PASSED

JUL 10 2025

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

Date: JUN 05 2025

ORDINANCE NO. 483 (2025)

An ordinance amending C. C. Sec. 14-95.12 to expand the prohibition against consumption of marijuana while in a motor vehicle.

WHEREAS, Cherokee Code (C.C.) Section 14-95.12, part of the Tribe's Controlled Substances Act, prohibits certain activities involving marijuana; and

WHEREAS, certain marijuana related activities have come to light that are contrary to the intent of the Tribe's marijuana laws; and

WHEREAS, the activity in question involves one or more people or companies that drive customers along the Tribe's primary and secondary roads (backroads) in a motor vehicle, while the customers in the passenger area consume marijuana; and

WHEREAS, Tribal law should be amended to prohibit such conduct.

NOW THEREFORE BE IT ORDAINED by the Eastern Band of Cherokee Indians in Tribal Council assembled, at which a quorum is present, that C.C. Section 14-95.12, describing prohibited marijuana conduct, shall be amended to read as follows:

Sec. 14-95.12. Prohibited marijuana conduct.

(a) It shall be unlawful for any person, business, or other entity to:

(1) Possess marijuana when the person is less than 21 years old;

(2) Provide, give, or transfer in any way, marijuana to any person less than 21 years old;

(3) Cultivate marijuana without a valid license, valid agent card, or a valid medical cannabis patient card issued by the EBCI Cannabis Control Board;

(4) Operate any marijuana facility without a valid license issued by the EBCI Cannabis Control Board;

(5) Sell marijuana without a valid license from the EBCI Cannabis Control Board;

(6) Sell hemp or hemp products without a valid license from the EBCI Cannabis Control Board;

(7) Possess marijuana in any place where possession is prohibited by the conspicuous posting of a sign or notice by the owner or possessor of the location;

(8) Consuming marijuana in public;

(9) Possess or consume marijuana within 100 feet of a school, child day care facility, church, hospital, Tribal government building, public park, playground, community club building, or public swimming pool, or community facility as defined in Chapter 17;

(10) Transport marijuana, hemp, or hemp products in the passenger area of a motor vehicle in other than the manufacturer's unopened original container;

(11) Consume marijuana, hemp, or hemp products while driving a motor vehicle on a highway or public vehicular area as defined as Chapter 20 of the Cherokee Code or on Tribal backroads, dirt roads, and trails.

(12) Consume marijuana, hemp, or hemp products while within the passenger area of a vehicle on a highway or public vehicular area as defined as Chapter 20 of the Cherokee Code or on Tribal backroads, dirt roads, and trails.

(13) Consume marijuana, hemp, or hemp products while located outside the passenger area of a vehicle on a highway or public vehicular area as defined as Chapter 20 of the Cherokee Code or on Tribal backroads, dirt roads, and trails. The prohibition of this subsection does not apply to enrolled members of the Tribe.

(b) Violation of subsection (a)(1) shall constitute a criminal offense punishable by a fine of up to $500.00, 72 hours of community service, and defendant shall obtain a substance abuse assessment.

(c) Violation of subsection (a)(2) shall constitute a criminal offense punishable as follows:

(1) *First offense.* A mandatory minimum sentence of not less than a $1,000.00 fine, and no more than $5,000.00 fine, costs and imprisonment for not less than seven days up to 30 days.

(2) *Second offense.* A mandatory minimum sentence of not less than a $3,000.00 fine, nor more than $5,000.00 fine, costs and imprisonment for not less than 30 days up to six months.

(3) *Third and subsequent offenses.* A mandatory minimum sentence of not less than a $5,000.00 fine, nor more than $15,000.00 fine, costs, and imprisonment for not less than six months.

(d) Violation of subsections (a)(3)—(6) shall be punishable by a fine of not less than $5,000.00, costs, and no more than $15,000.00 per violation.

(e) Violation of subsections (a)(7)—(10) shall constitute an infraction and shall be punishable by a fine of up to $250.00 plus costs.

(f) Violation of subsection (a)(11) shall constitute a criminal offense punishable by imprisonment up to six months and no more than $5,000.00 plus costs.

(g) Any and all marijuana, hemp, or hemp products seized pursuant to any court action brought under this section, is summarily forfeited to the Cherokee Indian Police Department to be destroyed upon completion of the criminal case, including appellate timeframes.

(h) Fines collected under this section shall be placed in the CIPD budget in a designated line item to fund behavioral health supports and peer supports for individuals who may become

involved with the Justice System. If there is money left in this line item at the end of the fiscal year, the money shall stay within the CIPD budget and not returned to the general fund.

BE IT FINALLY ORDAINED that all ordinances that are inconsistent with this ordinance are rescinded, and that this ordinance shall become effective when ratified by the Principal Chief.

Submitted by Michael McConnell, Attorney General; and Cody White, Associate Attorney General.

The attached Resolution/Ordinance ____483__ dated JUNE 5, 2025__ was:

PASSED (X)

KILLED ( )

and ratified in open Council on __JUly 10, 2025__ by __100__ voting for the act and __0__ members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT
Richard French	X			
Perry Shell	X			
Boyd Owle	X			
Bucky Brown	X			
Tom Wahnetah	X			
David Wolfe	X			
Adam Wachacha	X			
Mike Parker	X			
Bo Crowe	X			
Jim Owle	X			
Dike Sneed	X			
Michael Stamper	X			
	100	0	0	0

TRIBAL COUNCIL CHAIRMAN

Michelle Thompson
ENGLISH CLERK

PRINCIPAL CHIEF

APPROVED (✓) VETOED ( )

VETO UPHELD ( ) VETO DENIED ( )

DATE: 7-21-25

I hereby certify that the foregoing act of the Council was duly:

PASSED ( )

KILLED ( )

and ratified in open Council after the same has been interpreted by the Official Interpreter and has been fully and freely discussed.

INTERPRETED ( )

OMITTED ( )