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**CHEROKEE COUNCIL HOUSE
CHEROKEE, QUALLA BOUNDARY**

Date: June 6, 2024

ORDINANCE NO.: 63 (2024)

Floor Amendment

In Ordinance No. 63 (2024), delete the proposed new Sec. 17-80 of the Cherokee Code and insert the following as a replacement:

“Sec. 17-80. Exemption from tribal prosecution for certain acts involving marijuana.

- (a) Possessing, cultivating, delivering, transferring, transporting, supplying, or selling in accordance with this Chapter is authorization to possess marijuana for purposes of Cherokee Code Chapter 14.
- (b) Except as otherwise provided in this chapter, a person who holds a valid medical cannabis patient card is exempt from tribal prosecution for:
- (1) The possession, delivery, or production of marijuana;
 - (2) The possession or delivery of paraphernalia;
 - (3) Aiding and abetting another in the possession, delivery or production of marijuana;
 - (4) Aiding and abetting another in the possession or delivery of paraphernalia;
 - (5) Any combination of the acts described in paragraphs (1) to (4), inclusive; and
 - (6) Any other criminal offense in which the possession, delivery, or production of marijuana or the possession or delivery of paraphernalia is an element.
- (c) The exemption from tribal prosecution set forth in subsection (b) applies only to the extent that an enrolled member who holds a valid medical cannabis patient card and does not reside with a minor child:
- (1) Engages in or assist in, as applicable, the medical use of marijuana in accordance with the provisions of this chapter as justified to mitigate the symptoms or effects of a person's chronic or debilitating medical condition; and
 - (2) Does not, at any one time, collectively possess with another who is authorized to possess, deliver, or produce more than:
 - (i) Two and one-half ounces of usable marijuana;
 - (ii) Four marijuana plants, irrespective of whether the cannabis plants are mature or immature; and
 - (iii) A maximum allowable quantity of marijuana products as established by regulation of the Board.
- (d) If the persons described in subsection (b) and (c) possess, deliver, or produce marijuana in an amount which exceeds the amount described in paragraph (c)(2), those persons are not exempt from prosecution for the possession, delivery or production of marijuana.
- (e) A person who holds a valid cannabis facility license or a valid agent card and who confines his or her activities to those authorized by this Chapter, and the regulations adopted by the Board pursuant thereto, is exempt from tribal prosecution for:
- (1) The possession, delivery, or production of marijuana;
 - (2) The possession or delivery of paraphernalia;
 - (3) Aiding and abetting another in the possession, delivery or production of marijuana;
 - (4) Aiding and abetting another in the possession or delivery of paraphernalia;
 - (5) Any combination of the acts described in paragraphs (1) to (4), inclusive; and
 - (6) Any other criminal offense in which the possession, delivery or production of marijuana or the possession or delivery of paraphernalia is an element.
- (f) In addition to the provisions of subsections above, no person may be subject to tribal prosecution for constructive possession, conspiracy, or any other criminal offense solely for being in the presence or vicinity of the use of marijuana in accordance with the provisions of this Chapter.

53 (g) The persons described in this section must ensure that the marijuana described in this subsection are
54 safeguarded in an enclosed, secure location.

55 (h) As used in this section, "marijuana" includes, without limitation, marijuana products."
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99 *Floor amendment submitted by Tom Wahnetah, Yellowhill Representative*