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WAGANAKISING ODAWAK STATUTE # 2019-____
AMENDMENT TO WAGANAKISING ODAWAK STATUTE # 2008-012
CRIMINAL CODE

SECTION I. REPEALS AND REPLACES

A. REPEAL.

SECTION XII. OFFENSES (TLOC 9.107)

P. Controlled Substances

1. Possession, Use, Sale, Manufacture and/or Distribution.
 - a. Offense.** It shall be unlawful for any person to possess, use, sell, manufacture and/or distribute any controlled substance defined and/or described in the Uniform Controlled Substances Act, 21 U.S.C. Section 812, as updated, without prior authorization.
 - b. Sentence.** Any person convicted of this offense may be sentenced to a jail term not to exceed one year or to pay a fine not to exceed five thousand dollars (\$5,000.00) or to both.

B. REPLACE. Add in criminal to sell or give to minors, sell, and other SOM provisions.

SECTION XII. OFFENSES (TLOC 9.107)

P. Controlled Substances

1. Possession, Use, Sale, Manufacture and/or Distribution.
 - a. Offense.** It shall be unlawful for any person to possess, use, sell, manufacture and/or distribute any controlled substance defined and/or

1 described in the Uniform Controlled Substances Act, 21 U.S.C. Section
2 812, as updated, without prior authorization, with the exception of
3 Marihuana (Marijuana) with the following prohibitions:
4

- 5 i. No person shall transfer of marihuana or marihuana accessories to a
6 person under the age of 21.
- 7 ii. No person under the age of 21 shall possess, consume, purchase or
8 otherwise obtain, cultivate, process, transport, or sell marihuana.
- 9 iii. No person shall possess more than 2.5 ounces of marihuana within a
10 person's place of residence unless the excess marihuana is stored in a
11 container or area equipped with locks or other functioning security
12 devices that restrict access to the contents of the container or area,
13 except that not more than 15 grams of marihuana may be in the form
14 of marihuana concentrate; within the person's residence, possessing,
15 storing, and processing not more than 10 ounces of marihuana and any
16 marihuana produced by marihuana plants cultivated on the premises
17 and cultivating not more than 12 marihuana plants for personal use,
18 provided that no more than 12 marihuana plants are possessed,
19 cultivated, or processed on the premises at once.
- 20 iv. No person shall consume marihuana while operating, navigating, or
21 being in physical control of any motor vehicle, aircraft, snowmobile,
22 off-road recreational vehicle, or motorboat, or smoking marihuana
23 within the passenger area of a vehicle upon a public way.
- 24 v. No person shall operate, navigate, or being in physical control of any
25 motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or
26 motorboat while under the influence of marihuana.
- 27 vi. No person shall consume marihuana in a public place or smoke
28 marihuana where prohibited by the person who owns, occupies, or
29 manages the property, except for purposes of this subdivision a public
30 place does not include an area designated for consumption within a
31 municipality that has authorized consumption in designated areas that
32 are not accessible to persons under 21 years of age.
- 33 vii. No person shall possess marihuana accessories or possessing or
34 consuming marihuana on the grounds of a public or private school
35 where children attend classes in preschool programs, kindergarten

1 programs, or grades 1 through 12, in a school bus, or on the grounds of
2 any correctional facility.

3 viii. No person shall separation of plant resin by butane extraction or
4 another method that utilizes a substance with a flashpoint below 100
5 degrees Fahrenheit in any public place, motor vehicle, or within the
6 curtilage of any residential structure.

7 ix. No person shall cultivate marihuana plants if the plants are visible
8 from a public place without the use of binoculars, aircraft, or other
9 optical aids or outside of an enclosed area equipped with locks or other
10 functioning security devices that restrict access to the area.

11
12 **b. Sentence.** Any person convicted of this offense may be sentenced to a
13 jail term not to exceed one year or to pay a fine not to exceed five
14 thousand dollars (\$5,000.00) or to both.

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17 **SECTION II. EFFECTIVE DATE**

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

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23
24 **CERTIFICATION**