

**WAGANAKISING ODAWAK STATUTE 2011-002**  
**MEDICAL MARIJUANA PATIENT PROTECTION**

**SECTION I. SHORT TITLE**

This Statute shall be cited as the ‘LTBB Medical Marijuana Patient Protection Act.’

**SECTION II. PURPOSE**

The purpose of this Statute is to provide protection for LTBB Tribal Citizens or others that would otherwise be approved under State of Michigan law for patient utilization of medical marijuana.

**SECTION III. DEFINITIONS**

A. “Qualifying patient” means a person who has been diagnosed by a physician as having a debilitating medical condition and who has been issued and possesses a State of Michigan registry identification card.

B. “Tribal Lands” means property either owned or leased by the Tribe or property that is held in trust for the benefit of the Tribe.

C. The “Tribe or LTBB” shall mean the Little Traverse Bay Bands of Odawa Indians.

**SECTION IV. LTBB TRIBAL CODE**

A. It shall be legal for Tribal Citizens and others on Tribal lands to obtain, possess, transport, manufacture or use medical marijuana, provided the following:

1. The individual is a qualifying patient and has been issued and possesses a registry identification card under applicable laws of the State of Michigan;

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2. The individual is a caregiver as authorized under State of Michigan law, to obtain, possess, transport within the State of Michigan, or manufacture medical marijuana from obtaining, possessing, transporting within Tribal Lands, or manufacturing medical marijuana on an qualifying patient's behalf; or

3. Is a pharmacy or other entity authorized under State of Michigan law, to distribute medical marijuana to qualifying patients from obtaining, possessing or distributing medical marijuana to such qualifying patients on Tribal Lands.

**B.** No provision of the Tribal Code shall prohibit or otherwise restrict an entity authorized by the State of Michigan, in which medical marijuana may be prescribed or recommended by a physician for medical use, for the purpose of producing medical marijuana for prescription or recommendation by a physician for medical use from producing, processing, or distributing medical marijuana for such purpose.

#### **SECTION V. RELATION TO CERTAIN PROHIBITIONS OF SMOKING**

This Statute does not affect any Tribal law regulating or prohibiting smoking in public.

#### **SECTION VI. REGULATIONS**

Any regulations promulgated as necessary to carry out the intent of this Statute shall be submitted to Tribal Council for approval.

#### **SECTION VII. SEVERABILITY**

If any section, subsection, paragraph, sentence, phrase or portion of this Statute is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

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**SECTION VII. EFFECTIVE DATE**

Effective upon signature of the Executive or thirty (30) days from Tribal Council approval which ever comes first or if the Executive vetoes the legislation, then upon Tribal Council override of the veto.

**CERTIFICATION**

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Statute was duly passed by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on January 9, 2011 at which a quorum was present, by a vote of 8 in favor, 0 opposed, 0 abstentions, and 1 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Marvin Mulholland				X
Belinda Bardwell	X			
Melvin L. Kiogima	X			
Gerald V. Chingwa	X			
Rita Shananaquet	X			
Aaron Otto	X			
John Bott	X			
Regina Gasco Bentley	X			
Julie Shananaquet	X	1		

Date: 1-9-11

Julie A. Shananaquet, Legislative Leader

Date: 1-9-11

Regina Gasco Bentley, Secretary

Received by the Executive Office on 1-10-11 by \_\_\_\_\_

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: 2-8-11

Ken Harrington, Tribal Chairperson