

LEGISLATIVE SUMMARY SHEET

Tracking No. 0203-17

DATE: May 18, 2017

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER, NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; REAFFIRMING NAVAJO NATION'S POLICY AGAINST MARIJUANA

PURPOSE: This resolution if approved will reaffirm the Navajo Nation policy against marijuana.

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

5-DAY BILL HOLD PERIOD: None
Website Posting Time/Date: 9:25am 10/1/17
Posting End Date: 10/7/2017
Eligible for Action: 10/8/2017

Health, Education & Human Services Committee
THENCE

Law & Order Committee
THENCE

Naa'bik'íyáti' Committee
THENCE

Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
23RD NAVAJO NATION COUNCIL—Third Year, 2017

INTRODUCED BY


Primary Sponsor

TRACKING NO. 0203-17

AN ACTION

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND
ORDER, NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL;
REAFFIRMING NAVAJO NATION'S POLICY AGAINST MARIJUANA

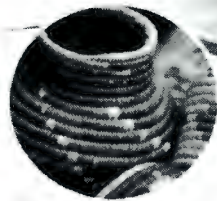
WHEREAS:

- A. The Navajo Nation Council established the Health, Education and Human Services Committee (HEHS) as a Navajo Nation standing committee and as such empowered HEHS to review and recommend resolutions regarding social services. 2 N.N.C. §§ 164 (A)(9), 400 (A), 401 (B)(6)(a) (2012) *see also* CO-45-12.
- B. The Navajo Nation Council established the Law and Order Committee (LOC) as a Navajo Nation standing committee and as such empowered LOC to review and make recommendations to the Navajo Nation Council on proposed Navajo Nation Code amendments and enactments. 2 N.N.C. §§ 164 (A)(9), 600 (A), 601 (B)(14) (2012) *see also* CO-45-12.
- C. The Navajo Nation Council established the Naabik'íyáti' as a Navajo Nation standing committee and as such proposed legislation that requires final action by the Navajo Nation Council shall be assigned to the Naabik'íyáti'. 2 N.N.C. §§ 164 (A)(9), 700 (A) (2012) *see also* CO-45-12.
- D. Policy statements shall be reviewed and approved by the Navajo Nation Council. 2 N.N.C. § 164 (A) (2012) *see also* CO-45-12.

- 1 E. On Thursday, December 11, 2014, the United States Department of Justice released
2 an October 2014 Memorandum entitled “Policy Statement Regarding Marijuana
3 Issues in Indian Country”, which states that eight federal priorities “will guide the
4 United States Attorneys’ marijuana enforcement efforts in Indian Country, *including*
5 *in the event that sovereign Indian Nations seek to legalize the cultivation or use of*
6 *marijuana in Indian County.*” (Emphasis added).
7
8 F. Currently, the Navajo Nation expressly prohibits marijuana use including but not
9 limited to: possession of marijuana, production or delivery of marijuana, and delivery
10 of marijuana to minors. 17 N.N.C. § 390 *et seq.* (2009).
11
12 G. Additionally, Naabik’íyáti’ passed a resolution opposing the State of Arizona’s
13 attempt to legalize marijuana. The resolution received several supporting resolutions
14 from various Chapters who were in opposition to the State’s attempt. NABIMY-31-
15 14.
16
17 H. Marijuana fails to align with the Navajo Nation’s values and traditions.

18 **NOW THEREFORE, BE IT RESOLVED:**

19 The Navajo Nation reaffirms their policy against the marijuana because use of
20 controlled substances contradicts with Navajo values and traditions.
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Public Health Law

Office for State, Tribal, Local and Territorial Support
Centers for Disease Control and Prevention

Marijuana Legalization in Indian Country: Selected Resources

American Indian and Alaska Native tribes are sovereign nations that maintain a government-to-government relationship with the United States.¹ There are currently 567 federally recognized tribes throughout the contiguous United States and Alaska.² In addition to exercising political sovereignty, tribes exercise cultural sovereignty through traditions and religious practices unique to each tribe's history and culture.³ Cultural sovereignty "encompasses the spiritual, emotional, mental, and physical aspects" of Native people's lives and is a foundation to tribal exercise of political sovereignty.⁴

Tribes have inherent authority as sovereign nations to protect and promote the health and welfare of their citizens using methods most relevant for their communities.⁵ Tribal inherent authority is a "plenary and exclusive power over their members and their territory, subject only to limitations imposed by federal law," and includes the power to determine the form of tribal government and the power to legislate and tax, among others.⁶

Under US law, however, Congress has the authority to legislate on tribal issues.⁷ Thus, in the context of marijuana legalization efforts in Indian Country,⁸ federal laws may affect legalization implementation.⁹ Laws regulating marijuana are changing rapidly throughout the country.¹⁰ Under federal law, marijuana is still illegal and is classified as a Schedule I drug.¹¹ However, a series of Department of Justice memos under President Obama's Administration indicated that federal resources would not be used at that time to prosecute individuals for marijuana-related crimes in states that have legalized marijuana use¹² as long as eight priority enforcement areas are met.¹³

President Obama's Administration outlined its stance on marijuana-related crimes specific to tribal lands in a 2014 Department of Justice memo.¹⁴ It stated that federal law enforcement in Indian Country related to marijuana would align with eight priorities outlined in the earlier memos described above.¹⁵ The 2014 memo also recognized that "effective federal law enforcement in Indian Country, including marijuana enforcement, requires consultation with our tribal partners."¹⁶

In recent years, some tribes have pursued marijuana cultivation programs on tribal lands.¹⁷ Some tribes have implemented lucrative marijuana programs,¹⁸ whereas others are facing strong resistance from state and federal drug enforcement agencies.¹⁹

Visit the CDC's [*Marijuana and Public Health*](#) webpage for information on the effects of marijuana on health.



Centers for Disease Control and Prevention
Office for State, Tribal, Local and Territorial Support

The following resources discuss topics related to marijuana legalization in Indian Country,²⁰ including tribal law and governance related to marijuana and federal and state laws that might affect marijuana legalization in Indian Country. Resources related to the tribal industrial hemp industry, which is often used as a framework for discussion of potential tribal marijuana industries, are also provided.

Tribal Marijuana Laws and Initiatives

These resources discuss the status of tribal laws and initiatives related to marijuana legalization.

- [Flandreau Sioux Put Marijuana Resort On Hold](#)
Mark Walker and Katie Nelson, USA TODAY, Nov. 8, 2015.
Describes one tribe's attempts to navigate the complex and conflicting state and federal marijuana regulations.
- [Why American Indian Tribes Are Getting Into The Marijuana Business](#)
Eliza Gray, TIME, Sept. 4, 2015.
Outlines the potential monetary and public health benefits legalization could provide in Indian Country.
- [Proceed With Caution: A Warning to Tribes Wanting to Grow Medical Marijuana](#)
Alysa Landry, INDIAN COUNTRY TODAY MEDIA NETWORK, Feb. 16, 2015.
Describes the vast investments being made in tribal marijuana projects, but also cautions that the existing regulatory scheme does not guarantee success for those projects.
- [Marijuana Policy in the United States: Information for Tribal Leaders](#)
NAT'L CONG. OF AM. INDIANS (2015).
Describes the legal status of marijuana as of January 20, 2015, and discusses research concerning marijuana use.

Federal and State Marijuana Law: Impact on Tribes

These resources discuss the effects of federal and state laws on marijuana legalization in Indian Country.

- [Is the Grass Always Greener?](#)
Rhylee Marchand, THE ADVOCATE: OFFICIAL PUBLICATION OF THE IDAHO STATE BAR (Oct. 2016).
Describes state legalization of marijuana, the federal government's response, and the effects on tribal legalization.
- [Cannabis on Tribal Lands: An Alternative to Michigan Regulation of Marijuana?](#)
Lance Boldrey, MICHIGAN BAR J. (Aug. 2016).
Discusses marijuana initiatives nationally and with respect to Michigan tribes specifically.
- [Native Americans and the Legalization of Marijuana: Can the Tribes Turn Another Addition into Affluence?](#)
Melinda Smith, 39 AM. INDIAN L. REV. 507 (2016).
Discusses the history of state efforts to regulate tribal industries such as gaming, tobacco sales, and hemp production, and predicts potential implications of those historical trends on marijuana cultivation and sale.

- Where There's Smoke, There's Fire: The State-Tribal Quandary of Tribal Marijuana
Kyle Montour, 4 AM. INDIAN L. J. 222 (2016).
Analyzes the jurisdictional issues surrounding the development of tribal marijuana and potential responses to those issues.
- Federal Raids Cool Tribal Excitement Over Potential Marijuana Profits
Cary Spivak, MILWAUKEE WIS. J. SENTINEL (Dec. 12, 2015).
Describes how federal raids on some tribes are causing other tribes with complex state sovereignty issues to rethink investing in marijuana projects.
- Native American Tribes Approve Plan to Grow and Sell Marijuana in Oregon
Associated Press, N.Y. TIMES, Dec. 9, 2015.
Highlights the potential conflicts between state and federal enforcement of tribal marijuana projects, particularly tribes looking to sell marijuana on nontribal lands.
- 43.06.490 Marijuana Agreements—Federally Recognized Indian Tribes—Tribal Marijuana Tax—Tax Exemption
WASH. STATE LEGISLATURE (2015).
Gives an example of one state's marijuana tax policy with regard to Indian tribes.
- Indian Youth Hurt By Colorado's Marijuana Experiment
Troy A. Eid, DENVER POST, July 25, 2014.
Argues that Colorado's marijuana legalization has hurt tribal youth in surrounding states, and cites the lack of uniform federal enforcement as the root of the marijuana diversion problem facing tribal territories.
- Industrial Hemp: The Crop for the Seventh Generation, 27 American Indian Law Review 313
Robin Lash, 27 AM. INDIAN LAW REV. 313 (2002).
Access to this link requires paid subscription
Offers an in-depth look at the different historical uses and regulatory schemes applied to hemp cannabis compared with marijuana cannabis. Section II discusses the sovereignty questions presented by tribes' attempts to grow hemp on tribal lands.

Industrial Hemp in Indian Country

These resources discuss the legal framework supporting the manufacturing of industrial hemp in Indian Country.

- Native Americans and the Legalization of Marijuana: Can the Tribes Turn Another Addiction into Affluence?
Melinda Smith, 39 AM. INDIAN L. REV. 507 (2016).
Discusses the history of states' attempts to regulate tribal industries such as gaming, tobacco sales, and hemp production, and predicts potential implications of those historical trends on marijuana cultivation and sale.
- DEA Raid on Tribe's Cannabis Crop Infuriates and Confuses Reformers
Steven Nelson, US NEWS & WORLD REPORT, Oct. 25, 2015.

Highlights discrepancies between regulation of the hemp industry on tribal lands and regulation of marijuana in states with partial or full legalization.

- Cannabis and Indian Country: Basics 101
Shannon Keller O'Loughlin, Lewis Brisbois Bisgaard & Smith LLP, LAW360, Apr. 6, 2015.
Access to this link requires paid subscription
Argues that federal regulation of tribal cannabis operations should differentiate between the two forms of cannabis: marijuana (used medically and recreationally) and hemp (used to make paper, clothing, and other functional products).
- What Does Marijuana Memo Mean for Hemp Production and Traditional Uses?
Alysa Landry, INDIAN COUNTRY TODAY MEDIA NETWORK (Dec. 18, 2014).
Discusses the potential impact of hemp production on economically depressed tribal territories, and outlines the history of the hemp movement on tribal lands.
- Industrial Hemp: The Crop for the Seventh Generation
Robin Lash, 27 AM. INDIAN LAW REV. 313 (2002).
Offers an in-depth look at the different historical uses and regulatory schemes applied to hemp cannabis compared with marijuana cannabis. Section IC6 pertains specifically to attempts by tribes to revive hemp production in the United States.

Acknowledgments and Disclaimers

This document was developed by Austin Charles, JD candidate 2018, Georgia State University College of Law, Summer 2016 Intern; Hillary Li, JD candidate 2017, University of North Carolina Chapel Hill School of Law, Fall 2016 extern; and Aila Hoss, JD, Carter Consulting, Inc., contractor with the Public Health Law Program (PHLP) within the Office for State, Tribal, Local and Territorial Support at the Centers for Disease Control and Prevention (CDC). The authors thank PHLP Director Matthew Penn, JD, MLIS, for his editorial assistance.

For further technical assistance with this inventory, please contact phlawprogram@cdc.gov. PHLP provides technical assistance and public health law resources to advance the use of law as a public health tool. PHLP cannot provide legal advice on any issue and cannot represent any individual or entity in any matter. PHLP recommends seeking the advice of an attorney or other qualified professional with questions regarding the application of law to a specific circumstance. The findings and conclusions in this summary are those of the author and do not necessarily represent the official views of CDC.

Published February 2, 2017.

¹ COHEN'S HANDBOOK OF FEDERAL INDIAN LAW, § 4.01[1][a] (Nell Jessup Newton et al. eds., 2012).

² Indian Entities Recognized and Eligible to Receive Services From the United States Bureau of Indian Affairs, Fed. Reg. 81, 86 (May 4, 2016).

³ Wallace Coffey and Rebecca Tsosie, *Rethinking the Tribal Sovereignty Doctrine: Cultural Sovereignty and the Collective Future of Indian Nations*, 12 STAN. L. & POL'Y REV. 191, 196 (2001) (arguing that the concept of "cultural sovereignty" needs to be defined by Native communities and outside the construct of political sovereignty: "[W]e hope to open a dialogue about sovereignty and our collective future that is generated from within our tribal communities." *Id.* at 192.). Wallace Coffey is the chairman of the Comanche Nation Business Committee. Rebecca Tsosie is a law professor at the Indian Legal Program at Arizona State University. At the time of publication of this

article, Chairman Coffey and Professor Tsosie both served on the board of the directors of the Native American Rights Fund, which they credited as providing the “impetus for this dialogue on cultural sovereignty.” *Id.* at n.a1.
⁴ *Id.* at 210.

⁵ Tribes maintain “inherent powers of limited sovereignty which has never been extinguished.” *United States v. Wheeler*, 435 U.S. 313, 322–3 (1978) (quoting F. Cohen, *HANDBOOK OF FEDERAL INDIAN LAW* 122 (1945)). *Wheeler* further explains that “Indian tribes still possess those aspects of sovereignty not withdrawn by treaty or statute, or by implication as a necessary result of their dependent status.” *Wheeler*, 435 U.S. at 323. *See also*, Lawrence O. Gostin, *PUBLIC HEALTH LAW: POWER, DUTY, RESTRAINT* 5, 8–9 (2nd ed. 2008), which describes governments as not only having the power to promote the health and welfare of their citizens but also the duty to do so.

⁶ COHEN’S *HANDBOOK OF FEDERAL INDIAN LAW*, § 4.01[1][b]; § 4.01[2] (Nell Jessup Newton et al. eds., 2012), citing *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 62–63 (1978). *See also Williams v. Lee*, 358 U.S. 217, 271 (1959), which states that tribes have the “right . . . to make their own laws and be ruled by them.”

⁷ *Ex parte Crow Dog*, 109 U.S. 556, 572 (1883); *United States v. Kagama*, 118 U.S. 375, 384–5 (1886).

⁸ Federal law defines “Indian Country” as “(a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.” 18 U.S.C. § 1151. *See also*, COHEN’S *HANDBOOK OF FEDERAL INDIAN LAW*, § 3.04.

⁹ *See, e.g.*, Tribal Marijuana Sovereignty Act of 2016, 114 H.R. 5014 (This bill was introduced to the house on April 20, 2016, and sought to “protect the legal production, purchase, and possession of marijuana by Indian tribes, and for other purposes.” The bill did not pass).

¹⁰ *See, e.g.*, NATIONAL CONFERENCE OF STATE LEGISLATURES, Marijuana Overview (Nov. 10, 2016); NATIONAL CONFERENCE OF STATE LEGISLATURES, State Medical Marijuana Laws (Nov. 9, 2016).

¹¹ Alexander W. Campell, *The Medical Marijuana Catch 22: How the Federal Monopoly on Marijuana Research Unfairly Handicaps the Rescheduling Movement*, 41 AM. J.L. & MED. 190, 191 (2015) (Describes the system used to classify drugs by their degree of harmfulness; this system is called scheduling)

¹² *See, e.g.*, Department of Justice (DOJ) Memorandum from James M. Cole, Deputy Att’y Gen. to U.S. Attorneys (Guidance Regarding Marijuana Enforcement) (Aug. 29, 2013); Department of Justice (DOJ) Memorandum from David W. Ogden, Deputy Att’y Gen. to U.S. Attorneys (Investigations and Prosecutions in States Authorizing the Medical Use of Marijuana). (Oct. 19, 2009).

¹³ Department of Justice (DOJ) Memorandum from James M. Cole, Deputy Att’y Gen. to U.S. Attorneys (Guidance Regarding Marijuana Enforcement) (Aug. 29, 2013) (The eight enforcement priorities are 1) preventing the distribution of marijuana to minors; 2) preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels; 3) preventing the diversion of marijuana from states where it is legal under state law in some form to other states; 4) preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity; 5) preventing violence and the use of firearms in the cultivation and distribution of marijuana; 6) preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use; 7) preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public lands; and 8) preventing marijuana possession or use on federal property). Please note, future administrations may take a different approach to this issue.

¹⁴ Department of Justice (DOJ) Memorandum from Monty Wilkinson, Director, to U.S. Attorneys (Policy Statement Regarding Marijuana Issues in Indian Country) (Oct. 28, 2014) (This memo was intended to provide clarification on the Ogden Memo’s pertinence to tribes; it spurred many tribes to pursue marijuana cultivation on tribal lands). Please note, future administrations may take a different approach to this issue.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *See, e.g.*, Cary Spivak, *DEA Raids Cool Tribal Excitement over Potential Marijuana Profit*, MILWAUKEE WISCONSIN JOURNAL SENTINEL, Dec. 12, 2015; Cary Spivak, *Menominee Tribal Members Approve On-Reservation Marijuana Use*, MILWAUKEE WISCONSIN JOURNAL SENTINEL, Aug. 21, 2015; Little Traverse Bay Bands of Odawa Waganakising Odawa Tribal Code 9.1204 (2011) (legalizing medical marijuana on tribal lands); Oglala Sioux Tribal Penal Code tit. 9,

§ 106.00 (2002) (legalizing industrial hemp agriculture); Washington State Liquor and Cannabis Board, “Liquor and Cannabis Board and Suquamish Tribe Sign Marijuana Compact” (2013) (detailing the nation’s first state-tribal marijuana compact to allow the Suquamish Tribe to produce, process, purchase, and sell marijuana on the tribal land).

¹⁸ See, e.g., Associated Press News, *Seneca Nation Lays Groundwork for Medical Marijuana Business*, ASSOCIATED PRESS, Nov. 4, 2015; Walker Orenstein, *Puyallup Tribe Pursuing Medical Marijuana Grow after Signing Deal with State*, THE NEWS TRIBUNE, Aug. 3, 2016; First Alert 48 WAFF, *Las Vegas Paiute Tribe Breaks Ground for Medical Cannabis Dispensary in Downtown Las Vegas*, FIRST ALERT 48 WAFF, Feb. 29, 2016.

¹⁹ See, e.g., Regina Garcia Cano and James Nord, *South Dakota Charges 2 Men Trying to Help Launch Pot Resort*, ASSOCIATED PRESS, Aug. 3, 2016; Amber Cortes, *Cannabis on Tribal Land a ‘50/50 Gamble’ for Native Americans in Washington*, THE GUARDIAN, May 29, 2016; Jenny Espino, *Federal Agents Raid Marijuana Farm on Pit River Tribal Land*, RECORD SEARCHLIGHT, July 9, 2015.

²⁰ PHLP collected resources for this document during June–November 2016. PHLP used public search engines such as Google Scholar and subscription-based legal databases such as WestlawNext and Lexis Advance.

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Arizona group files initiative to put recreational marijuana on ballot again



Arizona voters decided in 2010 to legalize medical marijuana. Harvest of Tempe medical marijuana has more than 26 strains of medical marijuana. (Photo by Jenny Ung/Cronkite News)

By Charlie Clark | (<https://cronkitenews.azpbs.org?s=Charlie Clark>) **Cronkite News** (<https://cronkitenews.azpbs.org>)

Thursday, Feb. 16, 2017

PHOENIX – Arizona voters in November rejected the latest attempt to legalize recreational

marijuana in the state, but a local group wants to take another run at the effort.

Safer Arizona, a political action committee, filed an initiative Thursday with the Secretary of State's office to get the issue on the November 2018 ballot.

The initiative, called the Safer Arizona Cannabis Legalization Act (<https://saferarizona.com/az-cannabis-legalization-initiative-filed-21617/>), would legalize recreational marijuana for adults age 21 and over. If voters approve, the measure would, among other things:

- Legalize the possession, use, consumption and transportation of marijuana for adults 21 and over.
- Repeal marijuana prohibition entirely and replace jail time for offenses with fines.
- Allow for home cultivation of up to 48 plants.
- Establish sales tax guidelines and allocate tax dollars for education.
- Provide a reprieve for people who have prior convictions for marijuana-related offenses.

"This is what people are getting at when they go for cannabis legalization," said Dave Wisniewski, chairman of Safer Arizona, the committee behind the initiative. "Everything that has passed so far has been investor driven and doesn't take on the whole problem."

In November, Arizona voters defeated Proposition 205 by a 51.3 to 48.7 percent margin (<http://results.arizona.vote/2016/General/n1591/Results-State.html#ballots>) – or 1.3 million against to 1.23 million in support, according to the Arizona Secretary of State's office.

Of the five states that had recreational marijuana on the ballot in November, Arizona was the only state to reject the proposal. The well-funded opposition campaign, Arizonans for Responsible Drug Policy, had raised more than \$5.6 million, according to campaign filings (<http://apps.azsos.gov/apps/election/cfs/search/BallotMeasureSearch.aspx>), more than the opponents in the four other states – California, Maine, Massachusetts and Montana – combined, according to an earlier Cronkite News article (<https://cronkitenews.azpbs.org/2016/12/30/despite-loss-arizona-recreational-pot-backers-upbeat-future/>).

Chuck Coughlin, president of public affairs and political consulting firm HighGround, said Prop. 205 was premature and poorly crafted.

“We just legalized marijuana out here, and there are still lots of questions within the state about how to enforce those laws,” he said, referring to Arizona voters’ 2010 decision to legalize medical marijuana. “It is a dramatic amount of change in a short amount of time. Other places had medicinal legalized for some time before full legalization.”

Coughlin added that the combination of organized resistance, principally from the Governor’s Office, as well as concerns within the larger electorate about the regulation of marijuana led to Prop. 205’s failure.



Safer Arizona, a political action committee, filed an initiative Thursday with the Secretary of State’s office to get the issue on the November 2018 ballot. (Photo by Chelsey Ballarte/Cronkite News)

But Wisniewski is optimistic the new proposal will not meet a similar fate.

“Prop. 205 was legitimately a very flawed law. There was a large population of cannabis consumers who voted ‘no’ on it,” Wisniewski said. “I don’t believe Arizona voted down Prop. 205 because they didn’t want marijuana.”

Wisniewski said the Safer Cannabis Legalization Act differs from Prop. 205 in several ways, including a higher ceiling for home grows, a capped general sales tax, and it would place regulation under the Department of Agriculture rather than creating a new department. ^

However, marijuana legalization opponents have not softened their stance.

“Unless and until I see that the new administration is as lacking in this regard as the previous one, my time and attention will not be diverted by efforts to circumvent the Controlled Substances Act through an Arizona initiative,” Maricopa County Attorney Bill Montgomery said in a statement. Recreational and medical marijuana remain illegal under federal law, and President Donald Trump’s stance on marijuana isn’t clear, according to an NBC News article (<http://www.nbcnews.com/news/us-news/legal-marijuana-sessions-top-cop-pot-advocates-getting-nervous-n719521>).

Yavapai County Attorney Sheila Polk also said she is confident Arizona will continue to vote against marijuana legalization and that legalization is “bad public policy” and “bad for the state.”

Coughlin said that although it may be more challenging to get this passed during a midterm election, he does see the Arizona electorate shifting toward more support over time, citing more mature discourse about the topic and familiarity with how neighboring states have been impacted.

Political analyst and pollster Michael O’Neil expressed a similar outlook and criticized legislators for being shortsighted.

He said that if legalization passes by initiative, the Legislature loses the ability to design and regulate this the way they would like.

He said lawmakers could “put tight controls on it and have a much more palatable bill.”

“Maybe they’ll put up a good fight on this one, but they’re being shortsighted,” he said. “They want to do nothing, and eventually one of these things is going pass.”

Safer Arizona will have until July 2018 to collect 152,000 valid signatures to get the initiative onto the 2018 ballot.





Cronkite News reporter Jessica Suerth contributed to this article.

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Kari Brooks

Where do I sign?

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Amelia Roed Jones

We had to vote 3 times for medical MJ to get it passed. It's not too fast Coughlin and your comments about it show your lack of historical(20 years) knowledge. A properly written bill would have passed.

Like · Reply · 3 · Feb 20, 2017 12:45am



Trevor James Vanderlan

I thought you people supposedly "respect" the will of the voters? The people of Arizona voted NO to marijuana legalization. Period. You can't just keep putting it on the ballot until people fall for your lies. It is done! It is ILLEGAL and will remain ILLEGAL!

Like · Reply · Mar 4, 2017 6:09pm



Josiah White · Works at Student

Uh, yeah, they can. It's called democracy.

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Bordeaux Destiny

Sure can just like alcohol prohibition was reversed so will mj eventually.

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Jennifer Burress · Temple University

Trevor doesn't seem to bright.

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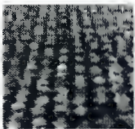
Arizona businesses like Trump tax plan, not its chances in Congress

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Winning the next battle: Report shows vets succeeding in college

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Special report: The changing face of Arizona

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Apr 28, 2017



[\(https://cronkitenews.azpbs.org/2017/04/26/eight-things-to-know-about-school-lunches-in-arizona/\)](https://cronkitenews.azpbs.org/2017/04/26/eight-things-to-know-about-school-lunches-in-arizona/)

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[\(https://cronkitenews.azpbs.org/2017/04/20/no-count-of-homeless-lgbtq-youth-makes-problem-difficult/\)](https://cronkitenews.azpbs.org/2017/04/20/no-count-of-homeless-lgbtq-youth-makes-problem-difficult/)

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Apr 20, 2017



[\(https://cronkitenews.azpbs.org/2017/04/11/making-the-grade-missing-meals-community-college-students-go-hungry/\)](https://cronkitenews.azpbs.org/2017/04/11/making-the-grade-missing-meals-community-college-students-go-hungry/)

Making the grade, missing meals: Community college students go hungry
(<https://cronkitenews.azpbs.org/2017/04/11/making-the-grade-missing-meals-community-college-students-go-hungry/>)

Apr 11, 2017

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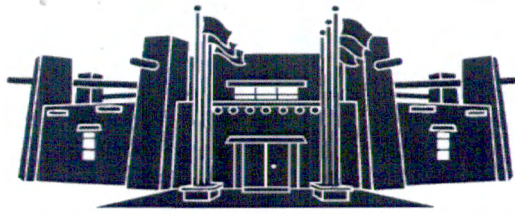
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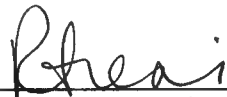
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MEMORANDUM

TO: Hon. Jonathan Hale
23rd Navajo Nation Council

FROM: 
Rhonda L. Tuni, Attorney
Office of Legislative Counsel

DATE: May 18, 2017

SUBJECT: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER, NAABIK'ÍYÁTI' COMMITTEES AND NAVAJO NATION COUNCIL; REAFFIRMING NAVAJO NATION'S POLICY AGAINST MARIJUANA

Pursuant to your request, attached is the above-referenced proposed resolution and associated legislative summary sheet. Based on existing law the resolution as drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of a challenge.

The Office of Legislative Council confirms the appropriate standing committee(s) reviews 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).

Please review the proposed resolution to ensure it is drafted to your satisfaction. If this proposed resolution is acceptable to you, please sign it where it indicates "Prime Sponsor", and submit it to the Office of Legislative Services for the assignment of a tracking number and referral to the Speaker.

If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of changes you would like made to the proposed resolution. You may contact me at (928) 871-7166. Thank you.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0203-17_____ SPONSOR: Jonathan Hale

TITLE: An Action Relating to Health, Education And Human Services, Law And Order, Naabik'iyati' Committees And Navajo Nation Council; Reaffirming Navajo Nation's Policy Against Marijuana

Date posted: June 2, 2017 at 9:25am

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) 871-7590**

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 Nav, ajo 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.*

**THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY**

LEGISLATION NO.: 0203-17

SPONSOR: Honorable Jonathan L. Hale

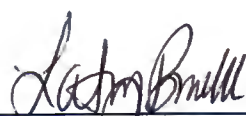
TITLE: An Action Relating to Health, Education And Human Services, Law And Order, Naabik'iyati' Committees And Navajo Nation Council; Reaffirming Navajo Nation's Policy Against Marijuana

Posted: June 2, 2017 at 9:25 pm

5 DAY Comment Period Ended: June 7, 2017

Digital Comments received:

| | |
|----------------------------|---|
| Comments Supporting | <i>None</i> |
| Comments Opposing | <i>1. G.Harrison – gerri.jh@gmail.com</i> |
| Inclusive Comments | <i>None</i> |



**Policy Analyst
Office of Legislative Services**
6/8/17 8:35am

Date/Time

0203-17

G. Harrison <gerri.jh@gmail.com>

Fri 6/2/2017 12:41 PM

To: comments <comments@navajo-nsn.gov>;

Criminal prohibition is an exercise of sovereignty of our Nation. However, times have changed. States surrounding the Nation, especially, Colorado, is benefiting from legalizing marijuana usage. In this time of uncertainty regarding health care, the Navajo Nation may see the use of medical marijuana as a dispensary on a small scale, of which revenues will soar. Statistics also support the production of marijuana and sale to our sister states. We have the land, and the farming of marijuana can be lucrative as a revenue source. Thinking ahead, the Navajo Nation will stand to gain from forward thinking, outside the box, and for the future of the Nation, with depleting resources from coal production. Oppose this legislation. No need to reaffirm something that is already in place. Amend to expand the policy instead.

Committee Report

THE HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE OF THE NAVAJO NATION COUNCIL to who has been assigned;

LEGISLATION NO. 0203-17

AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER, NAABIK'IYATI' COMMITTEES AND NAVAJO NATION COUNCIL; REAFFIRMING NAVAJO NATION'S POLICY AGAINST MARIJUANA

Sponsor: *Honorable Jonathan L. Hale*

Amendment One (1): Page 2 of 2, Line 16, add "I." The Navajo Nation recommends an exemption for the medical use of cannabis.

Page 2 of 2, Line 18, insert "with the recommended exception of medical use..."

To read as follows: Page 2 of 2, Line 18, 19: The Navajo Nation reaffirms their policy against the marijuana with the recommended exception of medical use because use of controlled substances contradicts with Navajo values and traditions.

Has had under consideration and report the same with the recommendation that Legislation 0204-17 PASS with one (1) FAIL amendment and no directive; And therefore referred the same to the **LAW AND ORDER COMMITTEE OF THE NAVAJO NATION COUNCIL**

Respectfully Submitted,



Norman M. Begay, Vice-Chairperson
Health, Education and Human Services Committee

Dated: June 12, 2017

Amendment One (1) Motion - FAILS

Motion by: Honorable Amber Kanazbah Crotty

Seconded by: Honorable Nathaniel Brown

Vote: 2 in favor; 3 Opposed; Vice-Chairperson Not Voting

Main Motion

Motion by: Honorable Steven Begay

Seconded by: Honorable Nathaniel Brown

Vote: 5 in favor; 0 Opposed; Vice-Chairperson Not Voting