



The Confederated Tribes of the Colville Reservation Office of the Reservation Attorney

Phone Number 2381/2389 – Fax Number 2387



Pursuant to CBC Procedural Rule 3, the Colville Business Council is seeking public comment as to whether to legalize the possession of small amounts of marijuana on the reservation. The CBC will make a final decision based on the comments it receives. Please submit all comments to:

CCT ORA-Code Reviser
P.O. Box 150
Nespelem, WA 99155

Phone: (509) 634-2389
Fax: (509) 634-2387
E-mail: codeamend@colvilletribes.com

The deadline for submitting comments is May 19, 2015. Tribal members are encouraged to submit comments, and all comments are welcome. Please make your opinion known!

MARIJUANA FACT SHEET

- 1. Growing marijuana and possessing marijuana are still crimes under federal law.**
2. The State of Washington has legalized growing marijuana by licensed growers, and it has legalized possession by individuals of up to one ounce of marijuana for personal use.
3. Although growing and possessing marijuana in Washington are still crimes under federal law, the federal government has agreed to hold off on enforcing federal law in Washington as long as the state maintains very strict controls on how and where marijuana is grown and sold.
 - This policy is subject to change. The federal government could resume prosecuting all marijuana offenses at any time, including throughout the State of Washington.
4. The possession of more than an ounce of marijuana, the production of marijuana without a license, and the possession of marijuana by anyone under the age of 21 *remain crimes* in the State of Washington.
5. Both growing and possessing marijuana are currently illegal under tribal law.
6. Currently, if a tribal member and a non-Indian are both found to possess under an ounce of marijuana on the reservation, the tribal member will be arrested, but the non-Indian cannot be charged with a crime.
7. The proposed amendment to sections 3-1-175, 178, and 180 of the Colville Tribal Code would legalize the possession of small amounts of marijuana, as well as the use of marijuana pipes and other devices (paraphernalia) on the reservation, in the same amounts as are now allowed under Washington state law.
8. The proposed amendment to the Colville Tribal Code would *not* legalize the growing or selling of marijuana on the reservation. Growing and selling marijuana on the reservation would remain illegal under both tribal and federal law.
9. The proposed amendment would *not* legalize the possession of marijuana by persons under 21 years of age. Possession of marijuana by underage persons would remain illegal under tribal, federal, and Washington state law.

10. The proposed amendment would *not* legalize the use of marijuana in the places of employment. All restrictions on drugs and alcohol in the workplace would remain in effect.
11. The proposed amendment would *not* affect laws regarding DUI/DWI. Driving while impaired by the influence of any substance, whether alcohol or drugs, whether prescription, legal, or illegal, will remain a crime.
12. The proposed amendment would *not* permit recipients of TANF funds or of HUD housing through the Colville Indian Housing Authority to begin using marijuana. Both TANF and HUD depend on compliance with federal guidelines, which as a rule prohibit the use of any drugs prohibited under federal law. Possessing marijuana is still a felony under federal law, and will still be prohibited in all HUD housing contracts.
13. The proposed amendment will *not* change current Colville Indian Housing Authority enforcement practices.
14. The proposed amendment constitutes full legalization, not de-criminalization. The difference between legalization and de-criminalization is as follows:
- Under legalization (the proposed amendment), there would be no penalty at all, either civil or criminal, for persons 21 years of age or older for possessing under an ounce of marijuana.
 - Under de-criminalization (not currently proposed), there would be no *criminal* charge for possessing under an ounce of marijuana (that is, a person could not be sent to jail), but possession would still constitute a *civil* infraction (like a speeding ticket), and would be applicable to both tribal members and non-Indians alike. As a civil infraction, fines would be charged, instead of jail time, as a deterrent to prevent the use of marijuana on the reservation.
15. The proposed amendment will *not* affect the Tribes' eligibility for federal grant money. However, federal grant money could be brought into question if the Tribes were to license the growing or distribution of marijuana on the reservation.
16. The proposed amendment is based upon the assumption that the federal government will continue to refrain from enforcing federal law within the State of Washington.
- This policy is subject to change. The federal government could resume prosecuting all marijuana offenses at any time.

The Colville Business Council would like to receive your comments on whether or not to legalize the possession of marijuana on the reservation. All comments are welcomed and encouraged. Please submit all comments to:

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