

# TABLED

Cherokee Council House  
Cherokee, North Carolina

JAN 04 2024

Date

Ordinance No. 63 (2023)

WHEREAS, the Charter and Governing Document authorizes and empowers the Eastern Band of Cherokee Indians (EBCI) Tribal Council to adopt laws and regulations for the general government of the Tribe. Charter and Governing Document, sect. 23 (Sept. 5, 1995) *see also* C.C. §117-10.

WHEREAS, on August 16, 2021, Tribal Council established a medical marijuana code. EBCI Ordinance No. 539 (Aug. 16, 2021) codified at C.C. Ch. 17.

WHEREAS, on March 15, 2022, Tribal Council amended the medical marijuana code. EBCI Ordinance No. 138 (2022) codified at C.C. Ch. 17.

WHEREAS, on September 7, 2023, EBCI registered voters overwhelmingly (70% voting in favor) approved adult use cannabis on the Qualla Boundary for individuals 21 and over.

WHEREAS, Tribal Council is following through with the People's vote and amends Cherokee Code, Ch. 17 to allow for adult use.

NOW THEREFORE BE IT ORDAINED in Council assembled at which a quorum is present that the Tribal Council amends Cherokee Code Chapter 17, as follows in EXHIBIT A.

BE IT FURTHER ORDAINED the Ordinance provisions that amend or adopt new sections of the Cherokee Code shall be codified by the Department of Justice. The Department of Justice shall incorporate such amended provisions in the next codification of the Cherokee Code.

BE IT STILL FURTHER ORDAINED should any provision of this Ordinance be determined invalid by the Cherokee Supreme Court, or the Cherokee Court without appeal to the Cherokee Supreme Court, or any other court of competent jurisdiction, those portions of this Ordinance which are not determined invalid shall remain the law of the Eastern Band of Cherokee Indians

BE IT FINALLY ORDAINED that any resolution or ordinance in conflict are rescinded and that this ordinance shall become effective upon ratification.

*Submitted By: Tribal Council*