



Saint Regis Mohawk Tribe

Chief James W. Ransom
Chief Lorraine M. White
Chief Barbara A. Lazore
Sub-Chief Ronald LaFrance, Jr.
Sub-Chief Donald D. Thompson, Sr.
Sub-Chief Stacy A. Adams

Tribal Council Resolution Resolution # 2007- 50

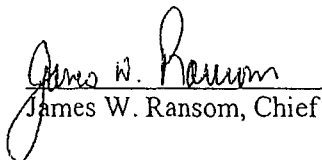
WHEREAS, the St. Regis Mohawk Tribal Council is the duly recognized governing body of the St. Regis Mohawk Tribe and is responsible for the health, safety, education and welfare of all community members; and,

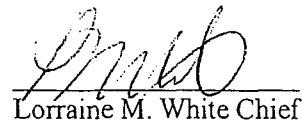
WHEREAS, the Tribal Council has enacted a Tobacco Ordinance, 2004-40, governing the sale and manufacture of tobacco and tobacco products on St. Regis Mohawk territory; and,

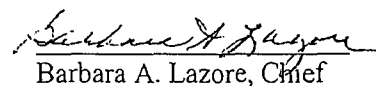
WHEREAS, the Tribal Council desires to amend Section 4 of the Ordinance relating to manufacture of tobacco on tribal territory;

THEREFORE BE IT RESOLVED THAT, the Tribal Council hereby adopts the attached May 29, 2007 amendment to Section 4 of the Tobacco Ordinance.

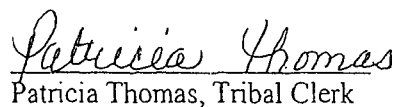
THE SAINT REGIS MOHAWK TRIBAL COUNCIL

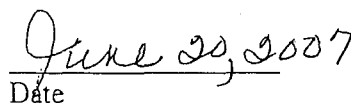

James W. Ransom, Chief


Lorraine M. White Chief


Barbara A. Lazore, Chief

CERTIFICATION; This is to certify that the above resolution was duly passed by the St. Regis Mohawk Tribal Council pursuant to the authority vested therein.


Patricia Thomas, Tribal Clerk


Date

Section 4. MANUFACTURING

a. Requirement for a License

All persons, within the jurisdiction of this Ordinance, who wish to produce tobacco products, cigarette papers, tubes, smokeless tobacco, pipe tobacco, or roll your-own tobacco, except for a person who produces tobacco products solely for that person's own consumption or use, must possess a Saint Regis Mohawk Tribal Manufacturing License.

b. Granting of License.

A permit to manufacture tobacco products will only be granted to those persons whose principal business activity under such license will be the original manufacturer and the person will agree not to engage in business as a manufacturer without an approved license issued by the Saint Regis Mohawk Tribal Council while serving a suspension or closure. Such a license shall only be approved for those individuals who qualify and comply with the rules and regulations issued hereunder.

c. Approval or Denial.

The Saint Regis Mohawk Tribe reserves the right to deny any application if such rejection is determined to be in the best interest of the Tribe. Reasons found before the granting of, or uncovered after the granting of a license, for automatic rejection include, but are not limited to, the submission of incomplete or false information in the application; the failure to disclose or meet the minimum criteria for the facility; a determination that the individual applicant or, in the case of a business entity, a partner, officer, director, stockholder is not likely to comply with this ordinance, or pay the required fees to the Tribe; or otherwise willfully fail to operate the facility in an acceptable manner; or a determination that the approval will adversely impact the economic development of the Tribe or adversely impact the Tribe's relationship with other sovereign entities; or if discrepancies are discovered during the investigation process of the applicant. If there is reason to believe that the applicant is not entitled to a license, the Compliance Director shall promptly notify the applicant of the contemplated disapproval and shall provide the applicant with an opportunity for a hearing with the Tribal Council.

d. Renewal.

Within 30-days of the license expiration date, the Compliance Department will notify the licensee by mail and include a renewal application. Upon return of renewal application the Compliance Department will review the manufacturer history, and submit a recommendation regarding the application renewal. The Tribal Council will render a decision on the renewal.

The Saint Regis Mohawk Tribe reserves the right to deny any request for a license renewal if any circumstances, such as those referenced in 4.c of this Ordinance, exist.

e. Application for a License

(1) Every person or entity, before commencing business as a manufacturer of tobacco products, shall submit an application for a license.

(2) An individual applicant must be twenty-one (21) years of age or more and a member of the Saint Regis Mohawk Tribe. In the case of a business entity or partnership, it must be formed and operated pursuant to the applicable laws and regulations of the Saint Regis Mohawk Tribe. The applicant shall furnish with its application for license, a true copy of the articles of partnership or association, if any, or certificate of partnership or association.

(3) The application, business plan with minimum criteria and Release of Information form must be completed in full and all other requested information provided. No applications will be accepted without required information.

f. Minimum Criteria for Cigarette Manufacturing Facility.

The premises to be used as a factory by a manufacturer of tobacco products, may consist of more than one building, or portions of buildings, which need not be contiguous but must be located in the same geographic location. A diagram shall be furnished with the application which indicates compliance with the specified requirements below:

1. Recommended facility size of at least 3000 sq. ft.
2. Not adjacent to or connected to a building or structure used as a residence.
3. Dimensions shall be included.

4. Where the factory is in more than one building, and each building is not identifiable by a separate address; identify each building by a letter, number or similar designation.
5. Facility must have adequate entrances, exits and fire extinguishers approved by the fire department
6. A license shall operate only one tobacco manufacturing
7. Facility must have adequate sanitation for the size of staff
8. Facility must have adequate security systems
9. Facility must maintain adequate liability insurance for each building and staff therein
10. Facility must comply with all environmental rules and regulations of the Saint Regis Mohawk Tribe.

g. Manufacturer's responsibility

Manufacturers shall respect the Akwesasne Community and its environment, which includes any laws and regulations that relate to air, noise, and traffic. Further, the hours of operation must be favorable to the surrounding dwellings.

Should the Tribal Council deem it necessary for a Compliance Inspector to be stationed in the factory during operating hours, the manufacturer shall provide secure, reasonable accommodations and reimburse the cost to the Tribe for the Inspector.

h. Distribution of Manufactured Cigarettes.

A Tribally licensed manufacturer shall be responsible for their manufactured products. A manufacturer shall only sell its products to St. Regis Mohawk Tribally Licensed Wholesalers.

The Compliance Department shall provide each manufacturer with a list of Saint Regis Mohawk Tribally Licensed Wholesalers.

i. Application Administration Fee.

Each Individual application shall pay an administration fee of Two Thousand dollars (\$2,000.00) upon license approval (new or renewal)

j. Manufacturing Fees

In addition to the annual administration fee in Section 4 (i) above, each Manufacturer shall pay an annual fee of Twenty Four Thousand dollars (\$24,000.00) which may be paid to TGF in monthly payments of two thousand dollars (\$2,000.00). Payments shall be remitted by the tenth

(10th) day of each month. Should a manufacturer fail to remit payment on or before the tenth a 10% late fee shall be assessed

k. Packages, Marks, Labels and Notices.

- (1) Manufacture Marks, Labels and Notices; shall be affixed to the package of finish product. Products shall bear the manufacturers' Name, Logo, Medical Director Warning label. A manufacturer must have a brand name for identification and any notices, as required by the Tribe.
- (2) No indecent or immoral picture, print, or representation shall be attached to or stamped, marked, written or printed on any package of tobacco products.

l. Suspension of License.

The Compliance Department will suspend a manufacturer's license if it has reason to believe that the licensee has not in good faith complied with the rules and regulations of the Tribal Tobacco Ordinance, or where a manufacturer has acted with intent to defraud, or has failed to maintain his promises in such manner as to protect the revenue and integrity of the Tribal Tobacco Ordinance and/or the Tribe.

Upon investigating, the Compliance Department will present all pertinent findings and shall give a recommendation to the Tribal Council for suspension and/or other penalties as provided for in the **Fine and Penalties** section of this Ordinance.

m. Revocation of License

The Tribal Council may revoke a manufacturing license if it has reasonable grounds based upon the investigation and/or the recommendation.

The Tribal council may revoke a manufacturing license if it has reason to believe that the suspended manufacturer of tobacco products has:

- Violated the rules and regulations of the Tobacco Ordinance
- Defrauded or acted with intent to defraud the Tribe,
- Failed to disclose any material information
- Failed to protect the integrity of the Tribe
- Failed to maintain his promises in such manner as to protect the revenue.

n. Discontinuance of Operations.

Every manufacturer of tobacco products who desires to discontinue operations under this part shall dispose of all tobacco products on hand, and shall surrender his license and provide an inventory and report to the Compliance Department as notice of such discontinuance.