



# SQUAXIN ISLAND TRIBE

RESOLUTION NO. 16-42

of the

## SQUAXIN ISLAND TRIBAL COUNCIL

**WHEREAS**, the Squaxin Island Tribal Council is the Governing Body of the Squaxin Island Tribe, its members, its lands, its enterprises and its agencies by the authority of the Constitution and Bylaws of the Squaxin Island Tribe, as approved and adopted by the General Body and the Secretary of the Interior on July 8, 1965; and

**WHEREAS**, under the Constitution, Bylaws and inherent sovereignty of the Tribe, the Squaxin Island Tribal Council is charged with the duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources and rights of the Tribe; and

**WHEREAS**, the Tribe is a federally-recognized Indian Tribe possessing reserved powers, including the powers of self-government; and

**WHEREAS**, the Squaxin Island Tribal Council has been entrusted with the creation of ordinances and resolutions in order to fulfill their duty of protecting the health, security, education and general welfare of tribal members, and of protecting and managing the lands and treaty resources of the Tribe; and

**WHEREAS**, the Tribe is a party to the Marijuana Compact between the Squaxin Island Tribe and the State of Washington, effective September 30, 2015 ("the Compact"); and

**WHEREAS**, in conformance with the terms of the Compact, the Tribal enterprise Island Enterprises Retail LLC operates the marijuana retailer "Elevation" on Tribal lands; and

**WHEREAS**, significant changes in state law regarding the sale of medical marijuana come into effect July 1, 2016; and

**WHEREAS**, the Tribe believes it desirable that Elevation or other Tribal enterprises be able to sell medical marijuana to qualifying patients on the same terms as medically endorsed state retailers; and

**WHEREAS**, the Tribe has recently approved a Compact amendment and memorandum of agreement ("MOA") to allow access to the state medical marijuana database which will improve Elevation's ability to verify patients' eligibility for medical marijuana;

**WHEREAS**, certain code changes are necessary to implement the MOA and transition to medical sales;

**NOW THEREFORE BE IT RESOLVED**, the attached amendments to Resolution No. 15-57 are adopted effective July 1, 2016.

**CERTIFICATION**

The Squaxin Island Tribal Council hereby certifies that the foregoing Resolution was adopted at the regular meeting of the Squaxin Island Tribal Council, held on this 23<sup>rd</sup> day of June, 2016, at which time a quorum was present and was passed by a vote of 4 for and 0 against, with 0 abstentions.

  
\_\_\_\_\_  
David Lopeman, Chairman

Attested by:   
\_\_\_\_\_  
Charlene Krise, Secretary

  
\_\_\_\_\_  
Arnold Cooper, Vice Chairman

### 9.12.025 Definitions.

In this code, unless a different meaning is plainly required or otherwise specified:

"Acted" includes, where relevant, omitted to act.

"Actor" includes, where relevant, a person failing to act.

"Authorization" shall have the same meaning as under 6.52.010 of this Code.

"Benefit" is gain or advantage to the beneficiary, including any gain or advantage to a third person pursuant to the desire or consent of the beneficiary.

"Bodily injury" or "physical injury" means physical pain, illness, or an impairment of physical condition.

"Building," in addition to its ordinary meaning, includes any dwelling, fenced area, vehicle, railway car, cargo container, or any other structure used for lodging of persons or for carrying on business therein, or for the use, sale or deposit of goods; each unit of a building consisting of two or more units separately secured or occupied is a separate building.

"Council" or "Tribal Council" means the Squaxin Island Tribal Council.

"Court" or "Tribal Court" means the Squaxin Island Tribal Court, including the Court of Appeals.

"Deadly weapon" means any explosive or loaded or unloaded firearm, and shall include any other weapon, device, instrument, article, or substance, including a vehicle as defined in this section, which, under the circumstances in which it was used, attempted to be used, or threatened to be used, is readily capable of causing death or serious bodily injury.

"Designated provider" shall have the same meaning as under 6.52.010 of this Code.

"Dwelling" means any building or structure, though movable or temporary, or a portion thereof, which is used or ordinarily used by a person for lodging.

"Government" includes any branch, subdivision, or agency of the Squaxin Island Tribal Government, or the United States Government.

"Government function" includes an activity that a public servant is legally authorized or permitted to undertake on behalf of a government.

"Includes" or "including" means includes but is not limited to.

"Indian country," consistent with the meaning given in 18 U.S.C. 1151 means:

1. All land within the limits of the Squaxin Island Indian Reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation; and
2. All Indian allotments or other lands held in trust for a Squaxin Island Tribal member or the Tribe, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

"Indicted" and "indictment" include "informed against" and "information," and "informed against" and "information" include "indicted" and "indictment".

"Judge" includes every judicial officer or court officer authorized alone, or with others, to hold or preside over a court.

"Malice" and "maliciously" shall import an evil intent, wish, or design to vex, annoy, or injure another person. Malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

"Marijuana," "marihuana," "marijuana concentrates," "marijuana-infused products" and "medical marijuana authorization database" shall have the same meaning as under 6.52.010 of this Code.

~~"Marijuana," "marihuana," "marijuana concentrates," "marijuana-infused products," "useable marijuana", and "THC concentration" shall have the same meaning as under Section 6.52.010 of this code.~~

"Officer" and "public officer" means a person holding office under tribal government, or in the federal government who performs a public function and in so doing is vested with the exercise of some sovereign power of government, and includes all assistants, deputies, clerks and employees of any public officer and all persons lawfully exercising or assuming to exercise any of the powers or functions of a public officer.

"Omission" means a failure to act.

"Peace officer" means a duly appointed or authorized, tribal or federal law enforcement officer.

"Pecuniary benefit" means any gain or advantage in the form of money, property, commercial interest, or anything else the primary significance of which is economic gain.

"Person," "he," "she" or "actor" include any natural person and, where relevant, a corporation, association, partnership, and other similar entities.

"Place of work" includes but is not limited to all the lands and other real property of a farm or ranch in the case of an actor who owns, operates, or is employed to work on such a farm or ranch.

"Prison" means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including but not limited to any federal, state, or tribal correctional institution or juvenile detention center, or any county, city, or tribal jail or juvenile detention center.

"Prisoner" includes any person held in custody under process of law, or under lawful arrest.

"Property" means anything of value, whether tangible or intangible, real or personal.

"Public servant" means any person other than a witness who presently occupies the position of or has been elected, appointed, or designated to become an officer or employee of government, including a legislator, judge, judicial officer, juror, and any person participating as an advisor, consultant, or otherwise in performing a governmental function.

"Qualifying patient" shall have the same meaning as under 6.52.010 of this Code.

"Recognition card" shall have the same meaning as under 6.52.010 of this Code.

"Signature" includes any memorandum, mark, or sign made with intent to authenticate any instrument or writing, or the subscription of any person thereto.

"Statute" means the Tribal Constitution or an act of the Tribal Council or General Council.

"THC concentration" shall have the same meaning as under 6.52.010 of this Code.

"Threat" means to communicate, directly or indirectly, the intent:

1. To cause bodily injury in the future to the person threatened or to any other person; or
2. To cause physical damage to the property of a person other than the actor; or
3. To subject the person threatened or any other person to physical confinement or restraint; or
4. To accuse any person of a crime or cause criminal charges to be instituted against any person; or
5. To expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt, or ridicule; or
6. To reveal any information sought to be concealed by the person threatened; or
7. To testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or
8. To take wrongful action as an official against anyone or anything, or wrongfully withhold official action, or cause such action or withholding; or
9. To bring about or continue to strike, boycott, or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or
10. To do any other act which is intended to harm substantially the person threatened or another with respect to his or her health, safety, business, financial condition, or personal relationships.

"Tribe" means the Squaxin Island Tribe.

"Useable marijuana" shall have the same meaning as under 6.52.010 of this Code.

"Vehicle" means a "motor vehicle" as defined in the vehicle and traffic laws, any aircraft, or any vessel equipped for propulsion by mechanical means or by sail.

Words in the present tense shall include the future tense; and in the masculine shall include the feminine and neuter genders; and in the singular shall include the plural; and in the plural shall include the singular.

(Res. 07-31 § 36; Res. 02-129 (part))(Res. No. 15-57, § 3, 9-11-15)

#### **9.12.905 Minor consuming liquor.**

- A. No person under twenty-one (21) years of age shall consume any liquor or marijuana.
- B. "Consume" means the act of consuming liquor or marijuana, the condition of having consumed liquor or marijuana, and the condition of being under the influence of liquor or marijuana.
- C. Any violation of this section is a misdemeanor.

D. This Section shall not apply to the consumption of marijuana by a qualifying patient with a valid recognition card who possesses and consumes no more marijuana than is consistent with his or her authorization.

(Res. 02-129 (part))(Res. No. 15-57, § 6, 9-11-15)

#### **9.12.910 Opening or consuming liquor in a public place.**

- A. No person shall open a package containing liquor or marijuana or consume liquor or marijuana in a public place as defined under SITC Section 9.12.915.

B. Notwithstanding subsection (A), the Tribe may permit the consumption of liquor in such public places as it may identify for that purpose, provided such action is in conformance with all applicable law, including that memorandum of agreement between the Squaxin Island Tribe and the Washington State Liquor Control Board Concerning Authorization of Liquor Sales.

C. Any violation of this section is a misdemeanor.

(Res. 02-129 (part))(Res. No. 15-57, § 7, 9-11-15)

#### **9.12.1005 Substances which are illegal without a valid prescription.**

Any substance that contains any quantity of a chemical that falls within the following categories is illegal to possess without a valid prescription. The full list of chemicals contained within these categories can be found in the Uniform Controlled Substances Act. If there is any doubt as to whether a substance is illegal or not, the Court shall be guided by the provisions of the Uniform Controlled Substances Act.

A. Illegal Substances.

1. Opiates including but not limited to substances commonly known as opium, heroin, morphine, methadone, and codeine;
2. Hallucinogenic substances including but not limited to substances commonly known as MDA, LSD, PCP, mescaline, peyote, and psilocybin;
3. Cocaine in any form including but not limited to the powder and the rock or "crack" form;
4. Depressants including but not limited to methaqualone, diazepam (Valium), secobarbital, and pentobarbital; and
5. Stimulants including but not limited to any form of amphetamine.

The chemical composition of a substance may be proved by any acceptable method of identification, including but not limited to identification by a trained law enforcement officer, field tests, laboratory tests, or trained canine officer.

B. The possession, by a person twenty-one (21) years or older, of useable marijuana, marijuana concentrates, or marijuana infused products in amounts that do not exceed those set forth in ~~Section 6.52.030(C)~~ ~~or (D)~~ of this code is not a violation of this section, this title, or any other provision of Tribal law.

C. The possession by a qualifying patient or designated provider who has been entered into the medical marijuana authorization database and holds a valid recognition card for useable marijuana, marijuana concentrates, or marijuana infused products in amounts that do not exceed those set forth in 6.52.030(D) of this Code is not a violation of this section, this Title, or any other provision of Tribal law.

D. A person who is both a qualifying patient and a designated provider for another qualifying patient may possess no more than twice the amounts described in 6.52.030(D) of this Code for the qualifying patient and the designated provider, whether the marijuana concentrates, useable marijuana or marijuana-infused products are possessed individually or in combination between the qualifying patient and his or her designated provider.

~~E.~~ The Tribe shall assert no violation of any lease, sublease, or similar instrument on the basis of a tenant's actions in compliance with this chapter, whether or not such instrument was effective before

or after the enactment of the resolution from which this chapter is derived, except to the extent such instrument explicitly references this chapter and states an intent to prohibit tenant conduct otherwise permitted by this chapter.

(Res. 02-129 (part))(Res. No. 15-57, § 4, 9-11-15)

**9.12.1010 Illegal drugs.**

- A. Any person who possesses for personal use or grows or manufactures for personal use any of the substances listed in Section 9.12.1005 is guilty of a gross misdemeanor.
- B. Any person who grows, manufactures, delivers, or possesses with intent to sell, deliver, or manufacture, any of the substances listed in Section 9.12.1005 shall be guilty of a felony. The term "manufacture" shall not apply to growing for personal use.
- C. Any person who creates, delivers, or possesses a counterfeit illegal drug shall be guilty of a felony. A counterfeit illegal drug is a substance which, although not in fact containing any illegal drug, or not in fact containing the drug it purports to contain, was intended to be understood by others to be a substance listed in Section 9.12.1005.
- D. Any person who offers, arranges, or negotiates for the delivery of an illegal drug listed in Section 9.12.1005 and then delivers any other substance in lieu of an illegal drug listed in Section 9.12.1005 shall be guilty of a felony.
- E. The production, manufacture, processing, packaging, delivery, distribution, sale, or possession of marijuana, marijuana concentrates, useable marijuana, or marijuana-infused products in compliance with that chapter established under Chapter 6.48 of this code and SITC Section 9.12.1005 shall not constitute a violation of this section, this title, or any other provision of Tribal law. The production, manufacture, processing, packaging, delivery, distribution, sale, or possession of marijuana in a manner not substantively in compliance with that Chapter established under Section 19-21 of this Resolution and SITC Section 9.12.1005 shall be a crime punishable under subsections A through D of this section as if marijuana were an illegal substance identified under Section 9.12.1005.

(Res. 02-129 (part))(Res. No. 15-57, § 5, 9-11-15)

**9.12.1020 Distribution of alcohol, marijuana, or drugs to children.**

- A. A person is guilty of distribution of alcohol, marijuana or drugs to children if he or she sells, barter or gives to a child under the age of twenty-one (21) years any alcoholic beverage, marijuana, narcotic drugs, or any controlled substance, or if he or she allows a child under the age of twenty-one (21) years to use such substance on his or her property.
- B. Distribution of alcohol, marijuana or drugs to children is a gross misdemeanor.
- C. This Section shall not apply to the distribution of marijuana by a designated provider to a qualifying patient with a valid recognition card or to a person who allows a qualifying patient with a valid recognition card to use marijuana on that person's property.

(Res. 02-129 (part))

### 9.12.1025 Use of drug paraphernalia.

- A. A person is guilty of use of drug paraphernalia if he or she uses drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.
- B. RCW 69.50.102 as presented and enacted and as may be subsequently amended, shall be referred to by the Court as guidance on how to define "drug paraphernalia." Health professionals may lawfully distribute "drug paraphernalia" for public and private health purposes.
- C. The use of paraphernalia for activities otherwise lawful under Tribal law shall not be a violation of this section.

\_\_\_\_\_(Res. 02-129 (part))

## Chapter 6.52 MARIJUANA <sup>[3]</sup>

### 6.52.010 Definitions.

When used in this chapter, unless the context clearly requires otherwise,

"authorization," "designated provider," "marijuana," "marihuana," "marijuana concentrates," "marijuana-infused products," "medical marijuana authorization database," "qualifying patient," "recognition card," "THC concentration," and "useable marijuana" shall have the same meaning as in RCW 69.50.101 and RCW 69.51A.010.

~~"Marijuana" or "marihuana" means all parts of the plant cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.~~

~~"Marijuana concentrates" means products consisting wholly or in part of the resin extracted from any part of the plant cannabis and having a THC concentration greater than sixty (60) percent.~~

~~"Marijuana-infused products" means products that contain marijuana or marijuana extracts and are intended for human use. The term "marijuana-infused products" does not include useable marijuana.~~

~~"THC concentration" means nanograms of delta-9 tetrahydrocannabinol per milliliter of a person's whole blood. THC concentration does not include measurement of the metabolite THC-COOH, also known as carboxy-THC.~~

~~"Useable marijuana" means dried marijuana flowers. The term "useable marijuana" does not include marijuana-infused products.~~



(Res. No. 15-57, §§ 2, 21, 9-11-15)

**6.52.030 Permitted acts.**

The following acts, when performed by a wholly owned enterprise of the Tribe or its employee in compliance with Tribal Law, shall not constitute criminal or civil offenses under Tribal law:

- A. Purchase and receipt of useable marijuana, marijuana concentrates, or marijuana-infused products that have been properly packaged and labeled from a wholly owned enterprise of the Tribe or a state-licensed producer or processor;
- B. Possession of useable marijuana, marijuana concentrates, or marijuana-infused products;
- C. Delivery, distribution, and sale of any combination of the following amounts of useable marijuana, marijuana concentrates, or marijuana-infused product to any person twenty-one (21) years of age or older:
  - 1. One ounce of useable marijuana;
  - 2. Sixteen (16) ounces of marijuana-infused product in solid form;
  - 3. Seventy-two (72) ounces of marijuana-infused product in liquid form; or
  - 4. Seven grams of marijuana concentrates.
- D. ~~Effective July 1, 2016, d~~Delivery, distribution, and sale of any combination of the following amounts of useable marijuana, marijuana concentrates, or marijuana-infused product to a qualifying patient or his or her designated provider, ~~as those terms are defined under chapter 69.51A RCW~~, if the patient or provider is in possession of a valid authorization and recognition card, ~~as defined under RCW 69.51A.010~~, and the patient is recorded in ~~that the medical marijuana authorization database established under Section 21 of Chapter 70, Laws of 2015, Washington State (2SSB 5052)~~ and the qualifying patient and designated provider comply with subsection (E) of this section:
  - 1. Forty-eight (48) ounces of marijuana-infused product in solid form;
  - 2. Three ounces of useable marijuana;
  - 3. Two hundred sixteen (216) ounces of marijuana-infused product in liquid form; or
  - 4. Twenty-one (21) grams of marijuana concentrates.
- E. ~~Qualifying patients under the age of eighteen may enter or remain on the premises of a marijuana retailer if they are in the presence of their designated provider, but may not purchase products for their personal medical use. Qualifying patients eighteen years of age and older may enter and remain on the premises of a marijuana retailer and purchase products for their personal medical use. Except as explicitly stated otherwise in this subsection, no person under the age of twenty one may enter or remain on the premises of a marijuana retailer.~~
- F. Producing, processing, packaging, and labeling marijuana, useable marijuana, and marijuana-infused products; and
- G. ~~F.~~—Delivery, distribution, and sale of useable marijuana or marijuana-infused products to wholly owned enterprises of the Tribe or to state licensed producers, processors, or retailers.

(Res. No. 15-57, §§ 11, 21, 9-11-15)

#### 6.52.100 Taxation.

- A. There is levied a tax on the retail sale of marijuana in the amount of thirty-seven (37) percent of the selling price on each retail sale in Indian country of marijuana concentrates, useable marijuana and marijuana-infused products. This tax is separate and in addition to the sales and use tax and is not part of the measure of the sales and use tax. The tax must be paid by the buyer to the seller.
- B. All revenues from taxes levied under this section shall be dedicated to essential government services.
- C. Sales of marijuana concentrates, useable marijuana, and marijuana-infused products that are grown, produced or processed in Indian country are exempt from the tax levied under this section.

#### D. The following sales are exempt from sales tax:

1. Sales of marijuana concentrates, useable marijuana, or marijuana-infused products to qualifying patients or designated providers in possession of valid recognition cards.
2. Sales of marijuana concentrates, useable marijuana, or marijuana-infused products, identified by the Washington State Department of Health to have a low THC, high CBD ratio, and to be beneficial for medical use, to any person.

(Res. No. 15-57, §§ 18, 21, 9-11-15)

Editor's note— Res. No. 15-57, §§ 21, adopted September 11, 2015, set out provisions intended for use as Chapter 6.48. For purposes of classification, and at the editor's discretion, these provisions have been included as Chapter 6.52.(Back)

#### To be codified as a new section under Chapter 9.12 SITC.

#### A. It is unlawful for a person to knowingly or intentionally:

1. Access the medical marijuana authorization database for any reason not related to (a) adding a qualifying patient or designated provider and noting the amount of product for which the qualifying patient is authorized; (b) confirming the validity of a recognition card; (c) issuing a replacement recognition card for a card that is lost or stolen, or (d) for law enforcement officials to engage in a bona fide specific investigation of suspected marijuana-related activity that may be illegal under Tribal or state law;
2. Disclose any information received from the medical marijuana authorization database in violation of the provisions contained in RCW 69.51A.230, including but not limited to, qualifying patient or designated provider names, addresses, or the amount of marijuana for which they are authorized;
3. Produce an invalid recognition card or to tamper with a recognition card for the purpose of having it accepted by a marijuana retailer in order to purchase marijuana as a qualifying patient or designated provider.
4. If the person is a designated provider to a qualifying patient, to sell, donate, or supply marijuana produced or obtained for the qualifying patient to another person, or use the marijuana produced or obtained for the qualifying patient for the designated provider's own personal use or benefit;  
or
5. If the person is a qualifying patient, to sell donate or otherwise supply marijuana produced or obtained by the qualifying patient to another person.

#### B. A person who violates this section is guilty of a felony.

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4. To accuse any person of a crime or cause criminal charges to be instituted against any person; or

5. To expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt, or ridicule; or
6. To reveal any information sought to be concealed by the person threatened; or
7. To testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or
8. To take wrongful action as an official against anyone or anything, or wrongfully withhold official action, or cause such action or withholding; or
9. To bring about or continue to strike, boycott, or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or
10. To do any other act which is intended to harm substantially the person threatened or another with respect to his or her health, safety, business, financial condition, or personal relationships.

"Tribe" means the Squaxin Island Tribe.

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Words in the present tense shall include the future tense; and in the masculine shall include the feminine and neuter genders; and in the singular shall include the plural; and in the plural shall include the singular.

(Res. 07-31 § 36; Res. 02-129 (part))(Res. No. 15-57, § 3, 9-11-15)

**9.12.905 Minor consuming liquor.**

- A. No person under twenty-one (21) years of age shall consume any liquor or marijuana.
- B. "Consume" means the act of consuming liquor or marijuana, the condition of having consumed liquor or marijuana, and the condition of being under the influence of liquor or marijuana.
- C. Any violation of this section is a misdemeanor.
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**9.12.910 Opening or consuming liquor in a public place.**

- A. No person shall open a package containing liquor or marijuana or consume liquor or marijuana in a public place as defined under SITC Section 9.12.915.
- B. Notwithstanding subsection (A), the Tribe may permit the consumption of liquor in such public places as it may identify for that purpose, provided such action is in conformance with all applicable law, including that memorandum of agreement between the Squaxin Island Tribe and the Washington State Liquor Control Board Concerning Authorization of Liquor Sales.
- C. Any violation of this section is a misdemeanor.

(Res. 02-129 (part))(Res. No. 15-57, § 7, 9-11-15)

### **9.12.1005 Substances which are illegal without a valid prescription.**

Any substance that contains any quantity of a chemical that falls within the following categories is illegal to possess without a valid prescription. The full list of chemicals contained within these categories can be found in the Uniform Controlled Substances Act. If there is any doubt as to whether a substance is illegal or not, the Court shall be guided by the provisions of the Uniform Controlled Substances Act.

#### **A. Illegal Substances.**

1. Opiates including but not limited to substances commonly known as opium, heroin, morphine, methadone, and codeine;
2. Hallucinogenic substances including but not limited to substances commonly known as MDA, LSD, PCP, mescaline, peyote, and psilocybin;
3. Cocaine in any form including but not limited to the powder and the rock or "crack" form;
4. Depressants including but not limited to methaqualone, diazepam (Valium), secobarbital, and pentobarbital; and
5. Stimulants including but not limited to any form of amphetamine.

The chemical composition of a substance may be proved by any acceptable method of identification, including but not limited to identification by a trained law enforcement officer, field tests, laboratory tests, or trained canine officer.

- B. The possession, by a person twenty-one (21) years or older, of useable marijuana, marijuana concentrates, or marijuana infused products in amounts that do not exceed those set forth in 6.52.030(C) of this code is not a violation of this section, this title, or any other provision of Tribal law.
- C. The possession by a qualifying patient or designated provider who has been entered into the medical marijuana authorization database and holds a valid recognition card for useable marijuana, marijuana concentrates, or marijuana infused products in amounts that do not exceed those set forth in 6.52.030(D) of this Code is not a violation of this section, this Title, or any other provision of Tribal law.
- D. A person who is both a qualifying patient and a designated provider for another qualifying patient may possess no more than twice the amounts described in 6.52.030(D) of this Code for the qualifying patient and the designated provider, whether the marijuana concentrates, useable marijuana or marijuana-infused products are possessed individually or in combination between the qualifying patient and his or her designated provider.
- E. The Tribe shall assert no violation of any lease, sublease, or similar instrument on the basis of a tenant's actions in compliance with this chapter, whether or not such instrument was effective before or after the enactment of the resolution from which this chapter is derived, except to the extent such instrument explicitly references this chapter and states an intent to prohibit tenant conduct otherwise permitted by this chapter.

(Res. 02-129 (part))(Res. No. 15-57, § 4, 9-11-15)

### **9.12.1010 Illegal drugs.**

- A. Any person who possesses for personal use or grows or manufactures for personal use any of the substances listed in Section 9.12.1005 is guilty of a gross misdemeanor.

- B. Any person who grows, manufactures, delivers, or possesses with intent to sell, deliver, or manufacture, any of the substances listed in Section 9.12.1005 shall be guilty of a felony. The term "manufacture" shall not apply to growing for personal use.
- C. Any person who creates, delivers, or possesses a counterfeit illegal drug shall be guilty of a felony. A counterfeit illegal drug is a substance which, although not in fact containing any illegal drug, or not in fact containing the drug it purports to contain, was intended to be understood by others to be a substance listed in Section 9.12.1005.
- D. Any person who offers, arranges, or negotiates for the delivery of an illegal drug listed in Section 9.12.1005 and then delivers any other substance in lieu of an illegal drug listed in Section 9.12.1005 shall be guilty of a felony.
- E. The production, manufacture, processing, packaging, delivery, distribution, sale, or possession of marijuana, marijuana concentrates, useable marijuana, or marijuana-infused products in compliance with that chapter established under Chapter 6.48 of this code and SITC Section 9.12.1005 shall not constitute a violation of this section, this title, or any other provision of Tribal law. The production, manufacture, processing, packaging, delivery, distribution, sale, or possession of marijuana in a manner not substantively in compliance with that Chapter established under Section 21 of this Resolution and SITC Section 9.12.1005 shall be a crime punishable under subsections A through D of this section as if marijuana were an illegal substance identified under Section 9.12.1005.

(Res. 02-129 (part))(Res. No. 15-57, § 5, 9-11-15)

**9.12.1020 Distribution of alcohol, marijuana, or drugs to children.**

- A. A person is guilty of distribution of alcohol, marijuana or drugs to children if he or she sells, barter or gives to a child under the age of twenty-one (21) years any alcoholic beverage, marijuana, narcotic drugs, or any controlled substance, or if he or she allows a child under the age of twenty-one (21) years to use such substance on his or her property.
- B. Distribution of alcohol, marijuana or drugs to children is a gross misdemeanor.
- C. This Section shall not apply to the distribution of marijuana by a designated provider to a qualifying patient with a valid recognition card or to a person who allows a qualifying patient with a valid recognition card to use marijuana on that person's property.

(Res. 02-129 (part))

**9.12.1025 Use of drug paraphernalia.**

- A. A person is guilty of use of drug paraphernalia if he or she uses drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.
- B. RCW 69.50.102 as presented and enacted and as may be subsequently amended, shall be referred to by the Court as guidance on how to define "drug paraphernalia." Health professionals may lawfully distribute "drug paraphernalia" for public and private health purposes.
- C. The use of paraphernalia for activities otherwise lawful under Tribal law shall not be a violation of this section.

(Res. 02-129 (part))

## Chapter 6.52 MARIJUANA <sup>[3]</sup>

### 6.52.010 Definitions.

When used in this chapter, unless the context clearly requires otherwise,

“authorization,” “designated provider,” “marijuana,” “marihuana,” “marijuana concentrates,” “marijuana-infused products,” “medical marijuana authorization database,” “qualifying patient,” “recognition card,” “THC concentration,” and “useable marijuana” shall have the same meaning as in RCW 69.50.101 and RCW 69.51A.010.

(Res. No. 15-57, §§ 2, 21, 9-11-15)

### 6.52.030 Permitted acts.

The following acts, when performed by a wholly owned enterprise of the Tribe or its employee in compliance with Tribal Law, shall not constitute criminal or civil offenses under Tribal law:

- A. Purchase and receipt of useable marijuana, marijuana concentrates, or marijuana-infused products that have been properly packaged and labeled from a wholly owned enterprise of the Tribe or a state-licensed producer or processor;
- B. Possession of useable marijuana, marijuana concentrates, or marijuana-infused products;
- C. Delivery, distribution, and sale of any combination of the following amounts of useable marijuana, marijuana concentrates, or marijuana-infused product to any person twenty-one (21) years of age or older:
  1. One ounce of useable marijuana;
  2. Sixteen (16) ounces of marijuana-infused product in solid form;
  3. Seventy-two (72) ounces of marijuana-infused product in liquid form; or
  4. Seven grams of marijuana concentrates.
- D. Delivery, distribution, and sale of any combination of the following amounts of useable marijuana, marijuana concentrates, or marijuana-infused product to a qualifying patient or his or her designated provider, if the patient or provider is in possession of a valid authorization and recognition card, and the patient is recorded in the medical marijuana authorization database and the qualifying patient and designated provider comply with subsection (E) of this section:
  1. Forty-eight (48) ounces of marijuana-infused product in solid form;
  2. Three ounces of useable marijuana;
  3. Two hundred sixteen (216) ounces of marijuana-infused product in liquid form; or
  4. Twenty-one (21) grams of marijuana concentrates.
- E. Qualifying patients under the age of eighteen may enter or remain on the premises of a marijuana retailer if they are in the presence of their designated provider, but may not purchase products for their personal medical use. Qualifying patients eighteen years of age and older may enter and remain



on the premises of a marijuana retailer and purchase products for their personal medical use. Except as explicitly stated otherwise in this subsection, no person under the age of twenty one may enter or remain on the premises of a marijuana retailer.

- F. Producing, processing, packaging, and labeling marijuana, useable marijuana, and marijuana-infused products; and
- G. Delivery, distribution, and sale of useable marijuana or marijuana-infused products to wholly owned enterprises of the Tribe or to state licensed producers, processors, or retailers.

(Res. No. 15-57, §§ 11, 21, 9-11-15)

#### **6.52.100 Taxation.**

- A. There is levied a tax on the retail sale of marijuana in the amount of thirty-seven (37) percent of the selling price on each retail sale in Indian country of marijuana concentrates, useable marijuana and marijuana-infused products. This tax is separate and in addition to the sales and use tax and is not part of the measure of the sales and use tax. The tax must be paid by the buyer to the seller.
- B. All revenues from taxes levied under this section shall be dedicated to essential government services.
- C. Sales of marijuana concentrates, useable marijuana, and marijuana-infused products that are grown, produced or processed in Indian country are exempt from the tax levied under this section.
- D. The following sales are exempt from sales tax:
  - 1. Sales of marijuana concentrates, useable marijuana, or marijuana-infused products to qualifying patients or designated providers in possession of valid recognition cards.
  - 2. Sales of marijuana concentrates, useable marijuana, or marijuana-infused products, identified by the Washington State Department of Health to have a low THC, high CBD ratio, and to be beneficial for medical use, to any person.

(Res. No. 15-57, §§ 18, 21, 9-11-15)

Editor's note— Res. No. 15-57, §§ 21, adopted September 11, 2015, set out provisions intended for use as Chapter 6.48. For purposes of classification, and at the editor's discretion, these provisions have been included as Chapter 6.52.(Back)

#### **To be codified as a new section under Chapter 9.12 SITC.**

- A. It is unlawful for a person to knowingly or intentionally:
  - 1. Access the medical marijuana authorization database for any reason not related to (a) adding a qualifying patient or designated provider and noting the amount of product for which the qualifying patient is authorized; (b) confirming the validity of a recognition card; (c) issuing a replacement recognition card for a card that is lost or stolen, or (d) for law enforcement officials to engage in a bona fide specific investigation of suspected marijuana-related activity that may be illegal under Tribal or state law;
  - 2. Disclose any information received from the medical marijuana authorization database in violation of the provisions contained in RCW 69.51A.230, including but not limited to, qualifying patient or designated provider names, addresses, or the amount of marijuana for which they are authorized;
  - 3. Produce an invalid recognition card or to tamper with a recognition card for the purpose of having it accepted by a marijuana retailer in order to purchase marijuana as a qualifying patient or designated provider.

4. If the person is a designated provider to a qualifying patient, to sell, donate, or supply marijuana produced or obtained for the qualifying patient to another person, or use the marijuana produced or obtained for the qualifying patient for the designated provider's own personal use or benefit;  
or
  5. If the person is a qualifying patient, to sell donate or otherwise supply marijuana produced or obtained by the qualifying patient to another person.
- B. A person who violates this section is guilty of a felony.