

TABLED
AMENDED
PASSED
AUG 05 2021

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

Date: JUL 08 2021

ORDINANCE NO.: 539 (2021)

An ordinance establishing a system of medical marijuana.

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

WHEREAS, many enrolled members of the Tribe have expressed to Tribal Council, the Principal Chief, and the Vice Chief that those members continue to support changing Tribal law to advance access to medical marijuana; and

WHEREAS, there is evidence that when used responsibly medical marijuana can help treat chronic illness and conditions including epilepsy, seizures, muscle spasms, cancer, glaucoma, multiple sclerosis, nausea, pain (including lessening the dependence on opioids), cachexia, complications related to Alzheimer's Disease, Crohn's Disease, as well as multiple mental health conditions; and

WHEREAS, enrolled members should not be prohibited from responsibly accessing, possessing, and using small amounts of marijuana for medicinal and health reasons; and

WHEREAS, Tribal Council has previously passed resolutions to investigate the possible benefits of marijuana for the Tribe in Res. No. 241 (2016), Res. No. 635 (2017), Res. No. 401 (2018), Res. 24 (2019), and Res. 323 (2020); and

WHEREAS, while marijuana continues to be prohibited by the federal Controlled Substances Act (21 U.S.C. 801 *et seq.*), several tribes, 36 states, four U.S. territories, and the District of Columbia have legalized medical marijuana to some extent; and

WHEREAS, that Tribal law was recently amended to partially decriminalize small amounts of marijuana in Ord. 380 (2021), ratified on May 20, 2021; and

WHEREAS, it is in the best interests of the Tribe to continue advancing the policy of allowing responsible access to small amounts of marijuana to be used safely for medicinal and health purposes.

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 in order to allow for medicinal use of small amounts of marijuana that the Cherokee Code shall be amended as follows:

CHEROKEE COUNCIL HOUSE
CHEROKEE, QUALLA BOUNDARY

Date: AUG 05 2021

ORDINANCE NO.: 539 (2021)

Floor Amendment

In Ordinance No. 539 (2021), add a subsection (13) to proposed Cherokee Code Sec. 17-2(f) as follows:

“(13) Post-traumatic stress disorder.”

Delete subsection (c) of proposed Sec. 17-21 and replace with the following:

“(c) It is the intention of Tribal Council that the Board be made up of the most qualified persons. At least one member of the Board shall:

(1) be selected with special reference to his or her knowledge, skill, and experience in general accounting and have a comprehensive knowledge of the principles and practices of corporate finance and auditing, general finance, or economics.

(2) be selected with special reference to his or her training and experience in the fields of investigation, financial auditing, or corporate compliance.

(3) be selected with special reference to his or her knowledge, skill, and experience in law or regulatory compliance.

(4) be selected with special reference to his or her knowledge, skill, and experience in the cannabis industry.

(5) be selected with special reference to his or her knowledge, skill, and experience in the area of medicine, public health, mental health, or be a clinical professional counselor, alcohol and drug counselor, or social worker with knowledge, skill, and experience in the area of education and prevention of abuse relating to cannabis.”

Delete “or doing business with any person or organization holding a license or registration card under this chapter” in proposed Sec. 17-23(b).

Delete proposed Sec. 17-24 and proposed Sec. 17-27(c) and replace with “Reserved.”

In proposed Sec. 17-62(c)(1)(ii)(B), add the words “or gaming facility” after “community facility”

Delete the word “felony” in proposed Sec. 17-62(c)(2) and Sec. 17-66(g).

Delete the following in proposed Sec. 17-66(i): “If the Board does not act upon an application for a medical cannabis establishment agent registration card within 45 days after the date on

which the application is received, the application shall be deemed conditionally approved until such time as the Board acts upon the application.”

Add a proposed Sec. 17-84 as follows:

“Sec. 17-84. – Government-to-government agreements.

(a) The Board may enter into one or more intergovernmental agreements to efficiently coordinate the cross-jurisdictional administration of the laws of the Tribe and the laws of the State of North Carolina relating to cannabis. The agreements may include, without limitation, provisions relating to:

- (1) criminal and civil law enforcement;
- (2) regulatory issues relating to the possession, delivery, production, processing or use of cannabis or cannabis products;
- (3) the administration of laws relating to taxation;
- (4) any immunity, preemption, or conflict of law relating to the possession, delivery, production, processing, or use of cannabis or cannabis products; and
- (5) the resolution of any disputes between a tribal government and the state, which may include, without limitation, the use of mediation or other nonjudicial processes.

(b) An agreement entered into pursuant to this section shall:

- (1) provide for the preservation of public health and safety;
- (2) ensure the security of cannabis establishments;
- (3) establish provisions regulating business involving cannabis that passes between tribal land and nontribal land in North Carolina; and
- (4) be negotiated in good faith, which shall respect and protect state and tribal sovereign immunity.”

Delete the word “state” in proposed Sec. 17-90(d).

Delete the word “Division” in proposed Sec. 17-91(c)(6) and replace with the word “Board”

Delete subsection (b) and (c) of the proposed change to Cherokee Code Sec. 14-95.10 and insert the following as a replacement:

“(b) It shall be unlawful for a person to transport cannabis, medical cannabis, concentrated cannabis, or medical cannabis products in the passenger area of a motor vehicle in other than the manufacturer’s unopened original container. It shall be unlawful for a person who is driving a motor vehicle on a highway or public vehicular area to consume in the passenger area of that vehicle cannabis of any kind or nature. Violation of this section shall constitute a criminal offense punishable by a fine of \$25.00 to \$500.00 or imprisonment for not more than 30 days.

(c) For purposes of this section, the definitions contained in Secs. 14-15.3(c) and 17-2 shall apply.”

Delete the word “title” and replace with the word “chapter” in proposed Sec. 17-23(c), Sec. 17-29(b), Sec. 17-30(a)(2), Sec. 17-40(b), Sec. 17-50, Sec. 17-66(b)(2), Sec. 17-66(c)(3), Sec. 17-66(d)(2), Sec. 17-68(a)(6), Sec. 17-69(c)(1), and Sec. 17-90(c)(1).

- 94 Replace "300" in proposed Sec. 17-62(c)(1)(ii)(B) with "1000"
95
96
97 *Floor amendment submitted by the Office of the Attorney General*

The attached Resolution/Ordinance No. 539 dated JULY 8, 2021 was:

PASSED (X)

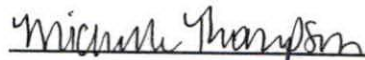
KILLED ()

and ratified in open Council on AUGUST 5, 2021 by 74 voting for the act
and 26 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT
Richard French	X			
Perry Shell	X			
Boyd Owle	X			
Bucky Brown	X			
Tom Wahneetah		X		
David Wolfe		X		
Adam Wachacha	X			
Bo Crowe	X			
Chelsea Saunooke	X			
Albert Rose	X			
Dike Sneed		X		
Tommye Saunooke		X		
	74	26	0	0



TRIBAL COUNCIL CHAIRMAN



ENGLISH CLERK



PRINCIPAL CHIEF

APPROVED (✓) VETOED ()

VETO UPHeld () VETO DENIED ()

DATE: 8-16-21

I hereby certify that the foregoing act of the Council was duly:

PASSED ()

KILLED ()

and ratified in open Council after the same has been interpreted by the Official Interpreter and
has been fully and freely discussed.

INTERPRETED ()

OMITTED ()