

LEGISLATIVE SUMMARY SHEET

Tracking No. 0222-20

DATE: September 9, 2020

TITLE OF RESOLUTION: PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACT RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING TITLE 17 CHAPTER 3, CONTROLLED SUBSTANCES AT 17 N.N.C. §§ 390, 394

PURPOSE: The purpose of this legislation is to amend Title 17 Chapter 3, Controlled Substances at 17 N.N.C. §§ 390, 394. An amendment would be made to the definition of "marijuana" among other purposes.

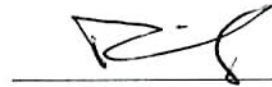
This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: 3:44pm 09-10-20
Posting End Date: 09-15-20
Eligible for Action: 09-16-20

Health Education & Human Services Committee
Thence
Resources & Development Committee
Thence
Law & Order Committee
Thence
Naabik'íyáti' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
24th NAVAJO NATION COUNCIL -- Second Year, 2020

INTRODUCED BY



(Prime Sponsor)



TRACKING NO. 0222-20

AN ACT

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES
AND DEVELOPMENT, LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES
AND THE NAVAJO NATION COUNCIL; AMENDING TITLE 17 CHAPTER 3,
CONTROLLED SUBSTANCES AT 17 N.N.C. §§ 390, 394

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council and is empowered to review and recommend resolutions relating to social services, health, environmental health, education, veterans and veterans services, employment and labor. 2 N.N.C. §§ 164(A) (1), 400(A) and 401(B) (6) (a).
- B. The Resources and Development Committee is a standing committee of the Navajo Nation Council and is empowered to review and make recommendations to the Navajo Nation Council for final approval resolutions requiring Navajo Nation Council approval to accomplish or impact the Committee purposes. 2 N.N.C. §§ 164(A) (1), 500(A) and 501(B) (4) (f).
- C. The Law and Order Committee is a standing committee of the Navajo Nation Council and is empowered with the authority to review and make recommendations to the

1 Navajo Nation Council on amendments to and enactments in the Navajo Nation
2 Code. 2 N.N.C. §§ 164(A)(1), 600(A), and 601(B)(14).

3 D. The Naabik'iyáti' Committee of the Navajo Nation Council, pursuant to 2 N.N.C. §
4 164 (A) (9), reviews proposed legislation which requires final action by the Navajo
5 Nation Council.

6 E. The Navajo Nation Council must review and approve enactments or amendments of
7 positive law. 2 N.N.C. § 164(A).

8
9 **SECTION TWO. FINDINGS**

10 A. The Navajo Nation is responsible for the enforcement of the Criminal Code,
11 including amendments, as may be enacted by the Navajo Nation through its Council
12 and the President.

13 B. The Navajo Nation Code, at Title 17, Chapter 3, Controlled Substances, Definitions
14 was last amended with respect to the definition of "Marijuana" on November 1, 2018
15 by Council Resolution CO-75-18.

16
17 **SECTION THREE. AMENDING TITLE 17, CHAPTER 3, SUBCHAPTER 10**

18 A. The Navajo Nation hereby amends the Title 17 as follows:

19 _____
20 **NAVAJO NATION CODE**
21 **TITLE 17. LAW AND ORDER**
22 **CHAPTER 3.**
23 **SUBCHAPTER 10. CONTROLLED SUBSTANCES**

24
25 * * * *

26 **§ 390. Definitions**

27 The following definitions apply in this subchapter:

28 A. "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative,
29 mixture or preparation of coca leaves, except derivatives of coca leaves which do not
30

1 contain cocaine, ecgonine or substances from which cocaine or ecgonine may be
2 synthesized or made.

- 3 B. Marijuana” means the ~~plant Cannabis sativa L. and any part of such plant, whether~~
4 ~~growing or not, with a delta-9 tetrahydrocannabinol concentration of more than three~~
5 ~~tenths percent (0.3%) on a dry weight basis~~ all parts of the plant Cannabis sativa L.,
6 whether growing or not; the seeds thereof; the resin extracted from any part of such
7 plant; and every compound, manufacture, salt, derivative, mixture, or preparation of
8 such plant, its seeds or resin, containing any amount of delta-9 tetrahydrocannabinol.
9 Such term does not include any part of the plant Cannabis sativa L., whether growing
10 or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3
11 percent on a dry weight basis produced or delivered in strict compliance with an
12 industrial hemp regulatory system approved by the Navajo Nation Council or its
13 designee.
- 14 C. “Opium” includes morphine, codeine and heroin, and any compound, manufacture,
15 salt derivative, mixture or preparation of opium, but does not include apomorphine
16 or any of its salts.

17 * * * *

18 19 **§ 394. Possession or Sale of Controlled Substances**

- 20 A. Offense. A person commits an offense pursuant to this section if he or she
21 possesses, manufactures, transports, sells, uses, trades or delivers:

22 * * * *

- 23 3. ~~Any material, compound, mixture or preparation which contains an~~
24 ~~amount more than three tenths percent (0.3%) quantity of~~
25 ~~tetrahydrocannabinol (T.H.C.) on a dry weight basis.~~

26 *****

27 28 **SECTION FOUR. CODIFICATION**

29 The provisions of the Act which amend or adopt new sections of the Navajo Nation
30 Code shall be codified by the Office of Legislative Counsel. The Office of Legislative

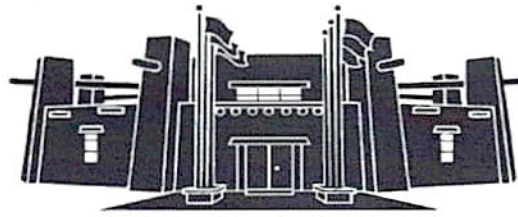
1 Counsel shall incorporate such amended provisions in the next codification of the Navajo
2 Nation Code.

3
4 **SECTION FIVE. SAVINGS CLAUSE**

5 Should any provision of this Act be determined invalid by the Navajo Nation
6 Supreme Court or the District Courts of the Navajo Nation, without appeal to the Navajo
7 Nation Supreme Court, the remainder of the Act shall remain the law of the Navajo
8 Nation.

9
10 **SECTION SIX. EFFECTIVE DATE**

11 Amendments enacted herein shall be effective pursuant to 2 N.N.C. § 221(B).



MEMORANDUM

TO: Honorable Rick Nez
T'iistoh Sikaad, Nenahnezad, Upper Fruitland, Tse' Daa' Kaan, Newcomb, San
Juan Chapters

FROM: Mariana Kahn
Mariana Kahn, Attorney
Office of Legislative Counsel

DATE: September 9, 2020

SUBJECT: PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACT
RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES,
RESOURCES AND DEVELOPMENT, LAW AND ORDER AND
NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL;
AMENDING TITLE 17 CHAPTER 3, CONTROLLED SUBSTANCES AT 17
N.N.C. §§ 390, 394

I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting.

Please ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient as to formatting. As with any action of government however, it can be subject to review by the courts in the event of proper challenge. The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0220-20_

SPONSOR: Rickie Nez

TITLE: An Action Relating To Health, Education And Human Services, Resources And Development, Law And Order And Naabik'íyáti' Committees And The Navajo Nation Council; Amending Title 17 Chapter 3, Controlled Substances At 17 N.N.C. §§ 390, 394

Date posted: September 10, 2020 at 3:44 PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

Please note: This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*