infractions, paperwork errors, or first-time noncompliance that does not endanger public health, safety, or product integrity.
 2. Major Violations: Repeated violations, falsification of records, sales outside license parameters, or actions that create substantial risk to consumers or the community.
 3. Egregious Violations: Diversion to minors, violence, environmental damage, criminal conspiracy, obstruction of Commission investigations, or intentional falsification of required testing data.
 4. Other Violations: Any other conduct the Commission deems materially inconsistent with the purpose and integrity of this Title.
- (b) The Commission shall adopt a penalty matrix that aligns violation classifications with specific enforcement actions. The penalty matrix shall be published and made available to all Licensees.

SECTION 51-7-3. Administrative Actions.

- (a) Upon determining that a violation has occurred, the Commission may impose one or more of the following actions:
1. Written warning;
 2. Civil fine or monetary penalty;
 3. Order to cure or remediate a condition;
 4. License suspension for a definite term;
 5. License revocation;
 6. Immediate cease and desist or closure order, subject to post-deprivation hearing, if public safety requires.
- (b) The Commission shall consider aggravating and mitigating factors in determining the appropriate enforcement response, including:
1. The Licensee's history of compliance;
 2. The severity and scope of the violation;
 3. Efforts to self-report or cooperate with investigation;
 4. Impact on consumers, employees, and the public.

SECTION 51-7-4. Emergency Enforcement.

- (a) The Commission may summarily suspend operations or revoke a License without prior hearing if:
1. There is credible evidence of an imminent threat to public health or safety;
 2. The Licensee is engaging in criminal activity or diversion;

3. The Commission is denied lawful access to inspect a facility or investigate violations.
- (b) Any emergency enforcement order shall:
1. Be issued in writing with a statement of the basis for action;
 2. Be effective immediately upon service;
 3. Provide the Licensee with the right to request an expedited hearing within ten (10) business days.

SECTION 51-7-5. Hearings and Appeals.

- (a) Any Licensee subject to an adverse enforcement action shall have the right to request an administrative hearing before the Commission within fifteen (15) days of receiving written notice.
- (b) Hearings shall afford the Licensee an opportunity to:
1. Be represented by counsel;
 2. Present documents and testimony;
 3. Cross-examine adverse witnesses;
 4. Receive a written decision with findings of fact and conclusions of law.
- (c) A final administrative decision may be appealed to the Omaha Tribal Court within thirty (30) days. The Court shall review whether the Commission:
1. Acted within the scope of its authority;
 2. Committed a legal error or due process violation;
 3. Issued a decision supported by substantial evidence.

SECTION 51-7-6. Continuing Jurisdiction.

- (a) The Commission retains continuing jurisdiction over all Licensees to monitor compliance, investigate allegations, and enforce conditions of licensure throughout the term of any active License.
- (b) The Commission may reopen prior proceedings or impose new sanctions based on ongoing noncompliance, fraud, or newly discovered facts.
- (c) Nothing in this Chapter shall be construed as a waiver of the Tribe's sovereign immunity or its exclusive jurisdiction over Cannabis activity on Tribal lands.

CHAPTER 8. MEDICAL CANNABIS PROGRAM

SECTION 51-8-1. Purpose and Intent.

- (a) The Omaha Tribe of Nebraska establishes this Medical Cannabis Program to exercise its sovereign authority in providing compassionate, equitable, and lawful access to Cannabis for qualifying patients and caregivers.

- (b) This Chapter shall be administered independently from adult-use Cannabis provisions and shall prioritize health, cultural sensitivity, patient protection, and clinical integrity.
- (c) This Medical Cannabis Program is established in response to Nebraska's passage of Initiatives 437 and 438 in November 2024, in which Nebraskans approved legalization of medical cannabis and a regulatory system by more than two-thirds of voter support.
- (d) Nothing in this Chapter shall be construed to waive the Tribe's sovereign immunity or to recognize the jurisdiction of any other governmental entity over Tribal medical Cannabis matters.

SECTION 51-8-2. Medical Cannabis Registry.

- (a) The Cannabis Regulatory Commission shall establish and maintain a confidential registry of:
 - 1. Qualifying Patients diagnosed with conditions approved by the Commission;
 - 2. Designated Caregivers authorized to assist patients in obtaining and administering medical Cannabis.
- (b) Registration shall entitle patients and caregivers to:
 - 1. Possess and purchase higher quantity limits of Cannabis, as established by Commission regulation;
 - 2. Access products with specialized cannabinoid profiles or delivery systems;
 - 3. Exemption from certain excise taxes under Chapter 6, as determined by the Commission;
 - 4. Legal protection from criminal, civil, or administrative penalties for lawful medical use within Tribal jurisdiction.
- (c) The registry database shall be encrypted, confidential, and accessible only to authorized Commission personnel.
- (d) The Commission shall adopt rules for application, certification, renewal, identification cards, and required documentation. Patient and caregiver registrations shall expire annually unless renewed, and the Commission may require updated documentation or recertification at renewal.

SECTION 51-8-3. Qualifying Conditions and Certification.

- (a) The Commission shall publish a list of qualifying medical conditions, which may include:
 - 1. Chronic pain or neuropathic pain;
 - 2. Epilepsy or seizure disorders;
 - 3. PTSD or trauma-related anxiety;
 - 4. Cancer, HIV/AIDS, or autoimmune conditions;

5. Terminal illness;
 6. Any other condition as determined by Tribal medical authorities or Commission regulation.
- (b) Certification must be provided by a licensed healthcare provider who is registered with the Commission.
- (c) The Commission may accept certification via Tribal health services, private clinics, or telemedicine consultations.
- (d) The Commission shall establish possession and purchase limits for registered medical patients that exceed or differ from adult-use limits, where necessary to support effective treatment.

SECTION 51-8-4. Caregiver Authorization.

- (a) A caregiver must:
1. Be at least 21 years of age;
 2. Submit to and pass a background check;
 3. Be authorized to assist no more than five (5) patients at a time, unless waived by the Commission.
- (b) Caregivers may:
1. Purchase medical Cannabis on behalf of the patient;
 2. Transport, prepare, or administer Cannabis Products as directed;
 3. Cultivate limited quantities at home only if authorized by regulation, in secure, non-public, enclosed spaces, and in compliance with plant limits, safety, and storage rules adopted by the Commission.
- (c) Caregiver status may be suspended or revoked for diversion, fraud, endangerment, or other conduct inconsistent with this Title.

SECTION 51-8-5. Reciprocity and Recognition.

- (a) The Commission may recognize valid medical Cannabis ID cards, caregiver authorizations, or certifications issued by:
1. Other federally recognized Tribes;
 2. U.S. states or territories with legally authorized medical programs.
- (b) The Commission may enter into agreements with other Tribes or states to facilitate cross-jurisdictional recognition and compliance.

SECTION 51-8-6. Integration with Tribal Health Services.

- (a) The Commission is encouraged to collaborate with:
1. Tribal health clinics and pharmacies;
 2. Indian Health Service (IHS) programs;
 3. Traditional healers and community-based wellness providers.

- (b) The goal is to promote culturally informed, patient-centered care that integrates Cannabis as one part of a holistic healing model.

SECTION 51-8-7. Nebraska Policy Context and Tribal Leadership.

- (a) In light of the Nebraska state government's failure to implement a functional medical Cannabis system despite voter support, the Omaha Tribe shall serve as a regional leader in lawful, ethical, and sovereign medical access.
- (b) The Commission shall prioritize:
 - 1. Tribal Members with chronic or life-limiting conditions;
 - 2. Youth, elders, and veterans in need of compassionate care;
 - 3. Patients underserved by state or federal systems.
- (c) The Omaha Tribal Council by resolution may allocate a portion of Cannabis tax revenue under Chapter 6 to support low-income medical patients or establish a Cannabis Patient Access Fund to provide sliding-scale assistance for qualifying individuals.
- (d) Nothing in this Chapter shall be construed as limiting the Tribe's authority to define or expand its own medical system and standards for patient care.

CHAPTER 9. ADULT-USE CANNABIS FRAMEWORK

SECTION 51-9-1. Purpose and Intent.

- (a) This Chapter establishes the regulatory framework for the possession, purchase, and sale of adult-use Cannabis and Cannabis Products within the jurisdiction of the Omaha Tribe.
- (b) The Omaha Tribe recognizes its sovereign right to regulate adult-use Cannabis in a manner that promotes economic development, public health, and public safety.
- (c) Nothing in this Chapter shall be construed to authorize the use, possession, or transport of Cannabis outside the geographic boundaries of the Omaha Indian Reservation or other lands lawfully held in trust for the Tribe. All adult-use activity is limited to Tribal jurisdiction.
- (d) This Chapter shall be interpreted in harmony with Title 51, including Chapters on Licensing, Operations, Taxation, and Enforcement.
- (e) The Commission may adopt additional standards or reporting protocols to support future federal recognition of Tribal regulatory authority.

SECTION 51-9-2. Legal Possession and Purchase.

- (a) Any individual who is twenty-one (21) years of age or older may lawfully:
 - 1. Enter a licensed adult-use Cannabis retail establishment within the jurisdiction of the Omaha Tribe;
 - 2. Purchase Cannabis and Cannabis Products in accordance with this Title; and

3. Possess up to one (1) ounce of Cannabis, or its equivalent in concentrates or edibles, unless otherwise authorized by the Commission.
- (b) The Commission may establish different possession or purchase limits for visitors, Tribal Members, and on-reservation residents by regulation.
- (c) Individuals under twenty-one (21) years of age are prohibited from purchasing or possessing adult-use Cannabis. This restriction does not apply to qualifying patients registered under the Medical Cannabis Program established in Chapter 8.

SECTION 51-9-3. Tribal Member Preference and Sovereign Access Model.

- (a) The Commission may implement preferential policies for enrolled Omaha Tribal Members, including discounts, exclusive product lines, loyalty programs, or license incentives, without restricting lawful access to non-Members who meet age and jurisdictional requirements.
- (b) The Commission may establish categories of adult-use licensees or products that are:
 1. Exclusive to Tribal Members;
 2. Available only through Tribal Member-owned or Tribal-operated dispensaries;
 3. Sold under price or quantity structures that reflect community benefit priorities.
- (c) The Commission may require registration, ID verification, or additional security measures to maintain distinction between Tribal and non-Tribal purchasers.

SECTION 51-9-4. Retail Sales and Use Restrictions.

- (a) Licensed retailers may sell adult-use Cannabis and Cannabis Products in accordance with:
 1. Hours of operation approved by the Commission;
 2. Labeling, packaging, and potency standards adopted by regulation;
 3. Marketing and signage rules that prohibit targeting minors or unregulated audiences.
- (b) No adult-use Cannabis shall be consumed:
 1. In public spaces, sidewalks, or Tribal governmental buildings;
 2. In any location not authorized by the Commission as a designated consumption area;
 3. In a vehicle, while operating heavy machinery, or in violation of public safety rules.
- (c) The Commission may license adult-use lounges, festivals, or special events with conditions tailored to crowd control, law enforcement, and health risk mitigation.
- (d) Retailers shall post signage notifying consumers that Cannabis possession or transport outside of Tribal lands may be unlawful under state or federal law.

SECTION 51-9-5. Taxation and Economic Contributions.

- (a) All adult-use Cannabis sales shall be subject to taxation under Chapter 6 and administered by the Omaha Tribe Tax Commission as authorized under Title 50 of the Tribal Code.
- (b) The Commission in collaboration with the Tax Commission may establish premium tax rates on non-Member purchases or allocate a higher portion of non-Member revenues to Tribal education, health, or cultural programs.
- (c) All adult-use retail activity shall be tracked and reported separately from medical transactions.

SECTION 51-9-6. Enforcement and Penalties.

- (a) Violations of this Chapter shall be subject to enforcement under Chapter 7, including civil penalties, license suspension, or product seizure.
- (b) The Commission shall coordinate with Tribal law enforcement to monitor and investigate illegal diversion, underage access, or public nuisance activity associated with adult-use Cannabis.
- (c) The Commission shall maintain the discretion to restrict, pause, or phase adult-use licensing based on community health indicators or law enforcement feedback.

SECTION 51-9-7. Public Education and Community Safety.

- (a) The Commission shall launch a public education campaign to inform residents and visitors of:
 - 1. Legal age and possession limits;
 - 2. Safe use practices;
 - 3. Risks of driving or working under the influence;
 - 4. Youth prevention resources and services.
- (b) The Commission may partner with Tribal schools, health providers, and cultural leaders to promote harm reduction and prevention.
- (c) Nothing in this Chapter authorizes advertising that appeals to minors or misrepresents health or therapeutic benefits.

SECTION 51-9-8. Severability.

- (a) If any provision of this Chapter is held invalid by a court of competent jurisdiction, the remainder of the Chapter shall not be affected and shall continue in full force and effect.

CHAPTER 10. SOCIAL EQUITY AND ECONOMIC EMPOWERMENT

SECTION 51-10-1. Purpose and Intent.

- (a) The Omaha Tribe is committed to ensuring that the benefits of the legal Cannabis industry are shared equitably among all Tribal Members and that past harms caused

by Cannabis prohibition are addressed through intentional inclusion and investment.

- (b) This Chapter establishes equity-based licensing preferences, reinvestment initiatives, and entrepreneurial support to empower Tribal Members and other impacted individuals to participate fully in the Cannabis economy.
- (c) The provisions of this Chapter shall be interpreted in harmony with the Tribe's commitment to sovereignty, economic self-sufficiency, and cultural preservation.
- (d) This Chapter acknowledges the historical and disproportionate harms caused by cannabis criminalization, including loss of liberty, land, and opportunity, and affirms the Tribe's duty to provide pathways for restoration through equitable economic participation.

SECTION 51-10-2. Social Equity Applicant Definition.

- (a) A "Social Equity Applicant" means any applicant who meets one or more of the following criteria:
 - 1. Is an enrolled Member of the Omaha Tribe of Nebraska;
 - 2. Has a prior conviction, arrest, or adjudication related to Cannabis offenses that are now decriminalized under this Title, or is an immediate family member of such a person;
 - 3. Resides, or within the past five (5) years has resided, in Tribal housing, Tribal trust land, or an area designated by the Commission as disproportionately impacted by Cannabis criminalization or economic disadvantage;
 - 4. Is from a household with income below eighty percent (80%) of the median income for Tribal members, as defined by the Tribal Planning Department;
 - 5. Has experienced a documented barrier to economic advancement due to prior enforcement of Cannabis laws, incarceration, or systemic disadvantage.
- (b) The Commission shall adopt additional eligibility criteria and evidence standards by regulation, in consultation with the Social Equity Compliance Review Committee.

SECTION 51-10-3. Licensing Preferences.

- (a) The Commission shall adopt rules to prioritize Social Equity Applicants for:
 - 1. Microbusiness and vertically integrated enterprise licenses;
 - 2. Cultivation and manufacturing permits;
 - 3. Participation in pilot programs or limited-license categories.
- (b) Licensing preferences may include:
 - 1. Reserved licenses or application slots;
 - 2. Higher scoring in comparative review;
 - 3. Accelerated processing or conditional pre-approval for site planning or financing.

- (c) The Commission shall establish transparent review procedures to ensure equitable scoring and public accountability.

SECTION 51-10-4. Community Investment Fund.

- (a) A minimum percentage of adult-use Cannabis tax revenues, as determined by the Tribal Council, shall be allocated to a Cannabis Equity Reinvestment Fund administered by the Commission.
- (b) The Reinvestment Fund shall be used exclusively to advance community health, economic equity, and Tribal self-determination. Permitted uses include:
 - 1. Workforce development, vocational training, and reentry programs;
 - 2. Education and scholarship initiatives for Tribal youth and returning adult learners;
 - 3. Mental health services, addiction recovery, and intergenerational healing programs;
 - 4. Grants, loans, or technical assistance for small businesses owned by Tribal Members, particularly those from historically impacted families or neighborhoods;
 - 5. Infrastructure, technology, or child care supports that reduce barriers to Tribal entrepreneurship.
- (c) The Commission shall:
 - 1. Publish an annual Reinvestment Fund Report including allocations, recipient profiles, and measurable outcomes;
 - 2. Conduct community input sessions to guide future funding priorities;
 - 3. Ensure the Fund's operations reflect principles of transparency, equity, and Tribal cultural values.
- (d) The Commission shall coordinate with the Omaha Tribe Tax Commission pursuant to Chapter 6 to ensure consistent allocation, tracking, and expenditure of Cannabis Equity Reinvestment Fund resources, and to avoid duplication or conflict with other Tribal revenue allocations.

SECTION 51-10-5. Technical Assistance Program.

- (a) The Commission shall operate or fund a Cannabis Business Development Hub to support Social Equity Applicants and other qualifying Tribal entrepreneurs in entering and succeeding in the Cannabis industry.
- (b) The Business Development Hub shall provide:
 - 1. Licensing and regulatory compliance training;
 - 2. Business planning, mentorship, and peer networking programs;
 - 3. Financial literacy, loan readiness, and capital access coaching;
 - 4. Legal support for corporate formation, permitting, and contracting;

5. Support navigating Tribal procurement, hiring, and vendor preference programs;
 6. Workshops and resources specific to cultivation, manufacturing, retail, and vertically integrated operations.
- (c) The Commission may establish a pool of Tribal or external advisors, consultants, or mentors to assist Hub participants.
- (d) The Commission is authorized to:
1. Partner with Tribal colleges, vocational institutions, or nonprofit organizations;
 2. Establish funding mechanisms, such as startup grants or microloans, tied to business milestones;
 3. Prioritize technical assistance access for Social Equity Applicants in early licensing rounds.
- (e) Participation in the Business Development Hub may be a condition of licensure for certain microbusiness or pilot program categories, as determined by regulation.

SECTION 51-10-6. Tribal Procurement and Local Hiring.

- (a) All licensed Cannabis businesses shall adopt and implement Tribal workforce and procurement plans that include:
1. Hiring targets for Omaha Tribal Members and residents of Tribal lands;
 2. Use of local and Tribal vendors, contractors, and professional services wherever available;
 3. Annual reporting on employment, procurement, and compliance outcomes.
- (b) The Commission shall adopt minimum standards and review procedures for workforce plans, which may include:
1. A goal of fifty percent (50%) Tribal or local hiring for non-specialized positions;
 2. Tiered compliance incentives or penalties for meeting or failing to meet established targets;
 3. Mandatory consultation with the Cannabis Business Development Program for any business that fails to submit or meet workforce goals.
- (c) The Commission shall establish procurement preferences and vendor certification procedures favoring:
1. Omaha Tribal Member-owned and operated businesses;
 2. Local contractors and service providers based within Tribal jurisdiction;
 3. Partnerships with Tribal schools, job-training programs, and apprenticeships.

SECTION 51-10-7. Monitoring and Accountability.

- (a) The Commission shall establish a standing Social Equity Compliance Review Committee composed of Tribal Members, economic development professionals, and community representatives. The Committee shall:

1. Monitor and evaluate licensee performance with respect to social equity obligations, including hiring, procurement, and reinvestment benchmarks;
 2. Recommend enforcement actions, including fines, license probation, or revocation for noncompliance;
 3. Conduct annual program evaluations and recommend changes to eligibility criteria, funding priorities, or performance metrics;
 4. Facilitate public comment and community oversight on social equity initiatives.
- (b) All records and data related to social equity compliance shall be retained in accordance with Tribal privacy standards and made accessible for Commission audit and oversight.

SECTION 51-10-8. Severability.

- (a) If any section or provision of this Chapter is held to be invalid, the remaining sections and provisions shall remain in full force and effect.

SECTION 51-10-9. Future Expansion.

The Commission may, by regulation and in consultation with the Tribal Council, expand or refine the programs and obligations established in this Chapter as capacity, need, or opportunity evolves.

CHAPTER 11. RESEARCH, INNOVATION, AND ENVIRONMENTAL SUSTAINABILITY

SECTION 51-11-1. Purpose and Intent.

This Chapter is intended to promote scientific advancement, environmental stewardship, and long-term community wellness through Tribal oversight of Cannabis-related research, agricultural innovation, sustainable practices, and product development. The Omaha Tribe recognizes the cultural significance of plant-based medicine and supports innovation rooted in Indigenous knowledge, sovereignty, and scientific rigor. This Chapter enables the Tribe to regulate Cannabis, adult-use, medical, and hemp development through an integrated, responsible framework.

SECTION 51-11-2. Research and Development Licenses.

- (a) The Commission may issue Research and Development (R&D) Licenses to qualified entities or individuals for:
1. Agricultural and horticultural experimentation;
 2. Development of new extraction, formulation, or delivery technologies;
 3. Clinical or laboratory research involving cannabinoid effects, safety, or efficacy;
 4. Tribal policy research, educational pilots, and community health studies;
 5. Hemp fiber, textile, and bio-industrial innovation.
- (b) R&D Licenses may be granted to:

1. Tribal enterprises or educational institutions;
 2. Nonprofit or academic institutions operating under a Tribal MOU;
 3. Private companies in joint venture with Tribal Members or agencies.
- (c) The Commission may require IRB-style or Tribal ethics committee approval for research involving human participants. All licensees must submit project plans, maintain records, and report findings annually.
- (d) The Commission shall develop an R&D application process, tailored oversight standards, and fee schedules by regulation.

SECTION 51-11-3. Environmental Standards and Sustainable Operations.

- (a) The Commission shall adopt sustainability standards that apply to cultivation, manufacturing, testing, and retail operations. These may include:
1. Organic cultivation protocols and pesticide limitations;
 2. Energy-efficient lighting, HVAC, and automation systems;
 3. Closed-loop irrigation, greywater reuse, and runoff prevention;
 4. Waste diversion through composting or biomass conversion;
 5. Use of recyclable or biodegradable packaging.
- (b) Licensees may be eligible for a Sustainability Certification issued by the Commission, which may include public recognition or financial incentives.
- (c) The Commission shall consult environmental experts and Tribal natural resource departments in drafting regulations under this section.

SECTION 51-11-4. Purpose and Intent.

- (a) The Commission shall administer a hemp licensing program that complies with the 2018 Farm Bill and all Tribal requirements.
- (b) Hemp Licenses may authorize cultivation, manufacturing, processing, or sale of low-THC Cannabis (0.3% or less delta-9 THC measured at the time of harvest on a dry-weight basis).
- (c) Hemp and adult-use Licensees may hold dual licenses, subject to:
1. Segregation of inventory and labeling;
 2. Compliance with applicable THC testing and transport protocols;
 3. Clear distinction between regulated Cannabis and federally lawful hemp.
- (d) Hemp enterprises shall be eligible for R&D Licenses, equity programs, and sustainability certifications under this Title.

SECTION 51-11-5. Partnerships and Education.

- (a) The Commission may enter MOUs, pilot projects, or partnerships with:
1. Tribal colleges, schools, and workforce training programs;
 2. Academic research institutions;

3. Tribal, federal, or intergovernmental agencies;
 4. Cannabis or hemp cooperatives, incubators, or sustainability nonprofits.
- (b) The Commission may host or co-sponsor:
1. Educational events, symposia, or field trials;
 2. Apprenticeships, internships, or job shadowing placements;
 3. Public informational campaigns on sustainable Cannabis use, environmental impacts, and scientific literacy.

SECTION 51-11-6. Reporting and Accountability.

- (a) R&D Licensees shall submit annual reports to the Commission including:
1. A description of ongoing projects and their objectives;
 2. Research findings and innovations developed;
 3. Any commercialization or intellectual property generated;
 4. Compliance with safety, ethics, and environmental rules.
- (b) The Commission shall publish a biennial Innovation and Sustainability Report to the Tribal Council, summarizing:
1. Key environmental outcomes;
 2. Ongoing research projects;
 3. Regulatory and policy recommendations;
 4. Updates on hemp and adult-use integration strategies.

CHAPTER 12. INTERGOVERNMENTAL RELATIONS AND JURISDICTIONAL COORDINATION

SECTION 51-12-1. Purpose and Intent.

This Chapter affirms the sovereign authority of the Omaha Tribe of Nebraska to regulate all Cannabis-related activity within its jurisdiction and provides a framework for constructive intergovernmental relations with neighboring Tribal, state, and federal entities. It is the policy of the Tribe to engage in coordination and mutual recognition agreements when consistent with Tribal law and sovereignty.

SECTION 51-12-2. Sovereign Authority.

- (a) The Omaha Tribe exercises exclusive regulatory, civil, and taxation authority over Cannabis activity occurring within its lands, including:
1. All Tribal trust and allotted lands;
 2. Lands restored through litigation or federal action (e.g., Blackbird Bend);
 3. Fee lands within reservation boundaries that have not been divested of Tribal regulatory jurisdiction.

- (b) No state, local, or non-Tribal government shall impose taxes, licensing restrictions, or regulatory obligations on any Cannabis activity authorized under this Title, including but not limited to:
1. Businesses that are jointly owned with non-Tribal partners;
 2. Transactions involving non-Tribal participants;
 3. Cannabis or Cannabis Products transported through or temporarily located in non-Tribal jurisdictions pursuant to a Tribal license or transportation permit.

SECTION 51-12-3. Intergovernmental Agreements.

- (a) The Tribal Council may authorize the Cannabis Regulatory Commission and the Omaha Tribe Tax Commission to negotiate and enter into memoranda of understanding (MOUs), compacts, or other intergovernmental agreements with:
1. Other federally recognized Indian Tribes;
 2. States or state agencies;
 3. Federal regulatory agencies; and
 4. Political subdivisions such as counties, cities, or public health departments.
- (b) Any agreement entered into under this section must:
1. Be in writing and approved by formal resolution of the Tribal Council;
 2. Preserve the Tribe's sovereign immunity unless explicitly waived in limited scope by resolution;
 3. Maintain the Tribe's exclusive jurisdiction over Cannabis activity within its territory;
 4. Be consistent with the policy goals and provisions of this Title.
- (c) Permitted topics of intergovernmental agreement may include:
1. Transportation and cross-border recognition of Cannabis and hemp;
 2. Mutual enforcement or inspection assistance;
 3. Data-sharing and laboratory standards;
 4. Recognition of third-party testing laboratories across jurisdictions;
 5. Medical Cannabis patient reciprocity;
 6. Public safety coordination and emergency response;
 7. Tax-sharing arrangements for cross-jurisdictional commerce where mutually beneficial and clearly defined.

SECTION 51-12-4. State and Federal Relations.

- (a) The Tribe does not recognize the authority of the State of Nebraska or its political subdivisions to regulate, inspect, interfere with, or penalize lawful Cannabis operations conducted under Tribal law.
- (b) Any attempt by state or local authorities to assert jurisdiction over lawful Tribal licensees or Cannabis activity on Tribal lands shall be considered a violation of

Tribal sovereignty. The Tribe reserves the right to pursue legal remedies, including but not limited to injunctive relief, declaratory judgment, or other appropriate litigation, to protect its jurisdiction and enforce the provisions of this Title.

- (c) The Commission shall develop a process for documenting incidents of attempted state interference and may recommend legal or diplomatic responses to the Tribal Council.
- (d) The Commission and the Attorney General are authorized to advocate for the Tribe's interests in administrative, legislative, or regulatory forums at the state or federal level.

SECTION 51-12-5. Enforcement and Comity.

- (a) Nothing in this Chapter prevents the Tribe from cooperating with state or federal law enforcement in cases involving:
 - 1. Cross-border trafficking or diversion;
 - 2. Criminal enterprises unaffiliated with licensed operations;
 - 3. Conduct not authorized under this Title.
- (b) The Tribe may recognize other governments' licenses or medical Cannabis registrations for the purpose of:
 - 1. Reciprocity;
 - 2. Transport coordination;
 - 3. Public health verification.

Such recognition shall not be construed as a submission to external jurisdiction.

SECTION 51-12-6. Transportation and Reciprocity.

- (a) The Commission may issue transportation permits for the movement of Cannabis or Cannabis Products:
 - 1. Between licensed facilities on Tribal lands;
 - 2. To or from other Tribal jurisdictions with which the Tribe has entered an agreement;
 - 3. To or from laboratories or processors for testing or processing services.
- (b) All transport must comply with chain-of-custody, manifest, security, and packaging standards established by Commission regulation.
- (c) The Commission may adopt regulations recognizing medical Cannabis ID cards or prescriptions issued by other Tribal or state programs for access to Omaha Tribal medical dispensaries. Such recognition may be:
 - 1. Automatic, subject to verification by an approved database or documentation;
 - 2. Conditioned upon submission of an application or proof of eligibility;

3. Subject to product equivalency, dosage restrictions, or additional safeguards as established by Commission rule to ensure public health and regulatory alignment.

CHAPTER 13. COMPLIANCE, AUDITS, AND TRANSPARENCY

SECTION 51-13-1. Purpose and Intent.

This Chapter establishes a comprehensive compliance framework to ensure all Licensees, regulators, and Tribal stakeholders operate within the standards, goals, and responsibilities set forth in this Title. Transparency, integrity, and accountability shall guide all aspects of regulatory oversight.

SECTION 51-13-2. Licensee Compliance Requirements.

- (a) All Licensees shall:
 1. Maintain compliance with this Title, Commission regulations, and applicable license conditions;
 2. Cooperate fully with inspections, investigations, and audits;
 3. Maintain accurate and complete records as required by Chapter 5 and Commission rule;
 4. Submit reports and documentation as prescribed by regulation, including sales, testing, and product tracking data;
 5. Promptly report any operational changes, security incidents, product contamination, or suspected diversion;
 6. Maintain all records in a secure, tamper-evident, and retrievable format, whether physical or electronic, for a minimum of five (5) years or as otherwise required by Commission regulation.
- (b) The Commission may develop tiered compliance schedules or performance scoring systems based on:
 1. License type and activity;
 2. Prior violations or outstanding enforcement actions;
 3. Public health or financial risk indicators.

SECTION 51-13-3. Commission Oversight and Audits.

- (a) The Commission shall have unrestricted access to:
 1. Licensee records, inventory systems, and surveillance systems;
 2. Seed-to-sale tracking data;
 3. Financial records and taxation reports subject to the jurisdiction of the Tax Commission.
- (b) The Commission may:

1. Conduct periodic compliance audits, announced or unannounced;
 2. Require corrective action plans for deficiencies;
 3. Refer suspected fraud or misrepresentation to Tribal law enforcement or the Tribal Prosecutor.
- (c) The Commission shall coordinate with the Tax Commission to conduct joint audits of licensees where financial or tax irregularities are suspected.
- (d) The Commission may offer voluntary compliance assistance or technical support to Licensees to correct deficiencies, improve operations, or meet evolving regulatory standards, without initiating formal enforcement.

SECTION 51-13-4. Regulatory Authority.

- (a) The Commission is authorized to adopt rules, policies, and technical standards necessary to implement, clarify, and enforce this Title.
- (b) Regulations may be adopted without formal public notice or comment, but:
1. The Commission shall publish new or amended rules to a publicly accessible forum or website within ten (10) business days of adoption;
 2. The Commission may, at its discretion, solicit input from Licensees, stakeholders, or the public through advisory meetings, consultations, or informal comment periods.
- (c) Emergency regulations may be enacted immediately if the Commission determines that urgent action is required to protect public health, safety, market integrity, or Tribal interests. Such rules shall expire within one hundred twenty (120) days unless readopted.
- (d) All Commission regulations shall carry the full force and effect of Tribal law and may be enforced by the Commission, the Attorney General, and the Tribal Court.

SECTION 51-13-5. Public Reporting and Disclosure.

- (a) The Commission shall prepare and publish an Annual Compliance and Market Report that includes:
1. Summary data on license activity, enforcement actions, and product testing;
 2. Trends in public health and safety indicators;
 3. Revenue collection and allocation summaries in coordination with the Tax Commission;
 4. Any recommended changes to this Title or its implementing regulations.
- (b) The Commission may redact or withhold sensitive security, trade secret, proprietary business data, or law enforcement-sensitive information in accordance with policies adopted by regulation.
- (c) Public summaries of license status, inspection results, and penalties may be published to increase transparency and promote regulatory compliance.

SECTION 51-13-6. Whistleblower Protections.

- (a) No person shall be subject to retaliation for:
 - 1. Reporting suspected violations of this Title or related regulations;
 - 2. Participating in investigations or audits;
 - 3. Providing truthful information to the Commission, Tribal law enforcement, or the Attorney General.
- (b) The Commission shall adopt procedures for confidential or anonymous reporting and ensure all reports are reviewed timely and in good faith.

SECTION 51-13-7. Community Accountability.

- (a) The Commission may host public forums or Tribal community briefings to:
 - 1. Solicit feedback on enforcement priorities and regulatory burden;
 - 2. Share progress on equity, reinvestment, or sustainability goals;
 - 3. Hear grievances or concerns from workers, patients, or community members.
- (b) The Commission may convene advisory panels or stakeholder working groups to support continual improvement of Cannabis regulation consistent with the values and economic priorities of the Omaha Tribe.

SECTION 51-13-8. Conflicts of Interest.

- (a) No Commissioner, employee of the Commission, or retained contractor shall participate in any decision involving a Licensee or applicant with whom they have a financial interest, familial relationship, or prior undisclosed affiliation.
- (b) All Commissioners and Commission staff shall file annual disclosures of financial interests and recuse themselves where a conflict exists or may be reasonably perceived.
- (c) Violations of this section may result in disciplinary action, removal, or referral to the Attorney General.