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CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

Date: FEB 06 2025

ORDINANCE NO.: 391 (2025)

An ordinance amending the Tribe's laws on marijuana.

WHEREAS, the Eastern Band of Cherokee Indians, as a federally recognized tribe, has the inherent sovereign authority to make its own laws to govern activities on Tribal lands; and

WHEREAS, the Tribe's laws on marijuana should be amended so that people with medical cannabis patient cards may cultivate cannabis in their homes; and

WHEREAS, the Tribe's laws on marijuana should also be changed so that enrolled members may be able to apply for and receive a license to cultivate marijuana; and

WHEREAS, amendments are needed to make these changes to the Cherokee Code.

NOW THEREFORE BE IT ORDAINED, by the Tribal Council of the Eastern Band of Cherokee Indians, in Council assembled at which a quorum is present, that Cherokee Code Chapter 17 shall be amended as follows:

Secs. 17-51 General Qualifications for Licensure or Agent registration.

(f) The Board shall, to the greatest extent practicable, ensure that persons who have been adversely affected by cannabis prohibition have equal opportunity to obtain licenses and registration cards and to participate in the cannabis industry of the Tribe.

Secs. 17-74. Ownership limitation.

There shall be no cannabis facility license, other than a license for a cannabis laboratory or cannabis cultivation facility or cannabis processing facility, issued to any person or entity other than an entity wholly owned by the Tribe organized under Tribal law or one of its wholly owned subsidiaries organized under Tribal law.

ARTICLE VIII: Miscellaneous

C.C. 17-88. Purpose.

(a) This provision aims to ensure that registered medical cannabis patients have the right to cultivate cannabis plants at their residences to meet their medical needs. It establishes patient rights and regulations for safe and secure personal cultivation.

1 **C.C. 17-89 Additional Definitions.**

- 2 (a) "Medical cannabis patient" means a person diagnosed with a qualifying medical condition
3 and possessing a valid medical cannabis card issued by the Cannabis Control Board.
4
5 (b) "Designated Primary Caregiver" means an individual authorized by the Cannabis Control
6 Board to assist a medical cannabis patient with cultivation and usage of cannabis.
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8 (c) "Home cultivation" means the growing, tending, and harvesting of cannabis plants by a
9 registered patient or registered Designated Primary caregiver for personal medicinal use.
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11 **C.C. 17-90 Right to Cultivate.**

- 12 (a) Medical Cannabis Patients and Designated Primary Caregivers must register their
13 growing space with the Cannabis Control Board and must provide proof of secure
14 growing conditions such as a locked room or an enclosed secure area away from public
15 view and locked from any persons under the age of 21.
16 (b) Registered medical cannabis patients may cultivate up to 12 8 cannabis plants, with a
17 maximum of 6 4 mature (flowering) plants at any given time.
18 (1) Registered Designated Primary Caregiver may grow the number of plants allowed
19 to the patient and shall not exceed 5 total patients
20 (2) Registered Medical Cannabis card holders may only have 1 Designated Primary
21 Caregiver at any given time.
22 (c) Cannabis cultivation may only occur on property lawfully in possession of the registered
23 patient or registered Designated primary caregiver or with the written consent of the person
24 in lawful possession of the property.
25

26 **C.C. 17-91 Penalties for Non-compliance.**

- 27 (a) Violations of this provision, such as cultivating more plants than allowed or failing to
28 register with the cannabis control board may result in fines up to \$500 or revocation of the
29 patient or caregiver card.
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33 BE IT FINALLY ORDAINED, that all ordinances and resolutions inconsistent with this ordinance
34 are hereby rescinded, and this ordinance shall become effective upon ratification by
35 the Principal Chief.
36

37 *Submitted by James Bradley*