

CB-19 -22

TO AMEND CB-59-21, A COUNCIL BILL AMENDING THE CHOCTAW NATION OF OKLAHOMA PUBLIC HEALTH AND SAFETY CODE

IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION

RONALD PERRY INTRODUCED THE FOLLOWING COUNCIL BILL

A COUNCIL BILL

**TO AMEND** CB-59-21, a Council Bill amending the Choctaw Nation of Oklahoma Public Health and Safety Code, by striking November 13, 2021 as the date of repeal and replacing with November 12, 2022.

**WHEREAS**, Article IX, Section 4 of the Constitution of the Choctaw Nation of Oklahoma (the "Nation") provides that the Tribal Council (the "Council") shall enact legislation, rules and regulations not inconsistent with the Constitution for the general good of the Choctaw Nation and for the administration and regulation of the affairs of the Choctaw Nation;

**WHEREAS**, the Council passed an amendment to the Choctaw Nation of Oklahoma Public Health and Safety Code in a Special Session on April 20, 2021. This amendment created Section 2-601 and made an exception for criminal possession of marijuana. See Exhibit A;

**WHEREAS**, the CB-59-21 made Section 2-601 effective upon passage and is automatically repealed on November 13, 2021. See Exhibit A; and

**WHEREAS**, the Council now finds it is in the best interest of the Nation to extend the date of the automatic repeal of Section 2-601 from November 13, 2021 to November 12, 2022.

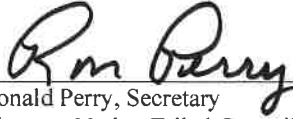
**THEREFORE BE IT ENACTED** by the Tribal Council of the Choctaw Nation of Oklahoma, that this bill be cited as approval to amend CB-59-21 by replacing November 13, 2021 as the date of repeal with November 12, 2022.

**BE IT FURTHER ENACTED** by the Tribal Council of the Choctaw Nation of Oklahoma, that this bill be cited as approval that Section 2-601 of the Choctaw Nation of Oklahoma Public Health and Safety Code remain effective and shall be repealed on November 12, 2022.

**CERTIFICATION**

*I, the undersigned, as speaker of the Tribal Council of the Choctaw Nation of Oklahoma, do hereby certify that the Tribal Council is composed of twelve (12) seats. Eight (8) members must be present to constitute a quorum. I further certify that eleven ( 11 ) members answered roll call and that a quorum was present at the Special Session of the Tribal Council in Durant, Oklahoma and by phone and video conference on October 9, 2022. I further certify that the foregoing Council Bill CB- 19 -22 was adopted at such meeting by the affirmative vote of eleven ( 11 ) members, zero ( 0 ) negative votes, and zero ( ) abstaining.*

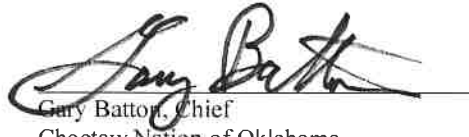
TO AMEND CB-59-21, A COUNCIL BILL AMENDING THE CHOCTAW NATION OF OKLAHOMA PUBLIC  
HEALTH AND SAFETY CODE



Ronald Perry, Secretary  
Choctaw Nation Tribal Council



Thomas Williston, Speaker  
Choctaw Nation Tribal Council



Gary Batton, Chief  
Choctaw Nation of Oklahoma

Date 10-15-21

**CB- 19-22**

**TO AMEND CB-59-21, A COUNCIL BILL AMENDING THE CHOCTAW NATION OF OKLAHOMA PUBLIC HEALTH AND SAFETY CODE**

**Purpose/Need of Council Bill:** This bill amends CB-59-21 by extending the date of repeal for Section 2-601 from November 13, 2021 to November 12, 2022.

**Title of Council Bill:** **TO AMEND CB-59-21, A COUNCIL BILL AMENDING THE CHOCTAW NATION OF OKLAHOMA PUBLIC HEALTH AND SAFETY CODE**

**Agency:** Legal & Compliance

**Budget:** N/A

**Match Required:** N/A

**Request by Project Director:** Kara Bacon, Lead Prosecutor; Brian Danker, Executive Director, Legal Dept.

CB- 59 -21

**TO AMEND THE CHOCTAW NATION OF OKLAHOMA PUBLIC HEALTH AND SAFETY CODE**

**IN THE TRIBAL COUNCIL OF THE CHOCTAW NATION**

**RONALD PERRY INTRODUCED THE FOLLOWING COUNCIL BILL**

**A COUNCIL BILL**

**TO AMEND** the Choctaw Nation of Oklahoma Public Health and Safety Code.

**WHEREAS**, Article IX, Section 4 of the Constitution of the Choctaw Nation of Oklahoma (the "Nation") provides that the Tribal Council (the "Council") shall enact legislation, rules and regulations which are consistent with the Constitution for the general good of the Choctaw Nation and for the administration and regulation of the affairs of the Choctaw Nation;

**WHEREAS**, currently Section 2-402 B of the Choctaw Nation of Oklahoma Public Health and Safety Code makes those convicted of possessing controlled dangerous substances of a felony punishable by imprisonment up to three years;

**WHEREAS**, Oklahoma State Question 788 was adopted by an election on June 26, 2018 which legalized medical marijuana in the state of Oklahoma. Under Oklahoma law, there are various commercial and non-commercial licenses that may be issued to both tribal members and non-tribal members living in and outside of the Choctaw Nation. Okla. Stat. tit. 63, §§ 420-430;

**WHEREAS**, currently, under the laws of the Choctaw Nation, the possession of marijuana is a misdemeanor punishable by confinement up to a year and allows for certain subsequent convictions of possession of marijuana felonies punishable by imprisonment for up to three years (See Section 2-402 B of the Public Health and Safety Code);

**WHEREAS**, tribal members and non-tribal members located within the Choctaw Nation of Oklahoma hold medical marijuana licenses issued by the state of Oklahoma and possess and sell medical marijuana within the Choctaw Nation;

**WHEREAS**, there is nothing in the Choctaw Nation of Oklahoma codes that provides exceptions for those holding valid medical marijuana licenses issued by the state of Oklahoma, other states, or tribal nations;

**WHEREAS**, the Council expresses serious concerns over the cultivation, distribution, and use of marijuana and controlled dangerous substances and the impact on those within the Choctaw Nation of Oklahoma reservation. The Council seeks to enact more stringent and proactive regulations over marijuana in six months and seeks to engage other local, state, and tribal lawmakers to assist in the development of more consistent laws and regulations over marijuana cultivation, distribution, and use to further protect the health and safety of all within the reservation; and

**WHEREAS**, the Council finds it is in the best interest of the Nation to adopt the following amendments to the Choctaw Nation of Oklahoma Public Health and Safety Code.

**THEREFORE BE IT ENACTED**, the Public Health and Safety Code is hereby amended by inserting the following language under Article 6:

**Section 2-601 Exception for Marijuana**

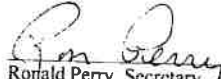
No act or omission involving marijuana in the Choctaw Nation shall result in a fine, penalty or punishment that exceeds that which is available under the laws of the State of Oklahoma.

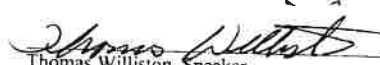
**BE IT FURTHER ENACTED** by the Tribal Council of the Choctaw Nation of Oklahoma, that this bill and its amendments are effective as of the date of this bill and shall be repealed on November 13, 2021.

TO AMEND THE CHOCTAW NATION OF OKLAHOMA PUBLIC HEALTH AND SAFETY CODE

CERTIFICATION

I, the undersigned, as speaker of the Tribal Council of the Choctaw Nation of Oklahoma, do hereby certify that the Tribal Council is composed of twelve (12) seats. Eight (8) members must be present to constitute a quorum. I further certify that twelve ( 12 ) members answered roll call and that a quorum was present at the Special Session of the Tribal Council in Tuskahoma, Oklahoma and by phone and video conference on April 20, 2021. I further certify that the foregoing Council Bill CB- 59 -21 was adopted at such meeting by the affirmative vote of eleven ( 11 ) members, one ( 1 ) negative votes, and zero ( 0 ) abstaining.

  
Ronald Perry, Secretary  
Choctaw Nation Tribal Council

  
Thomas Williston, Speaker  
Choctaw Nation Tribal Council

  
Gary Batton, Chief  
Choctaw Nation of Oklahoma

Date 4-22-21

**TO AMEND THE CHOCTAW NATION OF OKLAHOMA PUBLIC HEALTH AND SAFETY CODE**

**Purpose/Need of Council Bill:** This bill amends the Choctaw Nation of Oklahoma Public Health and Safety Code by inserting language that provides that no punishment for possession of marijuana shall exceed any punishment that is available under the laws of Oklahoma.

**Title of Council Bill:** TO AMEND THE CHOCTAW NATION OF OKLAHOMA PUBLIC HEALTH AND SAFETY CODE

**Agency:** Legal & Compliance

**Budget:** N/A

**Match Required:** N/A

**Request by Project Director:** Kara Bacon, Lead Prosecutor; Brad Mallett, SEO, Legal & Compliance