

LEGISLATIVE SUMMARY SHEET

Tracking No. 02168-18

DATE: July 31, 2018

AN ACT RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; ENACTING THE "CONTROLLED SUBSTANCE DEFINITION ACT OF 2018"; AMENDING TITLE 17 CHAPTER 3, CONTROLLED SUBSTANCES AT 17 N.N.C. §§ 390, 394 AN ACTION

PURPOSE: The purpose of this legislation is to bring Navajo Code with respect to controlled substances in line with the stricter standards of federal law with respect to THC content in hemp.

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 review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: None
Website Posting Time/Date: 4:03pm 8/30/18
Posting End Date: 8/8/2018
Eligible for Action: 8/9/2018

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

PROPOSED NAVAJO NATION COUNCIL RESOLUTION
23rd NAVAJO NATION COUNCIL -- Fourth Year, 2018

INTRODUCED BY


(Prime Sponsor)

TRACKING NO. 0248-18

AN ACT

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES
AND DEVELOPMENT, LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES
AND THE NAVAJO NATION COUNCIL; ENACTING THE "CONTROLLED
SUBSTANCE DEFINITION ACT OF 2018"; 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) (2012); CO-45-12.
- 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) (2012); CO-45-12.
- 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 Code.
2 2 N.N.C. §§ 164(A)(1), 600(A), and 601(B)(14) (2012); CO-45-12

3 D. The Naabik'íyáti' 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. CO-45-12.

6 E. The Navajo Nation Council must review and approve enactments or amendments of
7 positive law. 2 N.N.C. § 164(A) (2012); CO-45-12.

8 9 **SECTION TWO. FINDINGS**

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

13 B. The purposes of the Navajo Nation Criminal Code, being applied in harmony with the
14 other Titles of the Navajo Nation Code and policies of the Navajo Nation, include,
15 among others, proscribing certain substances that may pose the threat of inflicting
16 substantial harm to individual or public interests, giving all persons entering into the
17 territorial jurisdiction of the Navajo Nation Courts a fair warning of such proscribed
18 substances by clear statement within the Criminal Code, and protecting and promoting
19 the interests of the Navajo Nation, its public, and its economy and economic
20 development within its territorial jurisdiction.

21 C. The Navajo Nation Code, at Title 17, Chapter 3, Controlled Substances, Definitions
22 was last amended with respect to the definition of "Marijuana" on June 24, 2000 by
23 Council Resolution CJY-54-00 which defined "Marijuana" as "...those Cannabis
24 plants that contain an amount equal to or more than 1.4% tetrahydrocannabinol"
25 (THC). See Exhibit A.

26 D. The Agricultural Act of 2014, (the Federal Farm Bill) made that standard under federal
27 law more restrictive, lowering the amount of allowable THC from 1.4% to 0.3% (less
28 than one percent); defining Cannabis as hemp, not marijuana, provided that no part of
29 the plant, including the leaves and flowers, exceeds "... a delta-9 tetrahydrocannabinol
30

1 concentration of not more than 0.3 percent on a dry weight basis”. 128 Stat 649 Sec.
2 7606 (b) (2); Public Law 113-79-Feb. 7, 2014; See Exhibit B.

- 3 E. The Navajo Nation Code defining controlled substances is not consistent with existing
4 federal law and in fact allows more THC than federal law permits.
- 5 F. The Navajo Nation Council finds it to be in the best interest of the Navajo Nation to
6 enact “The Controlled Substances Definition Act of 2018” and thereby amend the
7 Navajo Nation Code to conform to the Federal definition of industrial hemp/marijuana.
8

9 **SECTION THREE. RESOLVED**

- 10 A. The Navajo Nation hereby enacts “The Controlled Substances Definition Act of 2018”
11 to conform Navajo Nation Code with the Federal definition of industrial
12 hemp/marijuana as found in the Public Law 113-79, February 7, 2014, The Agricultural
13 Act of 2014.
- 14 B. The enactment of this resolution does not authorize the cultivation, growth possession,
15 development or propagation of industrial hemp until the Navajo Nation creates a
16 regulatory system for industrial hemp and obtains the necessary and applicable permits
17 for industrial hemp.
- 18 C. 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 ~~these Cannabis plants that contain an amount equal to or more than~~
4 ~~1.4% tetrahydrocannabinol.~~ the plant Cannabis sativa L. and any part of such plant,
5 whether growing or not, with a delta-9 tetrahydrocannabinol concentration of more
6 than three tenths percent (0.3%) on a dry weight basis.

7 C. "Opium" includes morphine, codeine and heroin, and any compound, manufacture, salt
8 derivative, mixture or preparation of opium, but does not include apomorphine or any
9 of its salts.

10 * * * *

11
12 **§ 394. Possession or Sale of Controlled Substances**

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

- 15 1. Opium or coca leaves, or any compound, manufacture, salt, derivative,
16 mixture or preparation thereof, unless specifically excepted;
17 2. Any material, compound, mixture or preparation which contains any
18 quantity of the following hallucinogenic substances, their salts, isomers and
19 salts of isomers;

- 20 a. Lysergic acid diethylamide;
21 b. Mescaline;
22 c. Psilocybin;
23 d. Psilocin;
24 e. Hashish;
25 f. Peyote.

- 26 2. Any material, compound, mixture or preparation which contains an amount
27 ~~equal to or more than one and four tenths percent (1.4%)~~ three tenths percent
28 (0.3%) quantity of tetrahydrocannabinol (T.H.C.) on a dry weight basis.

29 B. Defense. It is a defense to a prosecution under this section that the controlled
30 substance or narcotic was obtained directly from or pursuant to a valid prescription

1 or order issued by a practitioner acting in the course of his or her professional
2 practice.

3 C. Peyote. It shall not be unlawful for any members of the Native American Church
4 to transport, buy, sell, possess or use peyote in any form in connection with
5 recognized religious practices, sacraments or services of the Native American
6 Church.

7 D. Sentence.

8 1. Any person found guilty of possession or sale of controlled substances shall
9 be sentenced to imprisonment for a term of not to exceed 180 days, or be
10 ordered to pay a fine not to exceed \$500, or both.

11 2. The trial court shall review all charges to ascertain whether there is a
12 personal victim of the offense(s) and whether restitution or nályééh shall be
13 paid to the victim(s).

14 3. The trial court may utilize the services of the Navajo Peacemaker Court to
15 determine nályééh and make a sentencing recommendation regarding that
16 sentence, and the trial court may require the defendant to pay the fee of the
17 peacemaker.

18 4. The trial court may consider the imposition of a peace or security bond upon
19 the defendant, including the pledges of family or clan sureties.

20 5. Upon the imposition of a bond or security pledges, the district Office of
21 Probation and Parole shall counsel the sureties of the consequences of
22 breach of the bond or pledge.

23 6. The trial court shall consider the utility of labor or community service
24 sentences under the supervision of the Navajo Nation Department of Public
25 Safety or a public or private organization, including the chapter in which
26 the defendant resides.

27 E. Rehabilitation. At the discretion of the court, any person found guilty of violating
28 this section and found to be addicted to a narcotic, may be ordered to receive
29 rehabilitative treatment pursuant to 17 N.N.C. §220.

30 ****

1

2 **SECTION FOUR. CODIFICATION**

3 The provisions of the Act which amend or adopt new sections of the Navajo Nation
4 Code shall be codified by the Office of Legislative Counsel. The Office of Legislative
5 Counsel shall incorporate such amended provisions in the next codification of the Navajo
6 Nation Code.

7 **SECTION FIVE. SAVINGS CLAUSE**

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

11

12 **SECTION SIX. EFFECTIVE DATE**

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

14

15

16

17

18

19

20

21

22

23

24

25

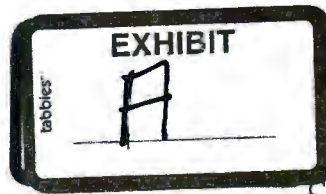
26

27

28

29

30



CJY-54-00

RESOLUTION OF THE
NAVAJO NATION COUNCIL

Approving Amendments to 17 N.N.C. §§ 390-395 to
Distinguish Between Industrial Hemp and Marijuana
Based on the Percentage of T.H.C. Contained
Within the Cannabis Plant

WHEREAS:

1. Pursuant to 2 N.N.C. §102 (A), the Navajo Nation Council is the governing body of the Navajo Nation; and
2. Pursuant to 2 N.N.C. §103, all powers not delegated are reserved to the Navajo Nation Council; and
3. During 1996, several members and entities of the Navajo Nation expressed a desire to grow industrial hemp (not marijuana) for economic purposes; and
4. Although industrial hemp and marijuana are from the same species of plant - Cannabis sativa, there is a scientific difference between them, documents supporting this are attached hereto as Exhibit "A". Industrial hemp generally refers to plant species of cannabis sativa and Cannabis indica that possess high fibers and usually contain low levels of Tetrahydrocannabinol (T.H.C.) Marijuana refers to plant species of cannabis sativa that possess low fibers and high levels of T.H.C. It is high levels of T.H.C. that gives marijuana its hallucinogenic effect; and
5. Hemp can be used for many purposes, such as fabrics, pulp, paper, oil, paints, sealants, fuel and food. Documents supporting this assertion are attached hereto as Exhibit "B". In fact, hemp has long been used throughout United States history; the first two copies of the Declaration of Independence were written on hemp. Until the 1820's, 80 percent of America's textile and fabrics and other products were made from hemp. During World War II, the United States encouraged farmers to grow hemp which was used for wartime purposes, like parachutes, riggings, ropes and fire hoses of wartime ships. Documents supporting these assertions are attached hereto as Exhibit "C"; and

6. President Bill Clinton in Executive Order 121 dated June 7, 1994, (attached hereto as Exhibit "D") Part IX General Provisions (a) states that cannabis hemp is a strategic food source; and

7. The growing of industrial hemp in the United States is allowed only by federal permit, and several states have permits pending to grow industrial hemp within their jurisdiction. These states have passed legislation recognizing the distinction between industrial hemp and marijuana and have amended their criminal laws and passed legislation regulating the growing of industrial hemp. Documents supporting this assertion are attached hereto as Exhibit "E"; and

8. During this time of declining Navajo Nation revenues, the Navajo Nation should begin exploring other means of economic development for its members. Researching or allowing the production of industrial hemp may provide economic development to the Navajo Nation. However, before the Navajo Nation can research or allow industrial hemp to be produced, the Navajo Nation must first amend its criminal law; and

9. In order for the Navajo Nation to allow the growing of industrial hemp for economic development purposes, the Navajo Nation must amend its criminal law that pertains to controlled substance, 17 N.N.C. §§ 390-395. Attached hereto as Exhibit "F" are proposed amendments to the 17 N.N.C. §§ 390-395; and

10. The Resources Committee of the Navajo Nation Council by Resolution RCAP-75-00, attached hereto as Exhibit "G", approved and recommended that the Public Safety Committee of the Navajo Nation Council approve amendments to 17 N.N.C. §§ 390-395; and

11. The Economic Development Committee of the Navajo Nation Council by Resolution EDCMY-39-00, attached hereto as Exhibit "H", approved and recommended that the Public Safety Committee of the Navajo Nation Council, and the Navajo Nation Council approve amendments to 17 N.N.C. §§ 390-395; and

12. The Public Safety Committee of the Navajo Nation Council by Resolution PSCAP-08-00, attached hereto as Exhibit "I", approved and recommended that the Navajo Nation Council approve amendments to 17 N.N.C. §§ 390-395, to distinguish between industrial hemp and marijuana based on the percentage of T.H.C. contained within the cannabis plant; and

13. The Navajo Nation Council finds that it is in the best interest of economic development within the Navajo Nation that these amendments be adopted and the health, welfare and safety of the Navajo people will not be endangered thereby.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Navajo Nation Council hereby approves amendments to 17 N.N.C. §§ 390-395, attached hereto as Exhibit "F", which distinguishes between industrial hemp and marijuana based on the percentage of T.H.C. contained within the cannabis plant.

2. The enactment of this resolution does not authorize the cultivation, growth, possession, development or propagation of industrial hemp until the Navajo Nation creates a regulatory system for industrial hemp and obtains necessary and applicable permits for industrial hemp.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 58 in favor, 11 opposed and 1 abstained, this 20th day of July 2000.



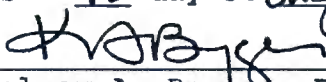
Edward T. Begay, Speaker
Navajo Nation Council

July 24, 2000
Date

Motion: Jones Begay
Second: Peter Watchman

ACTION BY THE NAVAJO NATION PRESIDENT:

1. I hereby give notice that I will not veto the foregoing legislation, pursuant to 2 N.N.C. Section 1005 ©(10), on this 1st day of August 2000.



Kelsey A. Begaye, President
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. Section 1005 ©(10) this ____ day of _____ 2000 for the reason(s) expressed in the attached letter to the Speaker.

Kelsey A. Begaye, President
Navajo Nation

EXHIBIT "F"

Proposed Amendments

17 N.N.C. Chapter 3 Subchapter 10. Controlled Substance, §§ 390 et seq.

Subchapter 10. Controlled Substances

§ 390. Definitions

The following definitions apply in this subchapter:

A. "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine or substances from which cocaine or ecgonine may be synthesized or made.

B. "Marijuana" means those Cannabis plants that contain an amount equal to or more than 1.4% tetrahydrocannabinol.

B-C. "Opium" includes morphine, codeine and heroin, and any compound, manufacture, salt, derivative, mixture or preparation of opium, but does not include apomorphine or any of its salts.

§ 391. Possession of Marijuana

A. Offense. A person commits an offense pursuant to this section if he or she possesses marijuana and such marijuana is intended for his or her personal use.

B. Sentence. Any person found guilty of violating this section with respect to:

1. One avoirdupois ounce or less of marijuana shall, for the first offense, be ordered to pay a fine not to exceed \$50 and, for subsequent convictions of possession of marijuana within a period of 180 days of any previous conviction based upon violation of this section, he or she shall be ordered to pay a fine not to exceed \$100;

2. More than one avoirdupois ounce and less than eight avoirdupois ounces of marijuana shall be sentenced to imprisonment for a term not to exceed 90 days, or be ordered to pay a fine not to exceed \$250, or both;

3. Eight avoirdupois ounces or more of marijuana shall be sentenced to imprisonment for a term not to exceed 180 days, ~~or~~ be ordered to pay a fine not to exceed \$500, or both.

§ 392. Production or Delivery of Marijuana

A. Offense. A person commits an offense pursuant to this section if he or she intentionally or knowingly produces, delivers, or possesses marijuana with intent to deliver such marijuana to another.

B. "Deliver" or "delivery" means the actual or constructive transfer of possession of marijuana to another with or without consideration, whether or not there is an agency relationship.

C. Sentence. Any person found guilty of producing or selling marijuana shall be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed \$500, or both.

§ 393. Delivery of Marijuana to Minors

A. Offense. A person commits an offense pursuant to this section if he or she is at least 18 years of age, and violates 17 N.N.C. §391 by delivering marijuana to a person under 18 years of age.

B. Deliver or delivery means the actual or constructive transfer of possession of marijuana, with or without consideration, whether or not there is any agency relations.

C. Sentence. Any person found guilty of delivering marijuana to minors shall be sentenced to imprisonment for a term not to exceed 180 days and to pay a fine not to exceed \$500.

§ 394. Possession or Sale of Controlled Substances

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

1. Opium or coca leaves, or any compound, manufacture, salt, derivative, mixture or preparation thereof, unless specifically excepted;

2. Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers:

- a. Lysergic acid diethylamide;
- b. Mescaline;
- c. Psilocybin;
- d. Psilocin;
- e. Hashish;
- ~~f. Tetrahydrocannabinol (T.H.C.)~~
- ~~g-f. Peyote.~~

3. Any material, compound, mixture or preparation which contains an amount equal to or more than 1.4% quantity of tetrahydrocannabinol (T.H.C.).

B. Defense. It is a defense to a prosecution under this section that the controlled substance or narcotic was obtained directly from or pursuant to a valid prescription or order issued by a practitioner acting in the course of his or her professional practice.

C. Peyote. It shall not be unlawful for any members of the Native American Church to transport, buy, sell, possess or use peyote in any form in connection with recognized religious practices, sacraments or services of the Native American Church.

D. Sentence. Any person found guilty of possession or sale of controlled substances shall be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed \$500, or both.

E. Rehabilitation. At the discretion of the court, any person found guilty of violating this section, and found to be addicted to a narcotic, maybe ordered to receive rehabilitative treatment pursuant to 17 N.N.C. §220.

§ 395. Forfeiture and Destruction of Controlled Substances

A. Upon the conviction of any person based upon violation of this subchapter, the court shall order the marijuana, controlled substance or narcotic forfeited to the Navajo Nation and destroyed or otherwise disposed of.

B. A record of the place where such controlled substance or narcotic was seized, the kinds and quantities of the substance or narcotic so destroyed, and the time, place and manner of destruction shall be kept, and a return under oath reporting such destruction shall be made to the court by the officer who destroys such controlled substance or narcotic.

Cornell Law School



U.S. Code › Title 7 › Chapter 88 › Subchapter VII › § 5940

7 U.S. Code § 5940 - Legitimacy of industrial hemp research

(a) IN GENERAL Notwithstanding the Controlled Substances Act (21 U.S.C. 801 et seq.), chapter 81 of title 41, or any other Federal law, an institution of higher education (as defined in section 1001 of title 20) or a State department of agriculture may grow or cultivate industrial hemp if—

- (1)** the industrial hemp is grown or cultivated for purposes of research conducted under an agricultural pilot program or other agricultural or academic research; and
- (2)** the growing or cultivating of industrial hemp is allowed under the laws of the State in which such institution of higher education or State department of agriculture is located and such research occurs.

(b) DEFINITIONS In this section:

(1) AGRICULTURAL PILOT PROGRAM The term “agricultural pilot program” means a pilot program to study the growth, cultivation, or marketing of industrial hemp—

(A) in States that permit the growth or cultivation of industrial hemp under the laws of the State; and

(B) in a manner that—

- (i)** ensures that only institutions of higher education and State departments of agriculture are used to grow or cultivate industrial hemp;
- (ii)** requires that sites used for growing or cultivating industrial hemp in a State be certified by, and registered with, the State department of agriculture; and
- (iii)** authorizes State departments of agriculture to promulgate regulations to carry out the pilot program in the States in accordance with the purposes of this section.

(2) INDUSTRIAL HEMP

The term “industrial hemp” means the plant *Cannabis sativa* L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

(3) STATE DEPARTMENT OF AGRICULTURE

The term “State department of agriculture” means the agency, commission, or department of a State government responsible for agriculture within the State.

(Pub. L. 113–79, title VII, § 7606, Feb. 7, 2014, 128 Stat. 912; Pub. L. 114–95, title IX, § 9215(f), Dec. 10, 2015, 129 Stat. 2166.)

LII has no control over and does not endorse any external Internet site that contains links to or

One Hundred Thirteenth Congress of the United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Friday,
the third day of January, two thousand and fourteen*

An Act

To provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2018, and for other purposes.

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Agricultural Act of 2014”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Definition of Secretary of Agriculture.

TITLE I—COMMODITIES

Subtitle A—Repeals and Reforms

PART I—REPEALS

- Sec. 1101. Repeal of direct payments.
- Sec. 1102. Repeal of counter-cyclical payments.
- Sec. 1103. Repeal of average crop revenue election program.

PART II—COMMODITY POLICY

- Sec. 1111. Definitions.
- Sec. 1112. Base acres.
- Sec. 1113. Payment yields.
- Sec. 1114. Payment acres.
- Sec. 1115. Producer election.
- Sec. 1116. Price loss coverage.
- Sec. 1117. Agriculture risk coverage.
- Sec. 1118. Producer agreements.
- Sec. 1119. Transition assistance for producers of upland cotton.

Subtitle B—Marketing Loans

- Sec. 1201. Availability of nonrecourse marketing assistance loans for loan commodities.
- Sec. 1202. Loan rates for nonrecourse marketing assistance loans.
- Sec. 1203. Term of loans.
- Sec. 1204. Repayment of loans.
- Sec. 1205. Loan deficiency payments.
- Sec. 1206. Payments in lieu of loan deficiency payments for grazed acreage.
- Sec. 1207. Special marketing loan provisions for upland cotton.
- Sec. 1208. Special competitive provisions for extra long staple cotton.
- Sec. 1209. Availability of recourse loans for high moisture feed grains and seed cotton.
- Sec. 1210. Adjustments of loans.

Subtitle C—Sugar

- Sec. 1301. Sugar policy.

Subtitle D—Dairy

PART I—MARGIN PROTECTION PROGRAM FOR DAIRY PRODUCERS

- Sec. 1401. Definitions.

H. R. 2642—8

- Sec. 7602. Concessions and agreements with nonprofit organizations for National Arboretum.
- Sec. 7603. Agricultural and food law research, legal tools, and information.
- Sec. 7604. Cotton Disease Research Report.
- Sec. 7605. Miscellaneous technical corrections.
- Sec. 7606. Legitimacy of industrial hemp research.

TITLE VIII—FORESTRY

Subtitle A—Repeal of Certain Forestry Programs

- Sec. 8001. Forest land enhancement program.
- Sec. 8002. Watershed forestry assistance program.
- Sec. 8003. Expired cooperative national forest products marketing program.
- Sec. 8004. Hispanic-serving institution agricultural land national resources leadership program.
- Sec. 8005. Tribal watershed forestry assistance program.
- Sec. 8006. Separate Forest Service decisionmaking and appeals process.

Subtitle B—Reauthorization of Cooperative Forestry Assistance Act of 1978 Programs

- Sec. 8101. State-wide assessment and strategies for forest resources.

Subtitle C—Reauthorization of Other Forestry-Related Laws

- Sec. 8201. Rural revitalization technologies.
- Sec. 8202. Office of International Forestry.
- Sec. 8203. Healthy forests reserve program.
- Sec. 8204. Insect and disease infestation.
- Sec. 8205. Stewardship end result contracting projects.
- Sec. 8206. Good neighbor authority.

Subtitle D—Miscellaneous Provisions

- Sec. 8301. Revision of strategic plan for forest inventory and analysis.
- Sec. 8302. Forest service participation in ACES program.
- Sec. 8303. Extension of stewardship contracts authority regarding use of designation by prescription to all thinning sales under National Forest Management Act of 1976.
- Sec. 8304. Reimbursement of fire funds.
- Sec. 8305. Forest Service large airtanker and aerial asset firefighting recapitalization pilot program.
- Sec. 8306. Land conveyance, Jefferson National Forest in Wise County, Virginia.

TITLE IX—ENERGY

- Sec. 9001. Definitions.
- Sec. 9002. Biobased markets program.
- Sec. 9003. Biorefinery assistance.
- Sec. 9004. Repowering assistance program.
- Sec. 9005. Bioenergy program for advanced biofuels.
- Sec. 9006. Biodiesel fuel education program.
- Sec. 9007. Rural Energy for America Program.
- Sec. 9008. Biomass research and development.
- Sec. 9009. Feedstock Flexibility Program for Bioenergy Producers.
- Sec. 9010. Biomass Crop Assistance Program.
- Sec. 9011. Repeal of forest biomass for energy.
- Sec. 9012. Community wood energy program.
- Sec. 9013. Repeal of biofuels infrastructure study.
- Sec. 9014. Repeal of renewable fertilizer study.
- Sec. 9015. Energy efficiency report for USDA facilities.

TITLE X—HORTICULTURE

- Sec. 10001. Specialty crops market news allocation.
- Sec. 10002. Repeal of grant program to improve movement of specialty crops.
- Sec. 10003. Farmers' market and local food promotion program.
- Sec. 10004. Organic agriculture.
- Sec. 10005. Investigations and enforcement of the Organic Foods Production Act of 1990.
- Sec. 10006. Food safety education initiatives.
- Sec. 10007. Consolidation of plant pest and disease management and disaster prevention programs.
- Sec. 10008. Importation of seed.
- Sec. 10009. Bulk shipments of apples to Canada.

H. R. 2642—264

- (1) an overview of the threat FOV Race 4 poses to the cotton industry in the United States;
- (2) the status and progress of Federal research initiatives to detect, contain, or eradicate FOV Race 4, including current FOV Race 4-specific research projects; and
- (3) a comprehensive strategy to combat FOV Race 4 that establishes—

(A) detection and identification goals;

(B) containment goals;

(C) eradication goals; and

(D) a plan to partner with the cotton industry in the United States to maximize resources, information sharing, and research responsiveness and effectiveness.

SEC. 7605. MISCELLANEOUS TECHNICAL CORRECTIONS.

Sections 7408 and 7409 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2013) are both amended by striking “Title III of the Department of Agriculture Reorganization Act of 1994” and inserting “Title III of the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994”.

SEC. 7606. LEGITIMACY OF INDUSTRIAL HEMP RESEARCH.

(a) **IN GENERAL.**—Notwithstanding the Controlled Substances Act (21 U.S.C. 801 et seq.), the Safe and Drug-Free Schools and Communities Act (20 U.S.C. 7101 et seq.), chapter 81 of title 41, United States Code, or any other Federal law, an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) or a State department of agriculture may grow or cultivate industrial hemp if—

(1) the industrial hemp is grown or cultivated for purposes of research conducted under an agricultural pilot program or other agricultural or academic research; and

(2) the growing or cultivating of industrial hemp is allowed under the laws of the State in which such institution of higher education or State department of agriculture is located and such research occurs.

(b) **DEFINITIONS.**—In this section:

(1) **AGRICULTURAL PILOT PROGRAM.**—The term “agricultural pilot program” means a pilot program to study the growth, cultivation, or marketing of industrial hemp—

(A) in States that permit the growth or cultivation of industrial hemp under the laws of the State; and

(B) in a manner that—

(i) ensures that only institutions of higher education and State departments of agriculture are used to grow or cultivate industrial hemp;

(ii) requires that sites used for growing or cultivating industrial hemp in a State be certified by, and registered with, the State department of agriculture; and

(iii) authorizes State departments of agriculture to promulgate regulations to carry out the pilot program in the States in accordance with the purposes of this section.

(2) **INDUSTRIAL HEMP.**—The term “industrial hemp” means the plant *Cannabis sativa* L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol

concentration of not more than 0.3 percent on a dry weight basis.

(3) STATE DEPARTMENT OF AGRICULTURE.—The term “State department of agriculture” means the agency, commission, or department of a State government responsible for agriculture within the State.

TITLE VIII—FORESTRY

Subtitle A—Repeal of Certain Forestry Programs

SEC. 8001. FOREST LAND ENHANCEMENT PROGRAM.

(a) REPEAL.—Section 4 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103) is repealed.

(b) CONFORMING AMENDMENT.—Section 8002 of the Farm Security and Rural Investment Act of 2002 (Public Law 107–171; 16 U.S.C. 2103 note) is amended by striking subsection (a).

SEC. 8002. WATERSHED FORESTRY ASSISTANCE PROGRAM.

Section 6 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103b) is repealed.

SEC. 8003. EXPIRED COOPERATIVE NATIONAL FOREST PRODUCTS MARKETING PROGRAM.

Section 18 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2112) is repealed.

SEC. 8004. HISPANIC-SERVING INSTITUTION AGRICULTURAL LAND NATIONAL RESOURCES LEADERSHIP PROGRAM.

Section 8402 of the Food, Conservation, and Energy Act of 2008 (16 U.S.C. 1649a) is repealed.

SEC. 8005. TRIBAL WATERSHED FORESTRY ASSISTANCE PROGRAM.

Section 303 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6542) is repealed.

SEC. 8006. SEPARATE FOREST SERVICE DECISIONMAKING AND APPEALS PROCESS.

(a) REPEAL.—Section 322 of the Department of the Interior and Related Agencies Appropriations Act, 1993 (16 U.S.C. 1612 note; Public Law 102–381) is repealed.

(b) FOREST SERVICE PRE-DECISIONAL OBJECTION PROCESS.—Section 428 of division E of the Consolidated Appropriations Act, 2012 (16 U.S.C. 6515 note; Public Law 112–74) shall not apply to any project or activity implementing a land and resource management plan developed under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) that is categorically excluded from documentation in an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

1 **SEC. 7606. LEGITIMACY OF INDUSTRIAL HEMP RESEARCH.**

2 (a) IN GENERAL.—Notwithstanding the Controlled
3 Substances Act (21 U.S.C. 801 et seq.), the Safe and
4 Drug-Free Schools and Communities Act (20 U.S.C. 7101
5 et seq.), chapter 81 of title 41, United States Code, or
6 any other Federal law, an institution of higher education
7 (as defined in section 101 of the Higher Education Act
8 of 1965 (20 U.S.C. 1001)) or a State department of agri-
9 culture may grow or cultivate industrial hemp if—

10 (1) the industrial hemp is grown or cultivated
11 for purposes of research conducted under an agricul-
12 tural pilot program or other agricultural or academic
13 research; and

14 (2) the growing or cultivating of industrial
15 hemp is allowed under the laws of the State in which
16 such institution of higher education or State depart-
17 ment of agriculture is located and such research oc-
18 curs.

19 (b) DEFINITIONS.—In this section:

20 (1) AGRICULTURAL PILOT PROGRAM.—The
21 term “agricultural pilot program” means a pilot pro-
22 gram to study the growth, cultivation, or marketing
23 of industrial hemp—

24 (A) in States that permit the growth or
25 cultivation of industrial hemp under the laws of
26 the State; and

1 (B) in a manner that—

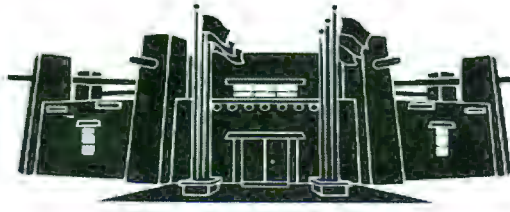
2 (i) ensures that only institutions of
3 higher education and State departments of
4 agriculture are used to grow or cultivate
5 industrial hemp;

6 (ii) requires that sites used for grow-
7 ing or cultivating industrial hemp in a
8 State be certified by, and registered with,
9 the State department of agriculture; and

10 (iii) authorizes State departments of
11 agriculture to promulgate regulations to
12 carry out the pilot program in the States
13 in accordance with the purposes of this
14 section.

15 (2) INDUSTRIAL HEMP.—The term “industrial
16 hemp” means the plant *Cannabis sativa L.* and any
17 part of such plant, whether growing or not, with a
18 delta-9 tetrahydrocannabinol concentration of not
19 more than 0.3 percent on a dry weight basis.

20 (3) STATE DEPARTMENT OF AGRICULTURE.—
21 The term “State department of agriculture” means
22 the agency, commission, or department of a State
23 government responsible for agriculture within the
24 State.



MEMORANDUM

TO: Honorable Lee Jack, Sr.
Navajo Nation Council

FROM: 
Edward A. McCool, Principal Attorney
Office of Legislative Counsel

DATE: July 31, 2018

SUBJECT: AN ACT RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; ENACTING THE "CONTROLLED SUBSTANCE DEFINITION ACT OF 2018"; AMENDING TITLE 17 CHAPTER 3, CONTROLLED SUBSTANCES AT 17 N.N.C. §§ 390, 394

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, 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. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§500, 501. 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).

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.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0268-18_____ SPONSOR: Lee Jack, Sr.

TITLE: An Act Relating to Health, Education and Human Services, Resources and Development, Law and Order and Naabik'iyati' Committees and the Navajo Nation Council; Enacting the "Controlled Substance Definition Act of 2018"; amending Title 17 Chapter 3, Controlled Substances at 17 N.N.C. §§ 390, 394

Date posted: August 3, 2018 at 4:03pm

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 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.: 0268-18

SPONSOR: Honorable Lee Jack, Sr.

TITLE: An Action Relating To Health, Education and Human Services, Resources and Development, Law and Order and Naabik'iyati' Committees and the Navajo Nation Council; Enacting the "Controlled Substance Definition Act of 2018"; amending Title 17 Chapter 3, Controlled Substances at 17 N.N.C. §§ 390, 394

Posted: August 3, 2018 at 4:03pm

5 DAY Comment Period Ended: August 8, 2018

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Inconclusive Comments	<i>None</i>



**Legislative Secretary II
Office of Legislative Services**

8/9/2018 8:09am

Date/Time

Committee Report

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

LEGISLATION NO. 0268-18

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

Sponsor: Honorable Lee Jack, Sr.

Co-Sponsor: Honorable Seth Damon

Has had under consideration and report the same with the recommendation
that Legislation 0268-18 PASS with no Amendment and no Directive; and
therefore referred the same to the RESOURCES AND DEVELOPMENT COMMITTEE
OF THE NAVAJO NATION COUNCIL

Respectfully Submitted,



Jonathan L. Hale, Chairperson
Health, Education and Human Services Committee

August 27, 2018 - Main Motion

Motion by: Honorable Nathaniel Brown

Seconded by: Honorable Nelson BeGaye

Vote: 2 in favor; 1 Opposed; Chairperson Not Voting

Yeas: Nathaniel Brown; Nelson BeGaye

Nays: Amber Kanazbah Crotty

Absent (excused): Steven Begay; Norman M. Begay

August 20, 2018 - no sponsor; move to next regular meeting

August 13, 2018 - no sponsor; move to next regular meeting

HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE
Regular Meeting
August 27, 2018

ROLL CALL
VOTE TALLY SHEET:

Legislation 0268-18 An Act Relating To Health, Education And Human Services, Resources And Development Committee, Law And Order And Naabik'iyati' Committees And the Navajo Nation Council; Enacting The "Controlled Substance Definition Act Of 2018"; Amending Title 17 Chapter 3, Controlled Substances at 17 N.N.C. §§ 390, 394 (Note: Eligible for Committee Action August 09, 2018) Sponsor: Honorable Lee Jack, Sr.; Co-Sponsor: Honorable Seth Damon

August 27, 2018 - Main Motion

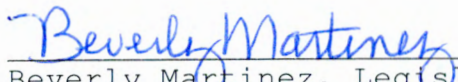
Motion by: Honorable Nathaniel Brown
Seconded by: Honorable Nelson BeGaye
Vote: 2 in favor; 1 Opposed; Chairperson Not Voting
Yeas: Nathaniel Brown; Nelson BeGaye
Nays: Amber Kanazbah Crotty
Absent (excused): Steven Begay; Norman M. Begay

August 20, 2018 - no sponsor; move to next regular meeting

August 13, 2018 - no sponsor; move to next regular meeting



Jonathan L. Hale, Chairperson
Health, Education and Human Services Committee



Beverly Martinez, Legislative Advisor
Health, Education and Human Services Committee

**RESOURCES AND DEVELOPMENT COMMITTEE
23rd NAVAJO NATION COUNCIL**

FOURTH YEAR 2018

COMMITTEE REPORT

Mr. Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

Legislation # 0268-18: An Action Relating to Health, Education and Human Services, Resources and Development, Law and Order and Naabik'Iyati Committees and the Navajo Nation Council; Enacting the "Controlled Substance Definition Act of 2018"; Amending Title 17, Chapter 3, Controlled Substances at 17 N.N.C. Sections 390, 394. *Sponsor: Honorable Lee Jack, Sr.*

Has had it under consideration and reports a **DO PASS** with no amendments;

And thereafter referred the legislation to Law and Order Committee.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Alton Joe Shepherd', with a long horizontal line extending to the right.

Alton Joe Shepherd, Chairperson
Resource and Development Committee of
the 23rd Navajo Nation Council

Date: September 12, 2018 - Regular Meeting

Meeting Location: Navajo Nation Council Chambers, Window Rock, Arizona

MAIN MOTION: Jonathan Perry S: Walter Phelps V: 3-1-1 (CNV)

YEAS: Benjamin Bennett, Jonathan Perry and Walter Phelps

NAYS: Leonard Pete

EXCUSED: Davis Filfred

RESOURCES AND DEVELOPMENT COMMITTEE

**Regular Meeting
September 12, 2018**

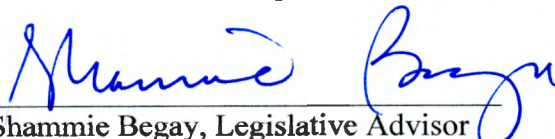
ROLL CALL VOTE TALLY SHEET:

Legislation # 0268-18: An Action Relating to Health, Education and Human Services, Resources and Development, Law and Order and Naabik'Iyati Committees and the Navajo Nation Council; Enacting the "Controlled Substance Definition Act of 2018"; Amending Title 17, Chapter 3, Controlled Substances at 17 N.N.C. Sections 390, 394. *Sponsor: Honorable Lee Jack, Sr.*

Main Motion: Jonathan Perry Second: Walter Phelps Vote: 3-1-1 (CNV)
YEAS: Benjamin Bennett, Jonathan Perry and Walter Phelps
NAYS: Leonard Pete
EXCUSED: Davis Filfred



Alton Joe Shepherd, Chairperson
Resources and Development Committee



Shammie Begay, Legislative Advisor
Resources and Development Committee

**LAW AND ORDER COMMITTEE
23rd NAVAJO NATION COUNCIL**

FOURTH YEAR 2018

COMMITTEE REPORT

Mr. Speaker,

The **LAW AND ORDER COMMITTEE** to who has been assigned:

Legislation 0268-18: An Action Relating to Health, Education and Human Services, Resources and Development, Law and Order, and Naabik'iyati' Committees; and the Navajo Nation Council: Enacting the "Controlled Substance Definition Act of 2018"; Amending Title 17 Chapter 3, Controlled Substances at 17 N.N.C. §§ 390, 394. *Sponsor: Honorable Lee Jack Sr.*

Has had it under consideration and reports a **DO PASS** with no amendments.

And thereafter referred the legislation to **Naabik'iyati Committee**.

Respectfully submitted,



Otto Tso, Pro Tempore Chairperson
Law and Order Committee
The 23rd Navajo Nation Council

Date: October 2, 2018 – Special Meeting

Meeting Location: LOC Conference Room, Window Rock, Arizona

MAIN MOTION: Otto Tso S: Herman Daniels, Jr. V: 2-0-1 (PTCNV)

YEAS: Kee Allen Begay, Jr. and Herman Daniels, Jr.

NOT VOTING: Otto Tso

EXCUSED: Edmund Yazzie and Raymond Smith, Jr.

LAW AND ORDER COMMITTEE
Special Meeting
October 2, 2018

ROLL CALL
VOTE TALLY SHEET:

Legislation 0268-18: An Action Relating to Health, Education and Human Services, Resources and Development, Law and Order, and Naabik'iyati' Committees; and the Navajo Nation Council: Enacting the "Controlled Substance Definition Act of 2018"; Amending Title 17 Chapter 3, Controlled Substances at 17 N.N.C. §§ 390, 394. *Sponsor: Honorable Lee Jack Sr.*

MAIN MOTION: Kee Allen Begay, Jr. S: Herman Daniels V: 2-0-1 (PTCNV)
YEAS: Kee Allen Begay, Jr. and Herman Daniels, Jr.
NAYS: None
NOT VOTING: Otto Tso
EXCUSED: Edmund Yazzie and Raymond Smith, Jr.



Otto Tso, Pro Tempore Chairperson
Law and Order Committee

Laureen Spencer, Legislative Advisor
Law and Order Committee

23rd NAVAJO NATION COUNCIL NAABIK'ÍYÁTI' COMMITTEE REPORT Fourth Year 2018

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #0268-18

An Action Relating to Health, Education, and Human Services, Resources and Development, Law and Order and Naabik'íyáti' Committees and the Navajo Nation Council; Enacting the "Controlled Substance Definition Act of 2018"; Amending Title 17 Chapter 3, Controlled Substances at 17 N.N.C. §§ 390, 3904

Sponsored by: Honorable Lee Jack, Sr.

Co-Sponsored by: Honorable Seth Damon

Has had it under consideration and reports the same **PASSED AND REFERRED TO THE NAVAJO NATION COUNCIL**

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'LoRenzo C. Bates', written over a horizontal line.

*Honorable LoRenzo C. Bates, Chairman
NAABIK'ÍYÁTI' COMMITTEE*

11 OCTOBER 2018

MAIN MOTION:

Motioned by: Honorable Jonathan Perry

Seconded by: Honorable Seth Damon

Vote: 13 in Favor, 00 Opposed (Chairman Bates Not Voting)

NAVAJO NATION

RCS# 1065

10/11/2018

Naa'bik'iyati Committee

06:21:33 PM

Amd# to Amd#

Legislation 0268-18: Enacting
the Controlled Substance
Definition Act of 2018

PASSED

MOT Perry

SEC Damon

Yea : 13

Nay : 0

Excused : 0

Not Voting : 10

Yea : 13

Bennett

Chee

Crotty

Damon

Jack

Perry

Pete

Phelps

Slim

Smith

Tso

Tsosie

Witherspoon

Nay : 0

Excused : 0

Not Voting : 10

Bates

Begay, K

Begay, NM

BeGaye, N

Brown

Daniels

Filfred

Hale

Shepherd

Yazzie