



23RD NAVAJO NATION COUNCIL OFFICE OF THE SPEAKER

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Navajo Nation Council supports the enactment of the Controlled Substance Definition Act of 2018

WINDOW ROCK – During the fourth day of the Fall Council Session, the 23rd Navajo Nation Council approved Legislation No. 0268-18, which seeks to amend the Navajo Nation Criminal Code Title 17 to enact the Controlled Substance Definition Act of 2018. The Act would lower the levels of tetrahydrocannabinol, or THC, in cannabis plants to coincide with current federal regulations.

In 2000, then Council amended Title 17 to define “marijuana” under its controlled substances definitions as “those cannabis plants that contain an amount equal to or more than 1.4-percent of THC.” The Agricultural Act of 2014, also known as the Federal Farm Bill, designated the federal standard to be more restrictive and lowered the amount of allowable THC from 1.4-percent to .3-percent.

Legislation sponsor, Council Delegate Lee Jack, Sr. (Dilkon, Greasewood Springs, Indian Wells, Teesto, Whitecone), said if the Navajo Nation decides to venture into producing industrial hemp in the future, the Nation would need to lower the amount of allowable THC to conform to federal standards.

“It is important for our Nation to be in compliance with federal standards if we are looking to economic development projects that may involve industrial hemp, or other agricultural opportunities. Right now our marijuana and hemp THC standards exceed federal standards, and we want to lower allowable THC levels to be at .3-percent on the Navajo Nation,” said Delegate Jack.

He added that the enactment of the legislation would define cannabis as hemp and not marijuana, provided that no part of the plant, including the leaves and flowers, exceeds more than .3-percent on a dry weight basis.

The legislation also states that the Controlled Substance Definition Act of 2018 does not authorize the cultivation, growth possession, or development or propagation of industrial hemp, until the

Navajo Nation creates a regulatory system and obtains the necessary and applicable permits to cultivate and produce industrial hemp.

Council Delegate Leonard Tsosie (Baca/Prewitt, Casamero Lake, Counselor, Littlewater, Ojo Encino, Pueblo Pintado, Torreon, Whitehorse Lake) raised concerns regarding the Navajo Nation attempting to conform THC standards with federal regulations, citing that federal standards can change at any time and the resolution would be out of compliance once again.

“The way this is written, you will be back here again if the federal law changes. The way I understand this legislation, we are actually putting numbers in there to comply with the federal regulations. The next time they change it, there will be a different percentage and we have to go through the whole process again. Why can’t we put in there that whatever the federal government enacts or changes, our standards would automatically comply with their changes as well,” said Delegate Tsosie.

In response, Delegate Jack said he was “open” to the proposed language modification if it did not change the intent of the legislation, however, the amendment was not recommended on the Council floor.

Council voted 15-2 to approve Legislation No. 0268-18, supporting the enactment of the Controlled Substance Definition Act of 2018. President Begaye will have 10 calendar days to consider the resolution once it is delivered to the Office of the President and Vice President.

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