

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0222-20\_\_

SPONSOR: Rickie Nez

**TITLE: An Action Relating To Health, Education And Human Services, Resources And Development, Law And Order And Naabik'iyáti' Committees And The Navajo Nation Council; Amending Title 17 Chapter 3, Controlled Substances At 17 N.N.C. §§ 390, 394**

***Date posted:*** September 10, 2020 at 3:44 PM

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**LEGISLATIVE SUMMARY SHEET**

Tracking No. 0222-20

**DATE:** September 9, 2020

**TITLE OF RESOLUTION:** PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACT RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES AND DEVELOPMENT, LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES AND THE NAVAJO NATION COUNCIL; AMENDING TITLE 17 CHAPTER 3, CONTROLLED SUBSTANCES AT 17 N.N.C. §§ 390, 394

**PURPOSE:** The purpose of this legislation is to amend Title 17 Chapter 3, Controlled Substances at 17 N.N.C. §§ 390, 394. An amendment would be made to the definition of "marijuana" among other purposes.

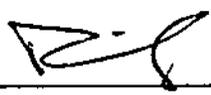
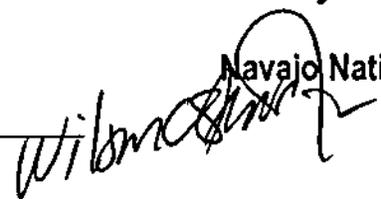
**This written summary does not address recommended amendments as may be provided by the standing committees. The Office of Legislative Counsel requests each Council Delegate to review each proposed resolution in detail.**

5-DAY BILL HOLD PERIOD: Johnson  
Website Posting Time/Date: \_\_\_\_\_  
Posting End Date: 09-15-20  
Eligible for Action: 09-16-20

Health Education & Human Services Committee  
Thence  
Resources & Development Committee  
Thence  
Law & Order Committee  
Thence  
Naabik'iyáti' Committee  
Thence  
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION  
24<sup>th</sup> NAVAJO NATION COUNCIL -- Second Year, 2020

INTRODUCED BY

  
\_\_\_\_\_  
(Prime Sponsor) 

TRACKING NO. 0222-20

AN ACT

RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES, RESOURCES  
AND DEVELOPMENT, LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES  
AND THE NAVAJO NATION COUNCIL; 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).
- 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).
- 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  
2 Code. 2 N.N.C. §§ 164(A)(1), 600(A), and 601(B)(14).

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.

6 E. The Navajo Nation Council must review and approve enactments or amendments of  
7 positive law. 2 N.N.C. § 164(A).

8  
9 **SECTION TWO. FINDINGS**

10 A. The Navajo Nation is responsible for the enforcement of the Criminal Code,  
11 including amendments, as may be enacted by the Navajo Nation through its Council  
12 and the President.

13 B. The Navajo Nation Code, at Title 17, Chapter 3, Controlled Substances, Definitions  
14 was last amended with respect to the definition of "Marijuana" on November 1, 2018  
15 by Council Resolution CO-75-18.

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17 **SECTION THREE. AMENDING TITLE 17, CHAPTER 3, SUBCHAPTER 10**

18 A. The Navajo Nation hereby amends the Title 17 as follows:

19 \_\_\_\_\_  
20 **NAVAJO NATION CODE**  
21 **TITLE 17. LAW AND ORDER**  
22 **CHAPTER 3.**  
23 **SUBCHAPTER 10. CONTROLLED SUBSTANCES**

24  
25 \* \* \* \*

26 **§ 390. Definitions**

27 The following definitions apply in this subchapter:

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

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

- 3 B. Marijuana” means the ~~plant Cannabis sativa L. and any part of such plant, whether~~  
4 ~~growing or not, with a delta-9 tetrahydrocannabinol concentration of more than three~~  
5 ~~tenths percent (0.3%) on a dry weight basis~~ all parts of the plant Cannabis sativa L.,  
6 whether growing or not; the seeds thereof; the resin extracted from any part of such  
7 plant; and every compound, manufacture, salt, derivative, mixture, or preparation of  
8 such plant, its seeds or resin, containing any amount of delta-9 tetrahydrocannabinol.  
9 Such term does not include any part of the plant Cannabis sativa L., whether growing  
10 or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3  
11 percent on a dry weight basis produced or delivered in strict compliance with an  
12 industrial hemp regulatory system approved by the Navajo Nation Council or its  
13 designee.
- 14 C. “Opium” includes morphine, codeine and heroin, and any compound, manufacture,  
15 salt derivative, mixture or preparation of opium, but does not include apomorphine  
16 or any of its salts.

17 \* \* \* \*

18  
19 **§ 394. Possession or Sale of Controlled Substances**

- 20 A. Offense. A person commits an offense pursuant to this section if he or she  
21 possesses, manufactures, transports, sells, uses, trades or delivers:

22 \* \* \* \*

- 23 ~~3. Any material, compound, mixture or preparation which contains an~~  
24 ~~amount more than three tenths percent (0.3%) quantity of~~  
25 ~~tetrahydrocannabinol (T.H.C.) on a dry weight basis.~~

26 \*\*\*\*

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28 **SECTION FOUR. CODIFICATION**

29 The provisions of the Act which amend or adopt new sections of the Navajo Nation  
30 Code shall be codified by the Office of Legislative Counsel. The Office of Legislative

1 Counsel shall incorporate such amended provisions in the next codification of the Navajo  
2 Nation Code.

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4 **SECTION FIVE. SAVINGS CLAUSE**

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

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10 **SECTION SIX. EFFECTIVE DATE**

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