

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

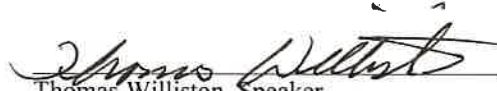
No act or omission involving marijuana in the Choctaw Nation shall result in a fine, penalty or punishment that exceeds that which is available under the laws of the State of Oklahoma.

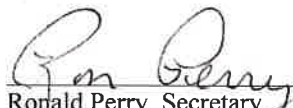
BE IT FURTHER ENACTED by the Tribal Council of the Choctaw Nation of Oklahoma, that this bill and its amendments are effective as of the date of this bill and shall be repealed on November 13, 2021.

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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.


Thomas Williston, Speaker
Choctaw Nation Tribal Council


Ronald Perry, Secretary
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