

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0125-19\_\_\_\_\_      SPONSOR: Rickie Nez

**TITLE: An Action Relating to Resources and Development, Nabik'iyáti' Committee and Navajo Nation Council; Approving and Authorizing the Navajo Agricultural Products Industry to Conduct a Hemp Pilot Research Project with New Mexico State University Under the Provisions of the 2014 Farm Bill; Creating a Singular Exception to the Prohibition on Cultivation, Growth, Possession, Development or Propagation of Industrial Hemp on the Navajo Nation as Established by Council Resolutions CO-75-18 and CJY-54-00**

*Date posted:* May 16, 2019 at 6:46pm

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LEGISLATIVE SUMMARY SHEET  
Tracking No. 0125-19

**DATE:** May 16, 2019

AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, NABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL; APPROVING AND AUTHORIZING THE NAVAJO AGRICULTURAL PRODUCTS INDUSTRY TO CONDUCT A HEMP PILOT RESEARCH PROJECT WITH NEW MEXICO STATE UNIVERSITY UNDER THE PROVISIONS OF THE 2014 FARM BILL; CREATING A SINGULAR EXCEPTION TO THE PROHIBITION ON CULTIVATION, GROWTH, POSSESSION, DEVELOPMENT OR PROPOGATION OF INDUSTRIAL HEMP ON THE NAVAJO NATION AS ESTABLISHED BY COUNCIL RESOLUTIONS CO-75-18 AND CJY-54-00

**PURPOSE:** Approving a Pilot Research Project for Navajo Agricultural Products and New Mexico State University for hemp research.

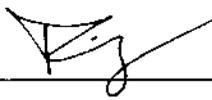
**This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate review the proposed resolution in detail.**

5-DAY BILL HOLD PERIOD:         
Website Posting Time/Date:         
Posting End Date: 5/21/19  
Eligible for Action: 5/22/19

Resources & Development Committee  
Thence  
Naa'bik'iyáti' Committee  
Thence  
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
24<sup>th</sup> NAVAJO NATION COUNCIL—First Year, 2019

INTRODUCED BY

  
\_\_\_\_\_  
Primary Sponsor 

TRACKING NO. 0125-19

AN ACTION RELATING TO RESOURCES AND DEVELOPMENT,  
NABIK'ÍYÁTI' COMMITTEE AND NAVAJO NATION COUNCIL;  
APPROVING AND AUTHORIZING THE NAVAJO AGRICULTURAL  
PRODUCTS INDUSTRY TO CONDUCT A HEMP PILOT RESEARCH  
PROJECT WITH NEW MEXICO STATE UNIVERSITY UNDER THE  
PROVISIONS OF THE 2014 FARM BILL; CREATING A SINGULAR  
EXCEPTION TO THE PROHIBITION ON CULTIVATION, GROWTH,  
POSSESSION, DEVELOPMENT OR PROPOGATION OF INDUSTRIAL  
HEMP ON THE NAVAJO NATION AS ESTABLISHED BY COUNCIL  
RESOLUTIONS CO-75-18 AND CJY-54-00

**BE IT ENACTED:**

**Section One. Authority**

- A. The Resources and Development Committee is the oversight committee for land, agriculture and economic development on the Navajo Nation. 2 N.N.C. §500(C).
- B. The Naabik'iyáti' Committee is authorized to recommend resolutions to the Navajo Nation Council and coordinate all federal, county and state programs. 2 N.N.C §701 A (3)(4).

1 **Section Two. Findings**

- 2 A. The Agricultural Act of 2014 (2014 Federal Farm Bill) distinguishes between  
3 hem and marijuana based on a threshold concentration of THC (delta-9  
4 tetrahydrocannabinol) contained in the plant. THC levels of 0.3 percent and  
5 below constitute industrial hemp. THC levels above .3 percent constitute  
6 marijuana. See Exhibit A.
- 7 B. The Navajo Nation, through Navajo Nation Council Resolution CO-75-18  
8 amended its criminal statute to incorporate this distinction between industrial  
9 hemp and marijuana pursuant to federal law. See Exhibit B.
- 10 C. Council Resolution CO-75-18 contains a provision that prohibits the growth,  
11 possession, development or propagation of industrial hemp until such time as  
12 the Navajo Nation creates a regulatory system for industrial hemp and obtains  
13 the necessary and applicable permits for industrial hemp production. See  
14 Exhibit B.
- 15 D. The Navajo Nation has not adopted a regulatory system for industrial hemp at  
16 this time.
- 17 E. The 2014 Farm Bill also legalized the cultivation, growth, possession and  
18 development of hemp in connection with a state sanctioned research project  
19 where the participating State has legalized industrial hemp under state law and  
20 pursuant to the 2014 Farm Bill.
- 21 F. The Navajo Nation has a long term lease agreement with New Mexico State  
22 University for the Agricultural Science Center which provides technical  
23 assistance at the request of NAPI and other San Juan County farmers. See  
24 Exhibit C.
- 25 G. The Navajo Agricultural Products Industry (NAPI) with the approval of its  
26 Board of Directors has offered to participate in a pilot industrial hemp  
27 research and development project (Project) with the New Mexico State  
28 University (NMSU) authorized by the State of New Mexico's legalization of  
29 industrial hemp under state law pursuant to the 2014 Farm Bill. See Exhibit  
30 D.

- 1 H. The Project will occupy 200 square feet of the land leased to the NMSU and  
2 will operate to determine the best hemp producing plants for cultivation in the  
3 many growing zones and conditions on the Navajo Nation and will be subject  
4 to the provisions of New Mexico and its participation in the 2014 Farm Bill.  
5 See Exhibit D.
- 6 I. The cultivation and production of industrial hemp on the Navajo Nation has  
7 the potential to serve as an important revenue producing crop for Navajo  
8 farmers.
- 9 J. The Project has been endorsed by the President of the Navajo Nation and the  
10 Speaker of the Navajo Nation Council. See Exhibit E.
- 11 K. In order for the Project to take place, the Navajo Nation Council will need to  
12 create and approve a project specific exception to the existing "...prohibition  
13 on the growth, possession, development or propagation of industrial hemp  
14 until such time as the Navajo Nation creates a regulatory system for industrial  
15 hemp and obtains the necessary and applicable permits" established by Navajo  
16 Council Resolution CO-75-18.
- 17 L. The Navajo Nation Council finds it to be in the best interest of the Navajo  
18 Nation to approve of the proposed research and development project (Project)  
19 involving NAPI and NMSU as described herein.
- 20 M. The Navajo Nation Council finds it to be in the best interest of the Navajo  
21 People to create and approve a project specific exception to the existing  
22 "...prohibition on the growth, possession, development or propagation of  
23 industrial hemp until such time as the Navajo Nation creates a regulatory  
24 system for industrial hemp and obtains the necessary and applicable permits"  
25 established by Navajo Council Resolution CO-75-18.

26 **Section Three. Approvals**

- 27 A. The Navajo Nation hereby approves the proposed research and development  
28 project (Project) involving NAPI and NMSU as described herein.
- 29 B. The Navajo Nation Council hereby creates and approves a project specific  
30 exception to the existing "...prohibition on the growth, possession,

1 development or propagation of industrial hemp until such time as the Navajo  
2 Nation creates a regulatory system for industrial hemp and obtains the  
3 necessary and applicable permits” established by Navajo Council Resolution  
4 CO-75-18 specifically and only for the proposed research and development  
5 project (Project) as described herein and only for the duration of the Project.

- 6 C. Other than the specific Project exception authorized herein, the cultivation,  
7 growth, possession, development or propagation of industrial hemp continues  
8 to be prohibited on the Navajo Nation, as established by Council Resolutions  
9 CO-75-18 and CJY-54-00, and until such time as the Navajo Nation creates a  
10 regulatory system and obtains the necessary and applicable permits for  
11 industrial hemp cultivation and production.

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