

LEGISLATIVE SUMMARY SHEET

Tracking No. 0100-22

DATE: June 6, 2022

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES; OPPOSING DECRIMINALIZING THE RECREATIONAL USE OF PEYOTE AND URGING ALL STATES TO LIMIT THE NON-CRIMINAL USE OF PEYOTE TO RELIGIOUS PURPOSES; AND OPPOSING THE INCLUSION OF PEYOTE ON THE CALIFORNIA SENATE BILL 519 LIST OF SUBSTANCES TO BE DECRIMINALIZED

PURPOSE: This resolution, if approved, will provide the Navajo Nation's firm position of opposing the efforts or any attempt made by states in decriminalizing the recreational use of peyote (*lophophora williamsii*) which contains the natural hallucinogenic drug mescaline, and urging states to limit its use to the Native American Church religion, similar to federal law—42 U.S.C. § 1996a.


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 resolution in detail.

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: 6:16pm; 06-06-22
Posting End Date: 06-11-22
Eligible for Action: 06-12-22

Resources & Development Committee
Thence
Health Education & Human Services Committee
Thence
Law & Order Committee
Thence
Naabik'iyáti' Committee

PROPOSED STANDING COMMITTEE RESOLUTION
24th NAVAJO NATION COUNCIL – Fourth Year, 2022

INTRODUCED BY



(Prime Sponsor)



TRACKING NO. 0100-22

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT, HEALTH, EDUCATION AND
HUMAN SERVICES, LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES;
OPPOSING DECRIMINALIZING THE RECREATIONAL USE OF PEYOTE AND
URGING ALL STATES TO LIMIT THE NON-CRIMINAL USE OF PEYOTE TO
RELIGIOUS PURPOSES; AND OPPOSING THE INCLUSION OF PEYOTE ON THE
CALIFORNIA SENATE BILL 519 LIST OF SUBSTANCES TO BE
DECRIMINALIZED

WHEREAS,

- A. The Naabik'iyáti' Committee is a standing committee of the Navajo Nation Council empowered to assist and coordinate all requests for information, appearances and testimony relating to proposed county, state and federal legislation impacting the Navajo Nation. 2 N.N.C. §§ 700(A), 701(A)(6).
- B. The Resources and Development Committee is a standing committee of the Navajo Nation Council empowered to represent the Navajo Nation at local, state, and federal levels, in cooperation and coordination with the President of the Navajo Nation and the appropriate committee of the Navajo Nation Council on proposed resolutions or actions affecting natural resources. . . 2 N.N.C. §§ 500(A), 501(B)(5).
- C. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council empowered to represent the Navajo Nation at local, state and

1 federal levels, in coordination with the President of the Navajo Nation and the
2 Naabik'iyáti' Committee on proposed legislation, funding and other actions affecting
3 environmental health. 2 N.N.C. §§ 400(A), 401(B)(7)(a).

4 D. The Law and Order Committee is a standing committee of the Navajo Nation Council
5 with its purpose to protect the rights and interests of the Navajo People by improving the
6 quality and effectiveness of the justice system within the Navajo Nation. 2 N.N.C. §
7 600(C)(2).

8 E. The Native American Church is one of the oldest religious traditions in the Western
9 Hemisphere; a recent carbon dating of peyote at an archeological site in Texas revealed
10 that the peyote dated back to 4,220 B.C. (approximately 6,000 years ago). James D.
11 Muneta, *Peyote Crisis Confronting Modern Indigenous Peoples: The Declining Peyote*
12 *Population and a Demand for Conservation*, Amer. Ind. Law Journal: Vol. 9 : Iss. 1,
13 Article 6., (2020).

14 <https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1228&context=ailj>

15 F. Native American Church members consume the sacred cactus plant (*lophophora*
16 *williamsii*) known as peyote which contains the hallucinogenic drug “*mescaline*” during
17 ceremonies. The hallucinogenic effect of mescaline is naturally found in the peyote
18 cactuses (*lophophora williamsii*).

19 G. In the Southwest United States and Mexico, peyote is drastically declining due to land
20 development, ranching, agriculture, poaching, psychedelic tourism, incorrect harvesting,
21 and other factors such as recreational use and climate change.

22 H. Peyote is a slow-growing cactus that takes approximately ten or more years to grow from
23 a seed to a mature plant to be consumed.

24 I. In February 2020, California introduced Senate Bill 519 which would decriminalize
25 certain hallucinogenic substances including mescaline. The California law would make
26 it: (1) legal to possess for personal and social sharing; (2) place strict limits on who could
27 use the drug, penalizing those who are under the age of 21 for using drugs; (3) expunge
28 the records of those with prior criminal offenses for possession and use; (4) require the
29 California Department of Public Health to come up with regulations and therapeutic uses
30 of the legalized psychedelics; and (5) will no longer carry criminal penalties for

possession of drug paraphernalia associated with psychedelics as long as they are owned by adults. *See, SB-519 Controlled substances: decriminalization of certain hallucinogenic substances.*

J. Under Section 1(l) of Senate Bill 519: *Peyote is specifically excluded from the list of substances to be decriminalized, and any cultivation, harvest, extraction, tincture or other product manufactured or derived therefrom, because of the nearly endangered status of the peyote plant and the special significance peyote holds in Native American spirituality. Section 11363 of the Health and Safety Code, which makes it a crime in California to cultivate, harvest, dry, or process any plant of the genus Lophophora, also known as Peyote, is not amended or repealed.*

K. Furthermore, Section 1(m) of Senate Bill 519 provides: *The State of California fully respects and supports the continued Native American possession and use of peyote under federal law, 42 U.S.C. 1996a, understanding that Native Americans in the United States were persecuted and prosecuted for their ceremonial practices and use of peyote for more than a century and had to fight numerous legal and political battles to achieve the current protected status, and the enactment of this legislation does not intend to undermine explicitly or implicitly that status.*

L. The Azeé Bee Nahagha of Diné Nation, Inc., passed a resolution, attached as **Exhibit A**, opposing the decriminalization of peyote due to recreational use by the public which will threaten the availability and over harvesting of peyote. The Azeé Bee Nahagha of Diné Nation, Inc., further suggests that peyote be limited strictly for religious, cultural and ceremonial purposes only.

M. Azeé means medicine in Diné language. Native American Church practitioners identify Azeé to also mean peyote and is believed to spiritually heal a person through songs, prayers, and consumption of the Azeé (Peyote).

N. The Navajo Nation understands that peyote is classified as a Schedule I controlled substance under the Federal Controlled Substance Act. However, the Navajo Nation government has allowed the religious use of peyote since 1967 within Navajo Nation through Resolution No. CO-65-67.

1 O. The Navajo Nation further understands that federal law, the American Indian Religious
2 Freedom Act Amendments of 1994, 42 U.S.C. § 1996a, provides authorization for
3 Native American Church members to legally use peyote for religious purposes only.

4 P. It is in the best interest of the Navajo Nation to oppose decriminalizing the recreational
5 use of peyote as it is a cacti that could be excessively harvested and will endanger the
6 plant (peyote) and will also affect the religious practice of Indigenous people across the
7 Western Hemisphere including members of the Navajo Nation who have a sincere
8 religious belief in Native American Church.

9
10 **NOW, THEREFORE, BE IT RESOLVED THAT**

11 A. The Navajo Nation opposes decriminalizing the recreational use of peyote and urges all
12 states to limit the non-criminal use of peyote for religious purposes only, similar to 42
13 U.S.C. § 1996a.

14 B. Further, the Navajo Nation strongly opposes the inclusion of peyote on the California
15 Senate Bill 519 list of substances to be decriminalized.



AZEE' BEE NAHAGHA OF DINE NATION, Inc.
P.O. Box 1570 Chinle, Arizona 86503



Willie Tracey Jr., President
Albert Johnson, Vice President

Victoria Woody, Treasurer
Roxanne Harvey, Secretary

RESOLUTION OF THE AZEE' BEE NAHAGHA OF DINE NATION, Inc.

**Respectfully Approving and Recommending the Navajo Nation Council to Oppose the
National Peyote Decriminalization**

WHEREAS:

1. Azee Bee Nahagha of Dine Nation, Inc. (ABNDN Inc.) is governed by Board of Directors as provided for in its Articles of Incorporation, Constitution and Bylaws; and
2. The Native American Church of Navajoland, Inc. (NACNL Inc.), now known as ABNDN Inc. was established on June 11, 1966 as a non-profit organization, was incorporated within the State of New Mexico on May 15, 1972 and in December 1989, the Advisory Committee of the Navajo Tribal Council granted a Revocable Land Use Permit (Mission Site) for NACNL comprising of ten (10) acres of Navajo Nation Trust land at Chinle, Arizona; and
3. ABNDN, Inc. is vested with the authority to review all matters affecting it's membership while making appropriate delicate decisions as deem necessary and to make recommendation to various agencies while seeking resources; and
4. ABNDN recognizes the Azeé (Peyote) plant to be sacred among the Navajo people; and
5. ABNDN recognizes Azeé (Peyote) has been consumed by Navajo people for religious, cultural, and ceremonial purposes since time in immemorial; and
6. ABNDN recognizes certain lands in the Southwest part of Texas and in Northern Mexico are cultural places of significant importance where Azeé (Peyote) plant grows in its aboriginal habitat; and
7. ABNDN recognizes the number of Azeé (Peyote) plants has decreased in recent years, threatening the long-term sustainability of the Azeé (Peyote) aboriginal habitats or populations, and depleting the number of Azeé (Peyote) that could be available for future generations; and
8. ABNDN recognizes the personal and corporate cultivation of the Azeé (Peyote) plant threatens the historical, cultural, and biological integrity of the plant by potentially exposing the population to hybridization, genetic modification, and sterilization, all of which is in violation of Public Law 103-344 American Indian Religious Freedom Act of 1994 (AIRFA of 1994); and
9. ABNDN recognizes the movement to decriminalize Azeé (Peyote) use directly threatens the availability of Azeé (Peyote) and integrity of the ceremonial use of Azeé (Peyote) for Navajo people, including other Indigenous peoples, and would be contrary to the doctrine of

federal preemption, whereby federal law supersedes state law in this area (under Public Law 103-344 AIRFA of 1994).

10. ABNDN recognizes the decriminalization of Azeé (Peyote) consumption beyond the already hundreds of thousands of federally recognized tribes and other Indigenous peoples, including Navajo people, will create a demand and market for Azeé (Peyote) that further threatens the existing aboriginal inhabitants.

NOW THEREFORE, BE IT RESOLVED THAT:

1. ABNDN opposes the decriminalization of Azeé (Peyote). Usage should be only "by a federally enrolled tribal citizen who uses Azeé (Peyote) in a bona fide traditional ceremony.
2. ABNDN opposes the extraction and synthesis of mescaline, and any cultivation, tincture, or manufacturing for scientific purposes (research), or for any reasons outside of a traditional bone-fide ceremonial setting and purposes.
3. ABNDN hereby requests to protect and preserve Azeé (Peyote) strictly used for religious, cultural, and ceremonial purposes by the Navajo people, as protected under federal law.
4. ABNDN hereby requests Navajo leadership to protect and preserve the Peyote Way of Life and the lands in which they reside within its natural aboriginal habitat.

CERTIFICATION

We hereby certify that the foregoing resolution was duly considered by the ABNDN, Inc. Executive Officials and Board of Directors at a duly called meeting at Chinle, Navajo Nation, Arizona, at which a quorum was present and that same was passed by a vote of 11 in favor, 00 opposed and 01 abstained, this 16th day of April, 2022.

MOTION: Justin Dale

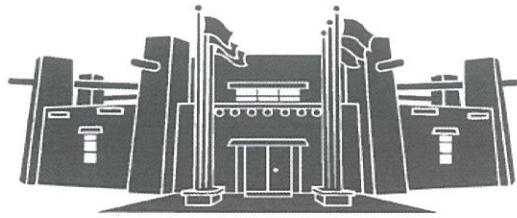
SECOND: Richard Monroe

Willie Tracey Jr., President

Albert Johnson, Vice President

Melinda Nakai, Protemp Secretary

Victoria Woody, Treasurer



MEMORANDUM

TO : Honorable Eugenia Charles-Newton, Sponsor
Law and Order Committee
24th Navajo Nation Council

Honorable Thomas Walker, Jr., Co-sponsor
Resources and Development Committee
24th Navajo Nation Council

FROM : 
Chad Abeyta, Attorney
Office of Legislative Counsel

DATE : June 6, 2022

RE : **AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES; OPPOSING DECRIMINALIZING THE RECREATIONAL USE OF PEYOTE AND URGING ALL STATES TO LIMIT THE NON-CRIMINAL USE OF PEYOTE TO RELIGIOUS PURPOSES; AND OPPOSING THE INCLUSION OF PEYOTE ON THE CALIFORNIA SENATE BILL 519 LIST OF SUBSTANCES TO BE DECRIMINALIZED**

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. The resolution as drafted is legally sufficient. Regarding substance, as with any legislation, it can be subject to review by the courts in the event of proper challenge. Please ensure that this particular resolution request is precisely what you want.

If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment. If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Ahéhee'.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0100-22_

SPONSOR: Eugenia Charles-Newton

TITLE: An Action Relating to Resources and Development, Health, Education and Human Services, Law and Order and Naabik'iyáti' Committees; Opposing Decriminalizing the Recreational Use of Peyote and Urging All States to Limit the Non-Criminal Use of Peyote to Religious Purposed; and Opposing the Inclusion of Peyote on the California Senate Bill 519 List of Substances to be Decriminalized

Date posted: June 06, 2022 at 6:16PM

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.*

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

LEGISLATION NO.: 0100-22

SPONSOR: Honorable Eugenia Charles-Newton

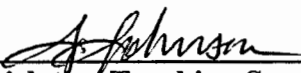
TITLE: An Action Relating to Resources and Development, Health, Education and Human Services, Law and Order and Naabik'íyáti' Committees; Opposing Decriminalizing the Recreational Use of Peyote and Urging All States to Limit the Non-Criminal Use of Peyote to Religious Purposed; and Opposing the Inclusion of Peyote on the California Senate Bill 519 List of Substances to be Decriminalized

Posted: June 06, 2022 at 6:16 PM

5 DAY Comment Period Ended: June 11, 2022

Digital Comments received:

Comments Supporting	1) Lance Morris 2) Leroy H. Lane 3) Lucy Benally 4) Steven S. Benally 5) Ruby Tallsalt
Comments Opposing	<i>None</i>
Comments/Recommendations	1) Ian Teller 2) Dr. David J. Tsosie



**Legislative Tracking Secretary
Office of Legislative Services**

June 14, 2022; 8:46 AM
Date/Time

0100-22

Lance Morris <lance.morris49ers@gmail.com>

Wed 6/8/2022 2:38 PM

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

To whom it may concern,

I'm in agreement with this Legislation.

Regards,

Lance Morris

ABNDN Member

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0100-22

Laverne Lane <llane073@gmail.com>

Fri 6/10/2022 11:58 AM

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

June 9, 2022

Honorable 24th Navajo Nation Council:

My family and I are members of Azee Bee Nahagha of Dine Nation, Inc., (ABNDN) of District One. I strongly support Legislation 0100-22 which opposes decriminalizing the recreational use of Peyote. As Indigenous People, our Azee (Peyote) is our Medicine that we use in a ceremonial setting for healing, strength, and comfort. Through the approval of Legislation 0100-22, ABNDN, promotes the protection and preservation of our Azee to be used in a bona fide ceremony by federally enrolled tribal citizens.

I kindly request the Honorable 24th Navajo Nation Council to support and vote for passage of this Legislation 0100-22. Thank you and may the Creator bless us all.

Sincerely,

Leroy H Lane, Member ABNDN
Tonalea Chapter District 1
PO Box
.....
Tonalea,, AZ 86044
.....

LLane073@gmail.com

Sent from Mail for Windows

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0100-22

Lucy Benally <srs3benallykr@gmail.com>

Tue 6/14/2022 8:41 AM

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

As a member of ABNDN, I support this resolution as is written. No other additional recommendations is needed. Please support this resolution in opposing the decriminalization of our entheogen for our generations to come.

Sent from my iPhone

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0100-22

Steven/Lucy Benally <benally_steven@yahoo.com>

Tue 6/14/2022 8:41 AM

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

My name is Steven S. Benally, former President of Aze Bee Nahagha of Dine Nation. I am in support of the legislation as proposed regarding decriminalization of peyote. This is a Nation wide if not a world wide movement on going for many years, if not decades. As a member of ABNDN, I strongly stand with the contents of the American Indian Religious Freedom Act amended 1994 where it states that exemptions are only for federally recognized tribal members and only for boni fide ceremonial use. We are in this stand not only for today but especially for the up and coming generations of children and grandchildren. What we do today will determine what they have when their time comes and in all reality, I would like to say that I have done my part in protecting, this wonderful way of life for them. Keeping what is sacred, SACRED has been my position during the 9 years of my presidency and this all begins with us in determining a direction that is good for them and to uphold the sacred virtues of being a peyote member. If you have any questions or would like additional information, I am certainly willing to meet. I am also currently working with the Indigenous Peyote Conservation Initiative a 501 C-3 non profit organization that is operating out of Herbronsville, TX. In this position, I can also provide additional information. My number 928 or email: benally_steven@yahoo.com

I certainly encourage your support of this endeavor and appreciate the effort to be put forth in protecting this way of life. My prayer goes out to you as our leaders in these trying times, be blessed. AHO

Thank You,
Steven S. Benally
Tolikan, Am.

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Legislation #0100-22 Opposing Decriminalization on Peyote

Ruby Tallsalt <rutallsalt@yahoo.com>

Tue 6/14/2022 8:42 AM

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

Ya'aat'eeh shi nat'oonii,

My name is Ruby Tallsalt, I live in Coppermine, AZ. My family and I have been member of NAC of North America and now members of Azee Bee Nahagha of Dine' Nation.

Legislation #0100-22, Opposing Decriminalization on Peyote. Growing up my parents, the late Kee and Alice Tsinnijinnie conducted many ceremonies for our relatives, praying with Azee nihima, Peyote to help our ailing relatives to get better and live a long productive life. I have seen and witnessed many healings with the help of nihima azee. With the help of Azee, our young people are developing confidence to continue their education at University levels, trade schools and/or job force. Many times we prayed for good life and that has been bestowed upon us. The fireplace and nahalahi has been passed onto my brothers. My two brothers are now carrying on that prayer, continuing to help many of our people. Relatives that have seeked help and healing from the Peyote are now going out of there way to ensure the medicine is being used as it was meant to be. Our way of praying and singing in ceremonial settings is now being effected by Senate Bills that are surfacing, which would enable any non-native person to use the medicine. The medicine is becoming scarce and hard to find. If non-native people start having access to this medicine, we will find ourselves without our healing azee. It is our duty to protect, preserve and foster our azee, so that our grandchildren, great grandchildren will have azee to turn to when they need the healing. If we let this become available to all, we won't have any left for our grandchildren.

We implore your aproval for this legislation, shi nat'oonii, so that we can continue to use the ceremonial ways without having to worry about one day loosing it to non-native people. Your YES vote would be greatly appreciated. Axe'hee' and have a beautiful day.

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June 8, 2022

To whom it may concern,

My name is Ian Teller, I am 21 years old and from Tsaile, Arizona. I am a registered member of the Azeé Bee Nahagha of Diné Nation organization and have been made aware by my local leaders of recent legislation that proposes the decriminalizing of peyote. I am writing to offer my strong disapproval of this legislation and encourage those with the power to oppose, to do so.

I was born and raised in a traditional Diné home and attending Peyote ceremonies was a very sacred religious practice to my family and community. The partaking of this form of medicine is sacred to Native people and is used in a very strict and sacred process. To decriminalize the usage of peyote would result in several unintended consequences that will destroy our way of life. Recreational usage of peyote would result in mass production efforts and attempts to commercialize this holy sacrament. This would be catastrophic in that it will disregard communities of Native people who for too long have been overlooked. Popularizing the usage of peyote outside Native communities is not far off from cultural appropriation and can even be comparable to creating costumes of Native people that inaccurately depict sacred items of our culture. Peyote is not something for experimental recreational fun, because it itself is living sacred belief of Native people. It is our prayers and songs; and equivalent to other religious practices of faith, such as Christianity. The government has no business in trying to regulate our faiths as Diné people.

I strongly oppose this legislation and hope it will be reconsidered to honor the religious beliefs of Native people and take account the effects these laws would have on Indigenous communities. Should you need to contact me, I can be reached by email at

@gmail.com or by phone at

Thank you,

A handwritten signature in black ink, appearing to read 'Ian Teller', written in a cursive style.

Ian Teller

Untitled

David J. Tsosie <djt485@yahoo.com>

Tue 6/14/2022 8:42 AM

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

The Native people have been denied certain benefits for the last 160 years or so. It started with the taking of our land, our children and our language. More recently that have begun to desecrate our spiritual sites and are taking away what is sacred to our people. The aim of the Navajo Nation Council to opposed the decriminalization of peyote and any natural plants with mescaline substance is in line with the protection of our spiritual way of life. The Azee Bee Nahagha was renamed to align itself with the federally recognized spiritual organizations rather than a church as noted by the Non-Native population. I appreciate the support of the Navajo Nation Council.

Dr. David J. Tsosie

Past President of the ABNDN

Sent from my iPhone

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