



# SQUAXIN ISLAND TRIBE

## RESOLUTION NO. 19- 15

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;

**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;

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

**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;

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

**WHEREAS**, in conformance with the terms of the Compact, the Tribal enterprise Island Enterprises Retail LLC operates the marijuana retailer “Elevation” and marijuana producer-processor “Native Sun” on Tribal lands;

**WHEREAS**, it is Tribal Council’s purpose and intent to demand robust and meaningful enforcement of its marijuana laws with a particular emphasis on the prevention of sales to youth;

**WHEREAS**, Tribal Council finds that law enforcement will be assisted in this task by the availability of a range of statutory penalties for violations that are similar to those present under state regulation;

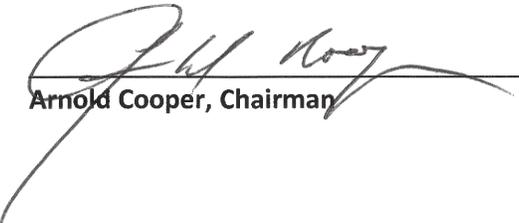
**WHEREAS**, the Tribe finds that law enforcement will benefit from written guidelines for the use of investigative aides;

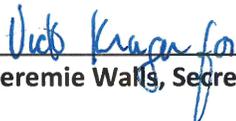
**WHEREAS**, certain code changes are necessary to implement the MOA and transition to medical sales;

**NOW THEREFORE BE IT RESOLVED**, the attached amendments to Resolution No. 15-57 are adopted effective April 1, 2019.

**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 14<sup>th</sup> day of March, 2019, at which time a quorum was present and was passed by a vote of 4 for and 0 against, with 0 abstentions.

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

Attested by:   
\_\_\_\_\_  
Jeremie Walls, Secretary

  
\_\_\_\_\_  
Charlene Krise, Vice Chairman

Amend. 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, if he or she attempts to sell, barter or give such substance to a child under the age of twenty-one (21) years, 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 to a qualifying patient with a valid recognition card or his or her designated provider, 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.

Amend. 9.12.905 - Minor consuming liquor.

- A. No person under twenty-one (21) years of age shall purchase, attempt to purchase, possess, or 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 or persons between the ages of eighteen and twenty-one participating in a controlled purchase program authorized by the Squaxin Island Police Department.-

New Section. 6.52.110

- A. Officers of the Squaxin Island Police Department may conduct controlled purchase programs working with investigative aides at any location where marijuana is sold.
- B. Investigative aides working at the direction of Squaxin Island Police Department officers are considered agents of the Squaxin Island Police Department.

New Section. 6.52.120

- A. An investigative aide under Section 6.52.110 of the Code must:
  - 1. Be at least eighteen years of age and less than twenty-one years of age;
  - 2. Transfer any physical evidence to the directing Squaxin Island Police Department officer(s) at the conclusion of each compliance check.
  - 3. Complete a written statement at the conclusion of each compliance check.
- B. During a controlled purchase, an investigative aide may not:
  - 1. Be directly related to the enforcement officer(s) conducting the compliance check; or
  - 2. Possess any funds other than the funds provided by the Squaxin Island Police Department for the compliance check.
- C. The Squaxin Island Police Department shall photograph the investigative aide prior to conducting a controlled purchase. At least one photograph shall be taken of the investigative aide's face and at least one photograph shall be taken of the investigative aide from head to toe.

- D. An investigative aide is not required to possess identification during a controlled purchase. However, if identification is possessed during the compliance check, the identification must be the investigative aide's lawfully issued identification.

New Section. 6.52.130

The Squaxin Island Police Department may assess the following civil penalties against an entity authorized to produce, process, or sell marijuana under this chapter that sells or otherwise provides marijuana to person under the age of twenty-one years who is not authorized to purchase marijuana under this chapter:

- A. For a first violation of this section, the penalty is a \$7500 monetary fine.
- B. For a second violation within a three-year window, the penalty is a \$60,000 monetary fine.
- C. For a third violation within a three-year window, the penalty is cancellation of the license.

The Squaxin Island Police Department may offer a penalty reduction or alternate penalty based on the existence of mitigating circumstances.