



23RD NAVAJO NATION COUNCIL OFFICE OF THE SPEAKER

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MEDIA CONTACTS

Jared Touchin (928) 221-9253

Jolene Holgate (928) 380-4174

Crystalayne Curley (928) 286-7918

nnlb.communications@gmail.com

Law and Order Committee issues a “do not pass” recommendation to amend the Criminal Code related to marijuana and industrial hemp

WINDOW ROCK – On Monday, the Law and Order Committee considered Legislation No. 0011-18, seeking to enact the “Controlled Substance Definition Act of 2018,” by amending sections of Title 17 of the Navajo Nation Code related to controlled substances. The purpose of the bill is to conform Navajo Nation laws to comply with federal regulations in regards to marijuana and industrial hemp.

Legislation sponsor Council Delegate Lee Jack, Sr. (Dilkon, Greasewood Springs, Indian Wells, Teesto, Whitecone) asked for the committee’s support to strengthen the Criminal Code by reducing the level of tetrahydrocannabinol concentration in cannabis – also known as THC, which is the primary intoxicant compound found in marijuana that determines its strength – allowable on the Navajo Nation.

“Currently, Navajo law allows 1.4-percent of THC in cannabis on the Nation, which was approved by Council in June 2000, however, federal regulations allows less than 0.3-percent of TCH. If approved, the percentage of TCH allowed on the Nation would be reduced to 0.3-percent and it would comply with federal regulations,” said Delegate Jack. He added that if approved, any persons who possess more than 0.3-percent of TCH on the Navajo Nation would be liable to criminal prosecution.

LOC vice chair Council Delegate Raymond Smith, Jr. (Houck, Klagetoh, Nahata Dziil, Tsé Si áni, Wide Ruins) raised concerns over whether the reduction is intended to help use hemp for industrial usage within the Navajo Nation.

The legislation states that the enactment of the bill would not authorize the cultivation, growth possession, development or propagation of industrial hemp until the Navajo Nation creates a regulatory system for industrial hemp and obtains the necessary and applicable permits.

The Agricultural Act of 2014, also known as the Farm Bill, defines cannabis as hemp, not marijuana, as long as no part of the plant including the leaves and flowers exceeds a delta-9 THC of not more than 0.3-percent on a dry weight basis.

In support of the legislation, LOC member Council Delegate Otto Tso (Tó Nanees Dizi), stated that the percentage reduction of THC would comply with federal regulations and it would also provide economic opportunities for the Nation in the future.

“This legislation could provide many economic opportunities for the Nation. Realistically, the Nation will face huge revenue losses due to the circumstances of Navajo Generating Station and Kayenta Mine. Approximately \$38 million could be lost and we need to prepare for other economic opportunities such as utilizing hemp,” said Delegate Tso.

In opposition of the legislation, LOC member Council Delegate Herman Daniels, Jr. (Shonto, Naa'tsis'Áán, Oljato, Ts'ah Bii Kin), stated that he cannot support the intent because many Navajo citizens and constituents are not fully informed about the usage of marijuana and hemp.

“I do not believe that the Navajo Nation is ready for this. Our Navajo people are not informed about this subject. There are many concerns and issues that needs to be addressed before approval or consideration,” said Delegate Daniels.

The Law and Order Committee issued a “do not pass” recommendation for Legislation No. 0011-18 with a vote of 1-2. The Navajo Nation Council serves as the final authority for the bill.

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