

ROLL CALL MATRIX

Meeting Date: 5-14-2019

P	A	Res. Number 2019	144	145									
		Unanimous											
X		Michael McKerchie	Y	Y									
X		Kim Gravelle	Y	Y									
X		Denny McKelvie	N	Y									
X		DJ Hoffman	1Y	N									
X		Jennifer McLeod	A	Y									
X		Lana Causley	Y	Y									
X		Cath Hollowell	Y	Y									
X		Bridgett Sorenson	2Y	1Y									
X		Keith Massaway	N	2Y									
X		Denise Chase	Y	N									
X		Darcy Morrow	Y	N									
	X	Charles Matson	---	---									
X		Aaron Payment											

- 1 = Made Motion
- 2 = Second/Support Motion
- Y = Voted Yes
- N = Voted No
- A = Abstained
- U = Unanimous



RESOLUTION NO: 2019-144

**TECHNICAL AMENDMENT TO TRIBAL CODE CHAPTER 71:
CRIMINAL OFFENSES
&
TRIBAL CODE CHAPTER 36: JUVENILE CODE**

Min Waban Dan

-LEGALIZATION OF MARIJUANA-

Administrative Office

523 Ashmun Street

Sault Ste. Marie
Michigan
49783

WHEREAS, the legalized personal use and possession of a limited amount of marijuana is scheduled to become effective on Sault Ste. Marie Tribe of Chippewa Indians' lands on May 15, 2019; and

Phone

906.635.6050

Fax

906.635.4969

WHEREAS, the Board of Directors has directed that staff review all tribal systems to ensure smooth implementation of legalized personal use and possession of a limited amount of marijuana; and

WHEREAS, staff has identified that Tribal Code Chapter 71: Criminal Offenses and Tribal Code Chapter 36: Juvenile Code would better implement the legalized personal use and possession of a limited amount of marijuana with a series of technical amendments.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby amends Tribal Code Chapter 71: Criminal Offenses and Tribal Code Chapter 36: Juvenile Code as attached:

Government Services


BE IT FURTHER RESOLVED, that Executive Staff is directed to immediately change all tribal policies in accordance with this code.

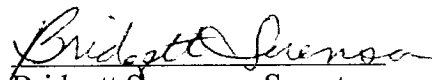
Membership Services

CERTIFICATION

Economic Development Commission

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 12 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 14 day of May 2019; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 8 members for, 2 members against, 1 members abstaining, and that said resolution has not been rescinded or amended in any way.


Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians


Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians

TRIBAL CODE CHAPTER 71: CRIMINAL OFFENSES

SUBCHAPTER XVI: CONTROLLED SUBSTANCES AND RELATED OFFENSES

71.1601 Furnishing Marijuana –REPEALED.

71.1602 Possession or Furnishing of Narcotics.

(1) Offense. A person commits the offense of possession or furnishing of narcotics, if he knowingly possesses, manufactures, transports, sells, consumes, uses, cultivates or trades in any drug or other substances identified or defined as a "controlled substance" under the provisions of P.A. 1978, No. 368, of the State of Michigan, as amended to the date of the offense, except marijuana.

(2) Sentence. A person convicted of the offense of possession or furnishing of narcotics may be sentenced to imprisonment for a period not to exceed one (1) year, a fine not to exceed \$5,000.00, or both.

(3) It shall not be an offense under this section, or any other section of this Chapter, to possess, use, or administer an Opioid Antagonist. In this Section, "Opioid Antagonist" means naloxone hydrochloride or any other similarly acting and equally safe drug approved by the federal food and drug administration for the treatment of drug overdose.

71.1603 Possession of Marijuana –REPEALED.

71.1604 Inhaling Toxic Vapors.

(1) Offense. A person commits the offense of inhaling toxic vapors, if he, for the purpose of becoming intoxicated or subjecting himself to the influence of them, willfully inhales the vapors or fumes of paint, gasoline, glue or any other substance producing intoxicating fumes or vapors.

(2) Sentence. A person convicted of inhaling toxic vapors may be sentenced to imprisonment for a period not to exceed six (6) months, a fine not to exceed \$2,000.00, or both.

71.1605 Misuse of Prescription Medication –REPEALED.

71.1606 Possession or Use of Medication without Prescription. It shall be unlawful for any person to possess or use, without a valid prescription from a medical doctor, a controlled substance, as defined by the Controlled Substance Act of 1970, as amended from time to time (21 U.S. Code § 801 et. seq.) and any substance listed in Schedule 1 (MCL 333.7212) or Schedule 2 (MCL 333.7214) of the Michigan Uniform Controlled Substance Act, as they may from time to time be amended. Possession or personal use of marijuana is not prohibited by this subsection.

(1) Offense. It shall be unlawful for any person to misuse a prescription medication by using it in a way not intended or not consistent with the directions of the prescribing doctor. Misuse includes but is not limited to: use in higher dose than prescribed; crushing pills to inject, inhale or drink; use of a medication prescribed to another individual; or taking a medication to feel euphoria or achieve a "high".

(2) Prescription Fraud. It shall be unlawful for any person to obtain, or attempt to obtain, a prescription for medication on behalf of another person, or to induce another person to attempt to obtain a prescribed medication on his or her behalf.

(3) Prescription Inhalation. Any person who, for the purpose of causing a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulling of the senses or nervous system, intentionally smells or inhales fumes of any chemical agent, is guilty of a violation of this section.

(4) Upon conviction of violating any of the above subsections, the offender may be sentenced to imprisonment of not more than six (6) months, payment of a fine not to exceed \$5,000.00, or both.

71.1607 Permitted Possession and Use of Marijuana. The following acts by a person at least 21 years of age shall not constitute criminal or civil offenses except as expressly prohibited under this Chapter or other Tribal law. Further, these acts are not: (i) grounds for seizure or forfeiture of property, (ii) grounds for arrest, prosecution, or penalty in any manner, (iii) grounds for search or inspection, and (iv) grounds to deny any other right or privilege:

(1) Possessing, using or consuming, internally possessing, purchasing, transporting, or processing 2.5 ounces or less of marijuana, except that not more than 15 grams of marijuana may be in the form of marijuana concentrate;

(2) Within the person's residence, possessing, storing, and processing not more than 10 ounces of marijuana and any marijuana produced by marijuana plants cultivated on the premises and cultivating not more than 12 marijuana plants for personal use, provided that no more than 12 marijuana plants are possessed, cultivated, or processed on the premises at once;

(3) Giving away or otherwise transferring without remuneration to a person at least 21 years of age or older up to 2.5 ounces of marijuana, except that not more than 15 grams of marijuana may be in the form of marijuana concentrate, provided that the transfer is not advertised or promoted to the public.

71.1608 Possession and Use of Marijuana in Excess of Authorized Amounts.

(1) Offense. A person commits this offense if they, being a person 21 years of age or older, possess, use, consume, internally possess, purchase, transport, give away, transfer without remuneration, or process marijuana over the established limits outlined above

(2) A Person Convicted of Possession and Use of Marijuana in Excess of Authorized Amounts may be sentenced to Imprisonment for a period not to exceed three (3) months, a fine of up to \$1000.00, or both

71.1609 Distribution to a Person under 21 years of Age.

(1) Offense. A person commits this offense if they, being a person at least 21 years of age sell, give, distribute, or help any person under 21 years of age possess, consume, purchase or otherwise obtain marijuana or marijuana accessories, .

(2) Sentence. A person convicted of Distribution to a Person Under 21 Years of Age may be sentenced to imprisonment for a period not to exceed one (1) year, a fine not to exceed \$5,000.00, or both.

71.1610 Possession or Use by a Person between 18 and 21 Years of Age.

(1) Offense. A person commits this offense if they being a person under 21 years of age, but at least 18 years old, who possess, purchase, consume, obtain, or sell marijuana or marijuana accessories At sentencing, the Judge shall order the defendant to complete a mandatory substance abuse assessment.

(2) Sentence. A person convicted of Possession or Use by a Person between 18 and 21 Years of Age may be sentenced to imprisonment for a period not to exceed three (3) months, a fine not to exceed \$500.00, or both. The Judge shall also order the Defendant to complete a mandatory substance abuse assessment.

71.1611 Marijuana Accessories. Notwithstanding any other law or provision of this Code, except as otherwise provided in Section 71.1603, the use, manufacture, possession, and purchase of marijuana accessories by a person 21 years of age or older and the distribution or sale of marijuana accessories to a person 21 years of age or older is (i) authorized, (ii) not unlawful, (iii) not an offense, (iv) not grounds for seizing or forfeiting property, (v) not grounds for arrest, prosecution, or penalty in any manner, and (vi) not grounds to deny any other right or privilege.

71.1612 Marijuana Possession or Use Near School and Play Grounds Prohibited. Marijuana products may not be consumed, possessed, or used within, in or on,, the real property comprising a public or private elementary, vocational, or secondary school, or a public or private college, junior college, or university, or a playground, a public or private park, or other community recreational area. Any violation of this subsection shall constitute a civil infraction punishable by a fine not to exceed \$75.00.

71.1613 Marijuana Possession or Use in Public Areas or Public View Prohibited. Marijuana products may not be consumed, possessed, or used within, in or on, or within any public place, or possess marijuana within the public view. Public view includes, but is not limited to, carrying marijuana on the body of a person where it is visible to the public. Public places include, but are not limited to: tribal government offices, tribal medical and wellness facilities, tribal businesses and enterprises (except for those authorized to sell marijuana), tribal schools, tribal gymnasiums, tribal parking lots, tribal government vehicles, tribally-owned open spaces. Any violation of this subsection shall constitute a civil infraction punishable by a fine not to exceed \$75.00.

71.1614 Permitted Manufacture, Process and Sale of Marijuana Limited to Tribal Enterprises. Wholly owned enterprises of the Sault Ste. Marie Tribe of Chippewa Indians are the only authorized entities which may engage in the manufacture, process, packaging, delivery, distribution, or sale of marijuana, but solely to the extent provided under the laws of the Sault Ste. Marie Tribe of Chippewa Indians.

71.1615 Operating a Vehicle. This Section does not authorize operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat while under the influence of marijuana.

71.1616 Custody and Visitation. A person shall not be denied custody or visitation with a minor for conduct that is permitted by this act, unless the person's behavior is such that it creates a risk of harm to the minor that can be clearly articulated and substantiated.

71.1617 Vacating Offenses. All past marijuana convictions now authorized by these Sections may be set aside pursuant to Tribal Code Chapter 77.

TRIBAL CODE CHAPTER 36: JUVENILE CODE

SUBCHAPTER VIII: PROVISIONS RELATING TO ALCOHOL AND DRUGS

36.811 Possession or Use of Marijuana by a Minor. Any person under 18 years of age who possesses, purchases, consumes, obtains, or sells marijuana or marijuana accessories shall be guilty of violating this Code, and may be sentenced to one or more of the following penalties listed below. At sentencing, the Judge shall order the defendant to complete a mandatory substance abuse assessment.

(1) Payment of a fine not to exceed \$500;

(2) If the minor completes all sentencing requirements, the Judge retains the discretion to dismiss all charges against the minor.



RESOLUTION NO: 2019-145

**APPROVING 2019
PLAN DOCUMENT AND SUMMARY PLAN DESCRIPTION
SAULT TRIBE INSURANCE DEPARTMENT**

Min Waban Dan

**Administrative
Office**

523 Ashmun Street

Sault Ste. Marie

Michigan

49783

Phone

906.635.6050

Fax

906.635.4969

**Government
Services**

**Membership
Services**

**Economic
Development
Commission**

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Sault Ste. Marie Tribe of Chippewa Indians hereby approves the Plan Document and Summary Plan Description as set forth by the Sault Tribe Insurance Department, for the administration of the Tribe's Employee Health Plan commencing effective July 1, 2019.

BE IT FURTHER RESOLVED, that this Board of Directors approves the distribution and communication plans as set forth by the Insurance Department.

CERTIFICATION

We, the undersigned, as Chairperson and Secretary of the Sault Ste. Marie Tribe of Chippewa Indians, hereby certify that the Board of Directors is composed of 13 members, of whom 12 members constituting a quorum were present at a meeting thereof duly called, noticed, convened, and held on the 14 day of May 2019; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 8 members for, 3 members against, 0 members abstaining, and that said resolution has not been rescinded or amended in any way.

Aaron A. Payment, Chairperson
Sault Ste. Marie Tribe of
Chippewa Indians

Bridgett Sorenson, Secretary
Sault Ste. Marie Tribe of
Chippewa Indians