

**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0011-18

**DATE:** January 5, 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

**PURPOSE:** The purpose of this legislation is to approve amendments to Title 17 of the Navajo Nation Code to conform the Code to Federal law with respect to marijuana and 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: May  
Website Posting Time/Date: 9:40am 1/9/18  
Posting End Date: 1/14/2018  
Eligible for Action: 1/15/2018

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

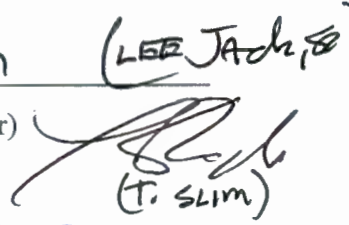
PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
23rd NAVAJO NATION COUNCIL -- Fourth Year, 2018


INTRODUCED BY

  
(Beth Damon)

  
(Lee Jacobs)

(Prime Sponsor)

  
(T. SLIM)

  
(Ben Bennett)

TRACKING NO. 0011-18

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'iyáti' 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's laws and policies are intended to improve the Navajo Nation  
22 economy and promote economic development within the Navajo Nation to increase  
23 economic opportunity, improve the standards of living within the Navajo Nation, and  
24 promote the health and welfare of those within the Navajo Nation.

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

- 1 E. The Agricultural Act of 2014, (the Federal Farm Bill) subsequently defines Cannabis  
2 as hemp, not marijuana, as long as no part of the plant, including the leaves and flowers,  
3 exceeds "... a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent  
4 on a dry weight basis". 128 Stat 649 Sec. 7606 (b)(2); Public Law 113-79-Feb. 7,  
5 2014; See Exhibit B
- 6 F. The Navajo Nation Council finds it to be in the best interest of the Navajo Nation to  
7 enact "The Controlled Substances Definition Act of 2018" and thereby amend the  
8 Navajo Nation Code to conform to the Federal definition of industrial hemp/marijuana.  
9

10 **SECTION THREE. RESOLVED**

- 11 A. The Navajo Nation hereby enacts "The Controlled Substances Definition Act of 2018"  
12 to conform Navajo Nation Code with the Federal definition of industrial  
13 hemp/marijuana as found in the Public Law 113-79, February 7, 2014, The Agricultural  
14 Act of 2014.
- 15 B. The enactment of this resolution does not authorize the cultivation, growth possession,  
16 development or propagation of industrial hemp until the Navajo Nation creates a  
17 regulatory system for industrial hemp and obtains the necessary and applicable permits  
18 for industrial hemp.
- 19 C. The Navajo Nation hereby amends the Title 17 as follows:  
20

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21 **NAVAJO NATION CODE**  
22 **TITLE 17. LAW AND ORDER**  
23 **CHAPTER 3.**  
24 **SUBCHAPTER 10. CONTROLLED SUBSTANCES**  
25

26 \* \* \* \*

27 **§ 390. Definitions**

28 The following definitions apply in this subchapter:

- 29 A. "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative,  
30 mixture or preparation of coca leaves, except derivatives of coca leaves which do not

1 contain cocaine, ecgonine or substances from which cocaine or ecgonine may be  
2 synthesized or made.

3 B. "Marijuana" means ~~those 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.

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**SECTION FOUR. CODIFICATION**

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

**SECTION FIVE. SAVINGS CLAUSE**

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

**SECTION SIX. EFFECTIVE DATE**

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



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.

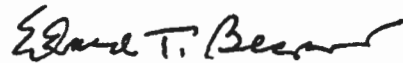
NOW THEREFORE BE IT RESOLVED THAT:

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

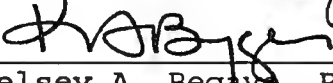
July 24, 2000

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 1<sup>st</sup> 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

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. 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.

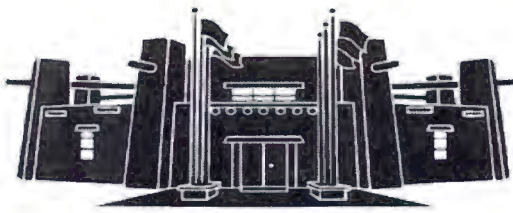
D. Sentence. Any person found guilty of possession or sale of controlled substances shall be sentenced to imprisonment for a term not to exceed 180 days, or be ordered to pay a fine not to exceed \$500, or both.

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.



**MEMORANDUM**

**TO:** Honorable Lee Jack, Sr.  
Navajo Nation Council

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

**DATE:** January 5, 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: 0011-18 \_\_\_\_\_ SPONSOR: 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**

**Date posted: January 9, 2018 at 9:40am**

**Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto: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.:** 0011-18

**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:** January 9, 2018 at 9:40am

**5 DAY Comment Period Ended:** January 14, 2018

**Digital Comments received:**

<b>Comments Supporting</b>	<i>None</i>
<b>Comments Opposing</b>	<i>None</i>
<b>Inclusive Comments</b>	<i>None</i>

  
 \_\_\_\_\_  
**Legislative Secretary II**  
**Office of Legislative Services**

1/14/2018 8:38am  
 \_\_\_\_\_  
**Date/Time**

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

**LEGISLATION NO.:** 0011-18

**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:** January 9, 2018 at 9:40am

**5 DAY Comment Period Ended:** January 14, 2018

**Digital Comments received:**

<b>Comments Supporting</b>	<i>None</i>
<b>Comments Opposing (1)</b>	<b>1. Dr. Glorinda Segay, Executive Director; Navajo Department of Health</b>
<b>Inconclusive Comments</b>	<i>None</i>

  
\_\_\_\_\_  
**Legislative Secretary II  
Office of Legislative Services**

5/21/2018 4:00pm  
**Date/Time**



# THE NAVAJO NATION

**RUSSELL BEGAYE PRESIDENT**  
**JONATHAN NEZ VICE PRESIDENT**

January 29, 2018

Jonathan Hale, Chair & HEHS Committee Members  
Health, Education and Human Services Committee

**RE:** Legislation 0011-18, Enacting the "Controlled Substance Definition Act of 2018",  
Amending Title 17 Chapter 3, Controlled Substances at 17 N.N.C SS 390, 394

Dear HEHS Committee Members:

This is to provide general comments regarding legislation 0011-18, Enacting the "Controlled Substance Definition Act of 2018", Amending Title 17 Chapter 3, Controlled Substances at 17 N.N.C SS 390, 394.

Based on the minimal information posted with the Legislation 0011-18, please find the following are my general comments:

- Marijuana must be deemed illegal on the Navajo Nation whether it be used for pharmaceutical or recreational purposes. Although 0.3% is being proposed as tolerable on the Navajo Nation, this percentage is still harmful for the functions of the human brain and human physiology. The ingredient to marijuana is Tetrahydrocannabinol (THC). Per research, THC, is the chemical responsible for most of marijuana's psychological effects. It acts much like the cannabinoid chemicals made naturally by the body, according to the National Institute on Drug Abuse (NIDA). Marijuana is very destructive on different levels of the human brain and human physiology. Marijuana is considered a toxin, which is associated with memory loss. (Amen, 144). According to extensive research, damages occur in the enzymes, it lower cerebral blood flow, damages the organs, damages the DNA, mutates the gene expression, damages the cell membranes, affects the hormones, impairs the immune system, disrupts the intestinal microbiome, and increase the risk of diabetes and obesity (Amen 147). As an addiction among several substances, marijuana currently exists on the Navajo Nation. It seems to be used more as recreational use. Although it may be for medicinal in some case, this privilege is abused per informal observations. **Marijuana is the underlying issues to many crimes including domestic violence.** Domestic violence is very detrimental in a traumatic way for the perpetrator and the victim. The victim suffers the greatest on a physical, emotional, and psychological level. Healing takes time and skillful trained providers to assist in incapacitating this abuse. If this abuse is not addressed, it can cause severe depression leading to suicide or homicide. This depression can also lead to substance abuse to cope with the "pain." This depression can also define the person to become selfish neglecting their children, job, and other responsibilities. Perpetrators also have similar behaviors as the victims. These are only a few of the concerns with marijuana regardless of the percentage of THC. Therefore, the definition should read **"Marijuana" means the cannabis plant containing delta-9 tetrahydrocannabinol.**
- Lastly, due to various cannabis groupings including synthetic, it is recommended to use cannabis plant as opposed to Cannabis sativa L. Cannabis sativa L is a type of horticulture marijuana

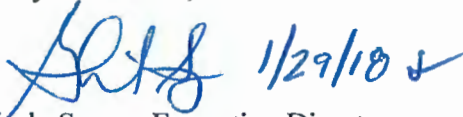
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meaning it has to be cultivated. Navajo Nation does not cultivate cannabis nor does it distribute it; therefore, most likely there are no laws or policies to regulate this. Again the definition should read **“Marijuana” means the cannabis plant containing delta-9 tetrahydrocannabinol.**

Lastly, the sponsor and agents have not provided an informational package regarding their said project, as per directed at the last meeting, therefore, we have not been contacted or consulted upon, thus we can not fully support this legislation. Thank you for your time and consideration to my comments

If you have any questions, please contact me at [Glorinda.Segay@nndoh.org](mailto:Glorinda.Segay@nndoh.org) or my office at 928.871.6350.

Respectfully Submitted,



Dr. Glorinda Segay, Executive Director  
Navajo Department of Health

Cc: Chrono file

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Committee Report

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

LEGISLATION NO. 0011-18

AN ACT RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES COMMITTEE, RESOURCES AND DEVELOPMENT, LAW AND ORDER AND NAABIK'YATI' 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

Has had under consideration and report the same with the recommendation that Legislation 0011-18 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,



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

Dated: January 29, 2018

**Main Motion**

Motion by: Honorable Norman M. Begay

Seconded by: Honorable Nelson BeGaye

Vote: 3 in favor; 0 Opposed; Chairperson Not Voting

Absent: Amber Kanazbah Crotty; Nathaniel Brown

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

**FOURTH YEAR 2018**

**COMMITTEE REPORT**

Mr. Speaker,

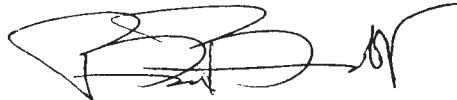
The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

**Legislation # 0011-18:** An Action Relating to Health, Education and Human Services, Resources and Development, Law and Order and Naabik'Iyati Committees and 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 NOT PASS with no amendments

And thereafter referred the matter to Law and Order Committee.

Respectfully submitted,



Benjamin Bennett, Presiding Vice-Chairperson  
Resource and Development Committee of  
the 23<sup>rd</sup> Navajo Nation Council

Date: March 14, 2018  
Meeting Location: NDOT, Tse Bonito, NM

**MAIN MOTION:** Jonathan Perry            S: Leonard Pete            V: 1-2-1 (VCNV)

**ROLL CALL VOTE TALLY:**

YEAS: Jonathan Perry  
NAYS: Davis Filfred and Leonard Pete  
NOT VOTING: Benjamin Bennett (Presiding)

EXCUSED: Walter Phelps; Alton Joe Shepherd

**RESOURCES AND DEVELOPMENT COMMITTEE**  
**Regular Meeting**  
**March 14, 2018**

**ROLL CALL**  
**VOTE TALLY SHEET:**

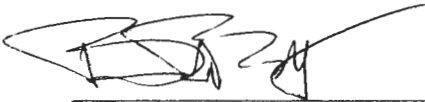
**Legislation # 0011-18:** An Action Relating to Health, Education and Human Services, Resources and Development, Law and Order and Naabik'Iyati Committees and Navajo Nation Council; Enacting the "Controlled Substance Definition Act of 2018"; Amending Title 17 Chapter 3, Controlled Substances at 17 N.N.C. §§390, 394. *Sponsor: Honorable Lee Jack, Sr.*

**MAIN MOTION: Jonathan Perry S: Leonard Pete V: 1-2-1 (VCNV)**

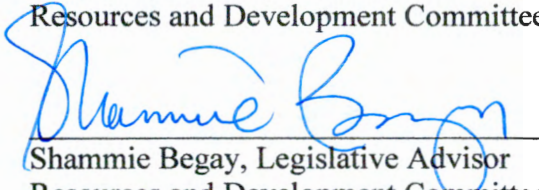
**ROLL CALL VOTE TALLY:**

**YEAS:** Jonathan Perry  
**NAYS:** Davis Filfred and Leonard Pete  
**NOT VOTING:** Benjamin Bennett (Presiding)

**EXCUSED:** Walter Phelps; Alton Joe Shepherd



Benjamin Bennett, Presiding Vice-Chairman  
Resources and Development Committee



Shammie Begay, Legislative Advisor  
Resources and Development Committee

**LAW AND ORDER COMMITTEE  
23<sup>RD</sup> NAVAJO NATION COUNCIL**

**FOURTH YEAR 2018**

**COMMITTEE REPORT**

Mr. Speaker,

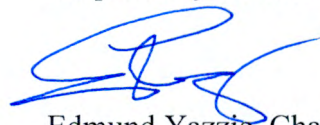
The **LAW AND ORDER COMMITTEE** to whom has been assigned:

**Legislation No. 0011-18:** 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 – Sponsors: Honorable Lee Jack, Sr.

Has had it under consideration and reports the same with the recommendation that it **DO NOT PASS** with no amendment

And thereafter referred to Naabik'iyati' Committee

Respectfully submitted,



Edmund Yazzie, Chairperson  
Law and Order Committee  
23<sup>rd</sup> Navajo Nation Council

Date: April 9, 2018

Main Motion: Herman M. Daniels  
Second : Raymond Smith, Jr.  
Vote : 1-2-1 (Chairperson not voting)



**LAW AND ORDER COMMITTEE**  
**Regular Meeting**  
**April 9, 2018**

**ROLL CALL**  
**VOTE TALLY SHEET:**

**Legislation No. 0011-18:** An Action Relating to Health, Education and Human Services, Resources and Development, Law and Order and Naabik'iyati' Committees and 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:** Herman M. Daniels **Second:** Raymond Smith, Jr. **Vote:** 1-2-1


**ROLL CALL VOTE TALLY:**

YEAS: Otto Tso

NAYS: Herman M. Daniels, Hon. Raymond Smith, Jr.

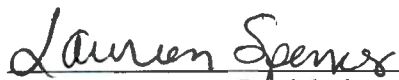
NOT VOTING: Edmund Yazzie

EXCUSE: Kee A. Begay, Jr.



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Edmund Yazzie, Chairman  
Law and Order Committee



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Lauren Spencer, Legislative Advisor  
Law and Order Committee

**23<sup>rd</sup> NAVAJO NATION COUNCIL  
NAABIK'ÍYÁTI' COMMITTEE REPORT  
Fourth Year 2018**

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

**NAVAJO LEGISLATIVE BILL #0011-18**

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

*Sponsored by: Honorable Lee Jack, Sr.*

*Co-Sponsored by: Honorable Benjamin L. Bennett*

*Co-Sponsored by: Honorable Seth Damon*

*Co-Sponsored by: Honorable Tuchoney Slim, Jr.*

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

Respectfully Submitted,



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

**10 MAY 2018**

**MAIN MOTION:**

*Motioned by: Honorable Davis Filfred*

*Seconded by: Honorable Herman M. Daniels*

*Vote: 09 in Favor, 03 Opposed (Chairman Bates Not Voting)*

**NAVAJO NATION**

RCS# 886

Naa'bik'iyati Committee

5/10/2018  
04:39:14 PM

Amd# to Amd#

Legislation 0011-18

**PASSED**

MOT Filfred  
SEC Daniels

Amending Title 17 Chapter 3  
Controlled Substance at 17 N.N.C  
Section 390, 394

**Yea : 9**

**Nay : 3**

**Excused : 2**

**Not Voting : 10**

**Yea : 9**

Begay, NM  
BeGaye, N  
Chee

Damon  
Daniels

Filfred  
Jack

Shepherd  
Witherspoon

**Nay : 3**

Tso

Tsosie

Hale

**Excused : 2**

Yazzie

Brown

**Not Voting : 10**

Bates  
Begay, K  
Begay, S

Bennett  
Crotty  
Perry

Pete  
Phelps

Slim  
Smith