



Navajo Nation extends 2% ‘junk food tax’ and strengthens enforceability of Healthy Diné Nation Act of 2014

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PHOTO: Navajo Nation Council Resolution No. CD-96-20, extending and amending the Healthy Diné Nation Act of 2014, was enacted Dec. 31 at a signing ceremony held at the Veterans Memorial Tribal Park in Window Rock.

WINDOW ROCK, Ariz. — The Navajo Nation fully approved amendments to the Healthy Diné Nation Act of 2014 on Thursday after the Navajo Nation Council passed legislation changing the effective date of the 2 percent tax established by the Act and clarifying the meaning of food items with minimal-to-no nutritional value. The enactment of the amendments through Navajo Nation Council Resolution No. CD-96-20 avoided the expiration of the tax originally set for Jan. 1 at midnight.

Council Delegate Amber Kanazbah Crotty (Cove, Toadlena/Two Grey Hills, Red Valley, Tsé’ahnáoozt’í’í, Sheepsprings, Beclabito, Gad’ii’áhí/Tó Ko’í), sponsor of the legislation, explained to the Naabik’iyáti’ Committee on Dec. 11 the Act both discouraged sales of junk food in addition to creating revenues to fund wellness projects in Navajo Nation chapter communities. CD-96-20 was also cosponsored by Council Delegates Mark Freeland (Becenti, Lake Valley, Náhodishgish, Standing Rock, Whiterock, Huerfano, Nageezi, Crownpoint) and Otto Tso (Tónaneesdizi).

“Since the first implementation of the tax, the Navajo Nation has received a gross revenue of \$7.58 million for chapter communities with an average of \$13,171 being allocated towards wellness projects per community,” said Crotty during the special two-day meeting of the Naabik’iyáti’ Committee of the Navajo Nation Council on Dec. 11.

The Act, originally approved in 2014 through Navajo Nation Council Resolution No. CN-54-14, was supported by 2009 data from the Navajo Area Indian Health Service (NAIHS) indicating the obesity rate

within its service units ranged from 23 percent to 60 percent, the overweight rate ranged from 17 percent to 39 percent for all age groups and the highest percentage of patients identified as obese were within the 25 to 54 age range.

“Although tax revenue has decreased since the Act’s implementation, this, in our opinion, means that the tax is working and our people are buying less junk food,” added Crotty.

The Act required review of the tax before its extension by the Navajo Nation Council at the end of this year. CD-96-20 deleted the review requirement following the recommendation of the Navajo Tax Commission and extensive public comments submitted on the proposed resolution.

The Navajo Tax Commission approved its recommendations to the Council through Commission Resolution No. TAX-20-234. The Commission recommended the Act be extended and amended to clarify language in the Act to strengthen its enforcement by the Office of the Navajo Tax Commission.

CD-96-20 clarifies definitions to help businesses determine which foods that are subject to the tax. The tax applies to unhealthy foods and beverages that are described as candy, chips, sweetened baked goods, frozen desserts and sweetened beverages. Lists of items within these categories of foods are further defined in the amended Title 24, Section 1107, of the Navajo Nation Code.

Crotty indicated over 1,300 wellness projects have been funded through the tax, including community fitness classes, greenhouses, youth clubs, clean water initiatives, Navajo language and culture classes, and more. Tax revenues have also been leveraged by communities with other funding sources to develop larger-scale projects related to community infrastructure and regional projects funded by collaborating chapters, such as recreational environments, walking trails, fitness centers, parks and basketball courts.

The amendments also describe items not included in the tax. New language for the definition of sweetened beverages excludes baby formula, plain milk without sweeteners or flavoring, yogurt-based drinks, soy milk, rice milk, almond milk, flavored and unflavored water without sweetener, protein drinks and powders, and other formulated food intended as a meal replacement.

Crotty also acknowledged the efforts of Denisa Livingston and the Diné Community Advocacy Alliance along with Gloria Begay and the Diné Food Sovereignty Alliance for developing and supporting the community-led efforts that ultimately resulted in the Health Diné Nation Act and its extension. Crotty also provided a special recognition to former Council Delegate Danny Simpson for his work in supporting the original Act.

Additional recognitions were given to the Navajo Nation Epidemiology Center, Northern Arizona University, the Community Outreach and Patient Empowerment (COPE) Project, Diné College and local Navajo Nation chapter leaders and community wellness advocates.

The Law and Order Committee previously considered the proposed resolution on Nov. 16 and recommended its passage, followed by the Resources and Development Committee’s discussion and recommendation on Nov. 18. The Budget and Finance Committee approved the same on Nov. 24 and the Health, Education, and Human Services Committee provided its recommendation on Nov. 25.

With the Naabik’iyáti’ Committee’s consideration, the legislation was approved under consent agenda of the full Navajo Nation Council on Dec. 23 with a unanimous vote of 21 in favor and 0 opposed.

Resolution No. CD-96-20 was signed into law by Navajo Nation President Jonathan Nez at a signing ceremony on Dec. 31. The resolution became effective immediately upon its enactment.

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