

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0100-22_

SPONSOR: Eugenia Charles-Newton

TITLE: An Action Relating to Resources and Development, Health, Education and Human Services, Law and Order and Naabik'iyáti' Committees; Opposing Decriminalizing the Recreational Use of Peyote and Urging All States to Limit the Non-Criminal Use of Peyote to Religious Purposed; and Opposing the Inclusion of Peyote on the California Senate Bill 519 List of Substances to be Decriminalized

Date posted: June 06, 2022 at 6:16PM

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LEGISLATIVE SUMMARY SHEET
Tracking No. 0100-22

DATE: June 6, 2022

TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES; OPPOSING DECRIMINALIZING THE RECREATIONAL USE OF PEYOTE AND URGING ALL STATES TO LIMIT THE NON-CRIMINAL USE OF PEYOTE TO RELIGIOUS PURPOSES; AND OPPOSING THE INCLUSION OF PEYOTE ON THE CALIFORNIA SENATE BILL 519 LIST OF SUBSTANCES TO BE DECRIMINALIZED

PURPOSE: This resolution, if approved, will provide the Navajo Nation's firm position of opposing the efforts or any attempt made by states in decriminalizing the recreational use of peyote (*lophophora williamsii*) which contains the natural hallucinogenic drug mescaline, and urging states to limit its use to the Native American Church religion, similar to federal law—42 U.S.C. § 1996a.

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

5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: _____
Posting End Date: 06/11/22
Eligible for Action: 06/12/22

Resources & Development Committee
Thence
Health Education & Human Services Committee
Thence
Law & Order Committee
Thence
Naabik'íyáti' Committee

1 PROPOSED STANDING COMMITTEE RESOLUTION
2 24th NAVAJO NATION COUNCIL – Fourth Year, 2022

3 INTRODUCED BY

4 
5 _____

6 (Prime Sponsor)

7
8 TRACKING NO. 0100-22

9
10 AN ACTION

11 **RELATING TO RESOURCES AND DEVELOPMENT, HEALTH, EDUCATION AND**
12 **HUMAN SERVICES, LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES;**
13 **OPPOSING DECRIMINALIZING THE RECREATIONAL USE OF PEYOTE AND**
14 **URGING ALL STATES TO LIMIT THE NON-CRIMINAL USE OF PEYOTE TO**
15 **RELIGIOUS PURPOSES; AND OPPOSING THE INCLUSION OF PEYOTE ON THE**
16 **CALIFORNIA SENATE BILL 519 LIST OF SUBSTANCES TO BE**
17 **DECRIMINALIZED**

18
19 **WHEREAS,**

- 20 A. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council
21 empowered to assist and coordinate all requests for information, appearances and
22 testimony relating to proposed county, state and federal legislation impacting the Navajo
23 Nation. 2 N.N.C. §§ 700(A), 701(A)(6).
- 24 B. The Resources and Development Committee is a standing committee of the Navajo
25 Nation Council empowered to represent the Navajo Nation at local, state, and federal
26 levels, in cooperation and coordination with the President of the Navajo Nation and the
27 appropriate committee of the Navajo Nation Council on proposed resolutions or actions
28 affecting natural resources. . . 2 N.N.C. §§ 500(A), 501(B)(5).
- 29 C. The Health, Education and Human Services Committee is a standing committee of the
30 Navajo Nation Council empowered to represent the Navajo Nation at local, state and

1 federal levels, in coordination with the President of the Navajo Nation and the
2 Naabik'iyáti' Committee on proposed legislation, funding and other actions affecting
3 environmental health. 2 N.N.C. §§ 400(A), 401(B)(7)(a).

4 D. The Law and Order Committee is a standing committee of the Navajo Nation Council
5 with its purpose to protect the rights and interests of the Navajo People by improving the
6 quality and effectiveness of the justice system within the Navajo Nation. 2 N.N.C. §
7 600(C)(2).

8 E. The Native American Church is one of the oldest religious traditions in the Western
9 Hemisphere; a recent carbon dating of peyote at an archeological site in Texas revealed
10 that the peyote dated back to 4,220 B.C. (approximately 6,000 years ago). James D.
11 Muneta, *Peyote Crisis Confronting Modern Indigenous Peoples: The Declining Peyote*
12 *Population and a Demand for Conservation*, Amer. Ind. Law Journal: Vol. 9 : Iss. 1,
13 Article 6., (2020).

14 <https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1228&context=ailj>

15 F. Native American Church members consume the sacred cactus plant (*lophophora*
16 *williamsii*) known as peyote which contains the hallucinogenic drug “*mescaline*” during
17 ceremonies. The hallucinogenic effect of mescaline is naturally found in the peyote
18 cactuses (*lophophora williamsii*).

19 G. In the Southwest United States and Mexico, peyote is drastically declining due to land
20 development, ranching, agriculture, poaching, psychedelic tourism, incorrect harvesting,
21 and other factors such as recreational use and climate change.

22 H. Peyote is a slow-growing cactus that takes approximately ten or more years to grow from
23 a seed to a mature plant to be consumed.

24 I. In February 2020, California introduced Senate Bill 519 which would decriminalize
25 certain hallucinogenic substances including mescaline. The California law would make
26 it: (1) legal to possess for personal and social sharing; (2) place strict limits on who could
27 use the drug, penalizing those who are under the age of 21 for using drugs; (3) expunge
28 the records of those with prior criminal offenses for possession and use; (4) require the
29 California Department of Public Health to come up with regulations and therapeutic uses
30 of the legalized psychedelics; and (5) will no longer carry criminal penalties for

1 possession of drug paraphernalia associated with psychedelics as long as they are owned
2 by adults. *See, SB-519 Controlled substances: decriminalization of certain*
3 *hallucinogenic substances.*

4 J. Under Section 1(l) of Senate Bill 519: *Peyote is specifically excluded from the list of*
5 *substances to be decriminalized, and any cultivation, harvest, extraction, tincture or*
6 *other product manufactured or derived therefrom, because of the nearly endangered*
7 *status of the peyote plant and the special significance peyote holds in Native American*
8 *spirituality. Section 11363 of the Health and Safety Code, which makes it a crime in*
9 *California to cultivate, harvest, dry, or process any plant of the genus Lophophora, also*
10 *known as Peyote, is not amended or repealed.*

11 K. Furthermore, Section 1(m) of Senate Bill 519 provides: *The State of California fully*
12 *respects and supports the continued Native American possession and use of peyote under*
13 *federal law, 42 U.S.C. 1996a, understanding that Native Americans in the United States*
14 *were persecuted and prosecuted for their ceremonial practices and use of peyote for*
15 *more than a century and had to fight numerous legal and political battles to achieve the*
16 *current protected status, and the enactment of this legislation does not intend to*
17 *undermine explicitly or implicitly that status.*

18 L. The Azeé Bee Nahagha of Diné Nation, Inc., passed a resolution, attached as **Exhibit A**,
19 opposing the decriminalization of peyote due to recreational use by the public which will
20 threaten the availability and over harvesting of peyote. The Azeé Bee Nahagha of Diné
21 Nation, Inc., further suggests that peyote be limited strictly for religious, cultural and
22 ceremonial purposes only.

23 M. Azeé means medicine in Diné language. Native American Church practitioners identify
24 Azeé to also mean peyote and is believed to spiritually heal a person through songs,
25 prayers, and consumption of the Azeé (Peyote).

26 N. The Navajo Nation understands that peyote is classified as a Schedule I controlled
27 substance under the Federal Controlled Substance Act. However, the Navajo Nation
28 government has allowed the religious use of peyote since 1967 within Navajo Nation
29 through Resolution No. CO-65-67.

30

- 1 O. The Navajo Nation further understands that federal law, the American Indian Religious
2 Freedom Act Amendments of 1994, 42 U.S.C. § 1996a, provides authorization for
3 Native American Church members to legally use peyote for religious purposes only.
- 4 P. It is in the best interest of the Navajo Nation to oppose decriminalizing the recreational
5 use of peyote as it is a cacti that could be excessively harvested and will endanger the
6 plant (peyote) and will also affect the religious practice of Indigenous people across the
7 Western Hemisphere including members of the Navajo Nation who have a sincere
8 religious belief in Native American Church.

9

10 **NOW, THEREFORE, BE IT RESOLVED THAT**

- 11 A. The Navajo Nation opposes decriminalizing the recreational use of peyote and urges all
12 states to limit the non-criminal use of peyote for religious purposes only, similar to 42
13 U.S.C. § 1996a.
- 14 B. Further, the Navajo Nation strongly opposes the inclusion of peyote on the California
15 Senate Bill 519 list of substances to be decriminalized.
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