

R380. Health, Administration.

R380-410. Agreement with a Tribe.

R380-410-1. Introduction and Authority.

This rule defines and clarifies the requirements to enter into an agreement pursuant to Section 26-61a-108 to operate a medical cannabis pharmacy on a tribal land located within Utah boundaries. This rule is authorized under Section 26-61a-108.

R380-410-2. Definitions.

(1) "Agreement with a Tribe" means a formal compact, or Memorandum of Understanding, between this state and a Tribe.

(2) "Tribal governing body and authority" means the person, or persons, acting in an official capacity as specifically authorized by the Tribe to enter into the Agreement.

(3) "Tribal land" mean Indian Country as defined in 18 U.S. Code 1151, United States Code, Indians, Indian country defined.

(4) "Tribe" means Indian Tribe as defined in 25 U.S.C. Sec. 1603(14). The Bureau of Indian Affairs (BIA) Federal Register identifies the following tribes as federally recognized in Utah:

- (a) Confederated Tribes of the Goshute Reservation;
- (b) Navajo Nation;
- (c) Northwestern Band of Shoshone Nation;
- (d) Paiute Indian Tribe of Utah;
- (e) San Juan Southern Paiute;
- (f) Skull Valley Band of Goshute;
- (g) Ute Indian Tribe; and
- (h) Ute Mountain Ute Tribe.

R380-410-3. Participating Tribes.

Only a Tribe, as defined in federal law, can enter into an agreement with the Governor.

R380-410-4. Agreement Requirements.

An agreement shall address the following matters, as set out in federal law:

- (1) tribal sovereignty;
- (2) tribal jurisdiction; and
- (3) tribal ordinance or resolution.

KEY: medical cannabis, marijuana, tribe agreement, tribes

Date of Enactment or Last Substantive Amendment: June 10, 2020

Authorizing, and Implemented or Interpreted Law: 26-61a; 26-61-108; 26 U.S.C. 1603(14); 18 U.S.C. 1151