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TABLED

CHEROKEE COUNCIL HOUSE  
CHEROKEE, NORTH CAROLINA

Date: FEB 03 2022

ORDINANCE NO.: 138 (2022)

*An ordinance to enhance the areas of opportunity  
for licensed medical cannabis establishments.*

WHEREAS, the Eastern Band of Cherokee Indians, as a federally recognized Indian tribe, has the inherent sovereign authority to make its own laws to govern activities on Tribal lands; and

WHEREAS, Ordinance #539 (2021) was enacted as an exercise of this sovereignty in the best interests of the Tribe to create a medical cannabis system to allow for the responsible use of medical cannabis on Tribal lands; and

WHEREAS, this ordinance created Cherokee Code Chapter 17, in which the laws of the medical cannabis program are codified; and

WHEREAS, since Ordinance #539 (2021) was ratified by the Principal Chief on August 16, 2021, the EBCI Cannabis Commission convened, and board members have been appointed to the EBCI Cannabis Control Board; and

WHEREAS, the Tribe has continued to study its policy position towards medical cannabis and how best to structure the medical cannabis program; and

WHEREAS, this continued examination has shown how Cherokee Code Chapter 17 can be amended to ensure safe and responsible access to medical cannabis on Tribal lands in a way that is in the best interests of the health, safety, and well-fare of the Tribe as well as economically and practically feasible

NOW THEREFORE BE IT ORDAINED, by the Tribal Council of the Eastern Band of Cherokee Indians, in council assembled in which a quorum is present, that in order to improve the EBCI medical cannabis program the following amendments be made to Cherokee Code Chapter 17 as follows:

**Sec. 17-62. – Licensing medical cannabis establishments.**

[No changes to subsections (a) and (b).]

46 (c) After receiving a complete application to engage in the business of a medical cannabis  
47 establishment, the Board may deny or approve the application and register the medical  
48 cannabis establishment and issue a medical cannabis establishment license and a random  
49 20-digit alphanumeric number if:

50 (1) The person who wishes to operate the proposed medical cannabis establishment has  
51 submitted to the Board all of the following:

52 (i) The application fee, as set forth in Section 17-69;

53 (ii) And application, which must include:

54 (A) The legal name of the proposed medical cannabis establishment;

55 (B) The physical address where the proposed medical cannabis  
56 establishment will be located and the physical address of any co-  
57 owned additional or otherwise associated medical cannabis  
58 establishments, the locations of which may not be within 1,000 feet  
59 of a school that provides formal education traditionally associated  
60 with preschool or kindergarten through grade 12 and that existed on  
61 the date on which the application for the proposed medical cannabis  
62 establishment was submitted to the Board, or within ~~1,000~~ 100 feet  
63 of a community facility or gaming facility that existed on the date  
64 on which the application for the proposed medical cannabis  
65 establishment was submitted to the Board.  
66

67 [No other changes to the remainder of the section.]  
68  
69

70 **Sec. 17-101. – Introductory period established.**  
71

72 [No changes to subsection (a).]  
73

74 (b) During the introductory period the following restrictions shall apply:

75 (1) There shall be a limit of one ounce of medical marijuana sold to a medical  
76 cannabis patient card holder per day, not to exceed six ounces per month.

77 (2) There shall be a limit of 2,500 milligrams of THC in medical cannabis products  
78 sold to a medical cannabis patient card holder per day, not to exceed 10,000  
79 milligrams of THC within medical cannabis products per month.

80 (3) There shall be no medical cannabis establishment licenses, other than a license  
81 for a medical cannabis laboratory, issued to any person or entity other than  
82 ~~Kituwah Medical, LLC~~, an entity wholly-owned by the Eastern Band of Cherokee  
83 Indians as the sole member, or one of its wholly-owned subsidiaries incorporated  
84 under Tribal law.

85 (4) There shall not be more than two medical cannabis dispensary locations.  
86

87 [No changes to subsection (c).]  
88  
89

90 BE IT FINALLY ORDAINED, that all ordinances and resolutions inconsistent with this ordinance  
91 are rescinded, and this ordinance shall become effective upon ratification by the  
92 Principal Chief.  
93

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95

96 *Submitted by: Principal Chief Richard G. Sneed*

97 *Jeremy Wilson, Governmental Affairs Liaison*

*Joseph Owle, Secretary of Agriculture and Natural Resources*