

CHEROKEE COUNCIL HOUSE  
CHEROKEE, NORTH CAROLINA

Date: \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_ (2025)

*An ordinance amending C.C. Sec. 14-95.12 to expand the prohibition against consumption of marijuana while driving a motor vehicle to also prohibit consumption while riding in a motor vehicle on roads, including Tribal back roads.*

WHEREAS, Cherokee Code (C.C.) Section 14-95.12, part of the Tribe's Controlled Substances Act, prohibits certain activities involving marijuana; and

WHEREAS, certain marijuana related activities have come to light that are offensive to some Tribal members and are contrary to the intent of the Tribe's marijuana laws; and

WHEREAS, the activity in question involves one or more companies, the ownership of which is unknown, driving customers along the Tribe's backroads in a side-by-side or similar vehicle, while the customers in the passenger area consume marijuana; and

WHEREAS, Tribal law should be amended to prohibit such conduct.

NOW THEREFORE BE IT ORDAINED by the Eastern Band of Cherokee Indians in Tribal Council assembled, at which a quorum is present, that C.C. Section 14-95.12, describing prohibited marijuana conduct, shall be amended to read as follows:

**Sec. 14-95.12. Prohibited marijuana conduct.**

(a) It shall be unlawful for any person, business, or other entity to:

- (1) Possess marijuana when the person is less than 21 years old;
- (2) Provide, give, or transfer in any way, marijuana to any person less than 21 years old;
- (3) Cultivate marijuana without a valid license, valid agent card, or a valid medical cannabis patient card issued by the EBCI Cannabis Control Board;
- (4) Operate any marijuana facility without a valid license issued by the EBCI Cannabis Control Board;
- (5) Sell marijuana without a valid license from the EBCI Cannabis Control Board;
- (6) Sell hemp or hemp products without a valid license from the EBCI Cannabis Control Board;
- (7) Possess marijuana in any place where possession is prohibited by the conspicuous posting of a sign or notice by the owner or possessor of the location;
- (8) Consuming marijuana in public;
- (9) Possess or consume marijuana within 100 feet of a school, child day care facility, church, hospital, Tribal government building, public park, playground, community club building, or public swimming pool, or community facility as defined in Chapter 17;

1 (10) Transport marijuana, hemp, or hemp products in the passenger area of a motor vehicle  
2 in other than the manufacturer's unopened original container;

3 (11) Consume marijuana, hemp, or hemp products while driving a motor vehicle or riding  
4 in a motor vehicle on a highway or public vehicular area as defined as Chapter 20 of  
5 the Cherokee Code, which shall include the Tribe's backroads or dirt roads for  
6 purposes of this prohibition.

7 (b) Violation of subsection (a)(1) shall constitute a criminal offense punishable by a fine of up  
8 to \$500.00, 72 hours of community service, and defendant shall obtain a substance abuse  
9 assessment.

10 (c) Violation of subsection (a)(2) shall constitute a criminal offense punishable as follows:

11 (1) *First offense.* A mandatory minimum sentence of not less than a \$1,000.00 fine, and no  
12 more than \$5,000.00 fine, costs and imprisonment for not less than seven days up to 30  
13 days.

14 (2) *Second offense.* A mandatory minimum sentence of not less than a \$3,000.00 fine, nor  
15 more than \$5,000.00 fine, costs and imprisonment for not less than 30 days up to six  
16 months.

17 (3) *Third and subsequent offenses.* A mandatory minimum sentence of not less than a  
18 \$5,000.00 fine, nor more than \$15,000.00 fine, costs, and imprisonment for not less  
19 than six months.

20 (d) Violation of subsections (a)(3)—(6) shall be punishable by a fine of not less than \$5,000.00,  
21 costs, and no more than \$15,000.00 per violation.

22 (e) Violation of subsections (a)(7)—(10) shall constitute an infraction and shall be punishable  
23 by a fine of up to \$250.00 plus costs.

24 (f) Violation of subsection (a)(11) shall constitute a criminal offense punishable by  
25 imprisonment up to six months and no more than \$5,000.00 plus costs.

26 (g) Any and all marijuana, hemp, or hemp products seized pursuant to any court action brought  
27 under this section, is summarily forfeited to the Cherokee Indian Police Department to be  
28 destroyed upon completion of the criminal case, including appellate timeframes.

29 (h) Fines collected under this section shall be placed in the CIPD budget in a designated line  
30 item to fund behavioral health supports and peer supports for individuals who may become  
31 involved with the Justice System. If there is money left in this line item at the end of the  
32 fiscal year, the money shall stay within the CIPD budget and not returned to the general  
33 fund.

34 BE IT FINALLY ORDAINED that all ordinances that are inconsistent with this ordinance are  
35 rescinded, and that this ordinance shall become effective when ratified by the  
36 Principal Chief.

37  
38 Submitted by Michael McConnell, Attorney General.