**SHOALWATER BAY INDIAN TRIBE**
**CODE OF LAWS**

# TITLE 10A
# MARIJUANA CONTROL

**Enacted for Marijuana July 24, 2020**
**Tribal Council Resolution #07-24-20-38**

# Shoalwater Bay Indian Tribe
# Code of Laws

# TITLE 10A
# MARIJUANA CONTROL

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# Shoalwater Bay Indian Tribe
# Code of Laws

## TITLE 10A
MARIJUANA CONTROL

## Chapter 10A.1 General Provisions

### Section 10A.1.01 Title

This Title shall be cited as the tribal “Marijuana Control” code of the Shoalwater Bay Indian Tribe.

### Section 10A.1.02 Authority

This Title is enacted pursuant to the Tribe’s inherent sovereignty and pursuant to the provisions of the Shoalwater Bay Tribal Constitution, Article VI, Powers of the Tribal Council, Section 1. Enumerated Powers, subsections (e), (f) and (x).

## Chapter 10A.2 Commercial Marijuana Activity

### Section 10A.2.01 Marijuana Definitions

The Marijuana/Cannabis definitions related to this Title are as follows:

Unless a different meaning is clearly indicated herein, the terms used herein shall have the same meaning as defined under RCW 69.50 and RCW 69.51A. Nothing herein is intended to grant the State of Washington authority beyond what it possesses under applicable law.

A. "Auditor" means a certified public accountant licensed and in good standing in the State of Washington.

B. "Authorization" has the same meaning as in RCW 69.51A.010.

C. "Board" means the Washington State Liquor and Cannabis Board and its staff.

D. "Commercial marijuana activity" means all planting, growing, producing, cultivating, processing, selling, testing, and conducting research of marijuana products in Indian country in accordance with Tribal laws.

E. "Compact" means the Marijuana Compact between the Shoalwater Bay Tribe and

the State of Washington, as it may be amended.

F. "Designated provider" has the same meaning as in RCW 69.51A.010.

G. "Essential government services" means services provided by the Tribe including, but not limited to, administration, public facilities, fire, police, health, education, elder care, social services, sewer, water, environmental and land use, transportation, utility services, community development, and economic development.

H. "Indian country," as defined by 18 U.S.C. § 1151, means all lands within the Tribe's Indian Reservation and all lands held in trust or restricted fee status by the Tribe or the United States for the Tribe or its Tribal citizens.

I. "Marijuana," marijuana concentrates," "marijuana-infused products," and "useable marijuana" as used in this Title and the Compact shall have the same meanings as marijuana as defined in Shoalwater Bay Title 2, 2.00.07 and RCW 69.50.101 or any amendments thereto. Together, these terms shall be referred to as "marijuana product" or "marijuana products."

J. "Medical marijuana authorization database" has the same meaning as in RCW 69.51A.010.

K. "Processor" means any marijuana processor licensed to process, package, and label useable marijuana, marijuana concentrates, and marijuana-infused products for sale at wholesale to processors and retailers by the Board pursuant to RCW 69.50.325 and any marijuana processor in Indian Country licensed or otherwise allowed by the Tribe or any other tribe with a marijuana compact with the Board.

L. "Producer" means any marijuana producer licensed to produce and sell marijuana at wholesale to processors and other producers by the Board pursuant to RCW 69.50.325 and any marijuana producer in Indian Country licensed or otherwise allowed by the Tribe or any other tribe with a marijuana compact with the Board.

M. "Qualifying patient" has the same meaning as in RCW 69.51A.010.

N. "Recognition card" has the same meaning as in RCW 69.51A.010.

O. "Research facility" means any business that produces, processes and/or possesses marijuana for research purposes in a manner consistent with Tribal law.

P. "Retailer" means any marijuana retailer licensed to sell useable marijuana, marijuana concentrates, and marijuana-infused products in a retail outlet by the Board pursuant to RCW 69.50.325 and any marijuana retailer in Indian Country licensed or otherwise allowed by the Tribe or any other tribe with a marijuana compact with the Board.

Q. "State" means the State of Washington.

R. "State licensee" means any entity licensed by the Board pursuant to chapter 69.50 RCW, chapter 314-55 WAC, or any other regulations promulgated thereunder.

S. "State tax" means the marijuana excise tax as stated in RCW 69.50.535 and the State and local sales and use tax on sales of marijuana as stated in chapters 82.08 and 82.12 RCW, all as may be amended from time to time.

T. "Testing lab" means any business that conducts testing of marijuana products for quality control, potency, and safety compliance for medical and other uses.

U. "Tribal code" means the Shoalwater Bay Tribal Code.

V. "Tribal enterprise" means a business owned in whole or in part by the Tribe or its Willapa Bay Enterprise Corporation that is authorized to produce, process, sell, test, or conduct research on marijuana products under the Tribal code.

W. "Tribal Member" means an enrolled Member of the Tribe.

X. "Tribal police" means the Tribe's police department or another entity with which the Tribe contracts for statutory and regulatory compliance of marijuana.

Y. "Tribal tax" means a tax imposed by the Tribe on marijuana activities.

Z. "Tribe" means the Shoalwater Bay Tribe.

**Section 10A.2.02 Findings**

Historically, starting in 1937, the production, possession, delivery, distribution and sale of marijuana have been illegal across the United States and in Indian Country. In 2012, Washington voters passed Initiative 502 ("I-502") which sets forth a regulated, state-licensed system allowing for the production, processing, and retail sale of marijuana, marijuana concentrates, useable marijuana, and marijuana-infused products for recreational purposes within the State. The State has further refined the laws which, along with the rules of the Board, attempt to accomplish the following priorities: preventing the distribution of marijuana to minors; preventing revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels; preventing the diversion of marijuana from states where it is legal under state law in some form to other states where it is not; preventing state-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity; preventing violence and the use of firearms in the cultivation and distribution of marijuana; preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use; preventing the growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on

public lands; and preventing marijuana possession or use on federal property.

In moving marijuana from a criminal framework to a civil/regulatory framework, the State no longer has jurisdiction over marijuana cultivation and sale in Indian country. At the same time, if the Tribe were to continue to criminalize marijuana, the Tribe would have a disparity between Tribal citizens and non-citizens, with little if any assistance from the State with criminal prosecution of non-citizens. In consideration of this jurisdictional gap, and after serious deliberation, the Tribe, as a sovereign nation, has determined that present day circumstances make a complete ban of marijuana within Indian country ineffective and unrealistic and has decriminalized its sale and possession in certain circumstances, as set out in this Title. At the same time, consistent with the priorities described above, the need still exists for strict regulation and control over the production, possession, delivery, distribution, sale, and use of marijuana in Indian country.

As such, and in furtherance of the collaborative approach pursued in its marijuana compact, the Tribe adopts the following statutory code provisions to provide a robust foundation for its regulatory program that protects the priorities described above.

**Section 10A.2.03 Taxes**

A. There shall be a Tribal tax equal to at least 100 percent (100%) of the State tax that is in effect, at any given time, levied on all commercial marijuana activity.

B. The Tribal tax shall be remitted to the Tribe on a quarterly basis.

C. The Tribe will use the proceeds of such tax for essential government services.

D. The Tribe may, in its discretion, allow an exemption from the Tribal tax in the following circumstances:

1. For sales to the Tribe, Tribal enterprises, or Tribal citizens that occur in Indian Country;

2. For sales of marijuana grown, produced, or processed within Indian Country;

3. For activities that would otherwise be exempt from State tax under state or federal law; and,

4. For medical marijuana products used in the course of medical treatments by a clinic, hospital, or similar facility owned and operated by the Tribe within its Indian country.

Tax Records: Appropriate tax records shall be maintained so, if the need arises, an auditor can verify that the above requirements have been met.

## Section 10A.2.04 Buffer Restrictions

Class A

Class A Buffer: No commercial marijuana activity may occur within three hundred (300) feet of the perimeter of the grounds of any of the following entities, whether they are located within or outside of Indian country:

A. Elementary or secondary school; or

B. Playground.

Class B

Class B Buffer: No commercial marijuana activity may occur within one hundred (100) feet of the perimeter of the grounds of any of the following entities, whether they are located within or outside of Indian country:

A. Recreation center or facility;

B. Childcare center;

C. Public park;

D. Public transit center;

E. Library; or

F. Any game arcade, where admission is not restricted to persons age twenty-one or older.

Buffer Measurement: The buffer distance shall be measured as the shortest straight-line distance from the property line of the proposed location for a facility for the commercial marijuana activity to the property line of the entities listed in Class A Buffer and Class B Buffer above.

## Section 10A.2.05 Procurement, Production and Processing for Wholesale and Retail Sales

The Tribe or a Tribal enterprise may procure from another producer or processor and/or produce, harvest, trim, dry, cure, process, package, and/or label marijuana in accordance with this Title:

A. To be provided for sale at a retail by the Tribe or a Tribal enterprise;

B. To be sold to another tribe with a marijuana compact; or

C. To be sold to a State licensee in accordance with its license type.

The Tribe or a Tribal enterprise may also produce and sell:

A. Marijuana plants, seed, and plant tissue culture to a producer; and

B. Marijuana plants to members of a registered cooperative under the conditions provided in WAC 314-55-410.

Quality Standards; Packaging, Labeling; Product Preapproval:

A. Any marijuana produced and/or processed by the Tribe or a Tribal enterprise must be produced and processed in a safe and secure manner and meet all quality assurance testing requirements in accordance with the Compact, this Title, and the Tribe's policies and procedures. Marijuana products must also be packaged and labeled in such a way as to not be especially appealing to children, and for edibles, must be packaged in child-proof packaging.

B. In addition, any marijuana to be sold to a State licensee shall also comply with all applicable State laws and regulations regarding quality assurance testing, packaging, and labeling, and for marijuana "edibles," State preapproval of the product, packaging, and labeling prior to sale to the State licensee is required.

Restriction on Minors: No person under the age of 21 years may be present at any production or processing facility owned by the Tribe or a Tribal enterprise.

Samples: No marijuana samples may be received from any producer or processor or given to another producer, processor, retailer, or employee except in accordance with the Compact, this Title, and the Tribe's policies and procedures. Samples provided to a State licensee must also comply with all applicable State laws and regulations regarding sampling.

Storage and inventory: All marijuana will be stored in a way to minimize theft and in accordance with the Compact, this Title, and Tribal policies and procedures. In any event, for each category of marijuana product, no more than six (6) months of average inventory shall be kept on site.

Waste disposal: All waste must be disposed of in a way that renders the marijuana unusable and in accordance with the Compact, this Title, and Tribal policies and procedures.

Traceability: Any transaction between the Tribe or Tribal enterprises and a State licensee will be executed through the State traceability system following the same rules as apply to State licensees. All marijuana products sold to any State licensee will be fully traceable in the State's traceability system. Such marijuana products will trace back to the plant(s)

they were derived from and include results for all required quality assurance testing. All required test results must be entered into the State's traceability system by a Board-certified testing lab.

**Section 10A.2.06 Retail Sales**

The Tribe or Tribal enterprise may sell at retail marijuana products processed by a processor.

Hours of Retail Sales: Hours will be set by the manager of the Tribe or Tribal enterprise's retail operations.

Restrictions on Minors:

A. No person under the age of 21 years may enter the retail store or purchase any marijuana product, except that a qualified patient with a recognition card (1) who is at least 18 years of age may enter the retail store and purchase marijuana products for personal medical use or (2) who is under the age of 18 years and is accompanied by their designated provider may enter the retail store, but may not purchase products for their personal medical use.

B. The forms of identification that are acceptable to verify a person's age for the purpose of purchasing marijuana must not be expired and must include only the following:

1. Driver's license, instruction permit, or identification card of any state, or province of Canada, from a U.S. territory or the District of Columbia, or "Identicard" issued by the Washington State Department of Licensing per RCW 46.20.117;

2. United States armed forces identification card issued to active duty, reserve, and retired personnel and the personnel's dependents, which may include an embedded, digital signature in lieu of a visible signature;

3. Passport;

4. Merchant Marine identification card issued by the United States Coast Guard; and

5. Enrollment card issued by the governing authority of a federally recognized Indian tribe located in Washington, if the enrollment card incorporates security features comparable to those implemented by the Department of Licensing for Washington driver's licenses.

Transaction Limits:

A. A single transaction is limited to one ounce of useable marijuana, sixteen ounces of marijuana-infused product meant to be eaten or swallowed in solid form, seven grams of

marijuana-infused extract or marijuana concentrate for inhalation, and seventy-two ounces of marijuana-infused product in liquid form meant to be eaten or swallowed.

B. A single transaction to a qualifying patient or designated provider who is entered into the medical marijuana database is limited to three ounces of useable marijuana, forty-eight ounces of marijuana-infused product meant to be eaten or swallowed in solid form, twenty-one grams of marijuana-infused extract or marijuana concentrate for inhalation, and two hundred sixteen ounces of marijuana-infused product in liquid form meant to be eaten or swallowed.

Postings: The retail store shall post all notices and warning in accordance with the Compact, this Title, and Tribal policies and procedures.

Samples: No free samples of marijuana products may be provided to customers. Samples may be provided to employees in accordance with the Compact, this Title, and Tribal policies and procedures.

Intoxicated persons: No marijuana products may be sold to persons who appear to be intoxicated.

Consumption: No marijuana products may be consumed on the retail premises.

Storage and inventory: All marijuana products must be stored in such a way to protect from theft and in accordance with the Compact, this Title, and Tribal policies and procedures. In any event, no more than four months' inventory may be kept on site.

Waste disposal: All unsold products will be returned to the entity from which they were purchased or disposed of in accordance with the Compact, this Title, and the Tribe's policies and procedures.

Traceability: All marijuana products delivered from a producer or processor licensed by the State will be input into the State's traceability system within 24 hours of receipt. All marijuana products purchased from a producer or processor operated by another tribe, tribal enterprise, or tribal citizen will be recorded in either the Tribe's or the State's tracking system within 24 hours of delivery.

### Section 10A.2.07 Licensing

Entity License Not Required: Any Tribal enterprise engaged in commercial marijuana activity will be or has been established by a corporate charter and does not need a license; however, the Tribe may order a cease to such activity if the Tribal enterprise fails to meet its obligations under this Title and under the Compact.

Employee License Not Required: Employees of a Tribal enterprise engaged in commercial marijuana activity need not be licensed.

Background Check Requirement: The manager of any Tribal enterprise engaged in commercial marijuana activity must undergo a background check prior to employment.

### Section 10A.2.08 Research

The Tribe and/or a Tribal enterprise may operate a research facility that may produce, process, and possess marijuana for the following research purposes:

A. Testing chemical potency and composition levels;

B. Conducting clinical investigations of marijuana-derived drug products;

C. Conducting research on the efficacy and safety of administering marijuana products as part of medical treatment;

D. Conducting genomic or agricultural research; and

E. Any other purpose allowed under State or Tribal law.

Scientific Reviewer Requirement: Research conducted by the research facility pursuant to this Section may not proceed without approval by a scientific reviewer.

Limitations on Marijuana Research Materials: Marijuana plants or marijuana grown as part of research may be given away to another federally recognized tribe or tribal enterprise located within the State that is conducting marijuana research or to any researcher who holds a State marijuana research license; however, no marijuana grown as part of research shall be comingled with any other marijuana possessed by the Tribe or Tribal enterprise for commercial purposes or given or sold to any State licensee that does not possess a marijuana research license.

Additional Requirements: Notwithstanding the foregoing, any marijuana research conducted by the Tribe and/or a Tribal enterprise that does not require the production, processing, or possession of marijuana products must meet the requirements of the Compact, this Title, and the Tribe's policies and procedures.

### Section 10A.2.09 Test Lab

The Tribe and/or its Tribal enterprise may operate a testing lab provided the testing lab obtains and maintains certification consistent with State law and Board rules including any amendments thereto.

Required Tests; Reporting Requirements: When conducting quality assurance testing of marijuana products for State licensees, the testing lab will perform, at a minimum, the tests described in the Board rules and report the test results for State licensees directly into the Board's traceability system.

Tests for Tribally Produced or Processed Marijuana Products: When conducting quality assurance testing of marijuana products produced or processed by the Tribe or Tribal enterprise, as provided for herein:

A. For marijuana products produced by the Tribe or Tribal enterprise for sale to a State licensee, the Tribe shall ensure that the products are tested by a certified third-party testing lab in which the Tribe has no financial interest, and that the products comply with all legal and regulatory testing and product requirements.

B. For marijuana products produced by the Tribe or Tribal enterprise for retail sale by the Tribe or Tribal enterprise, or by another tribe, tribal enterprise, or tribal citizen operating pursuant to a marijuana compact with the State, the testing lab may perform the tests described in the Board rules.

### Section 10A.2.10 Safety and Security

Alarm System Requirements: A security alarm system must be maintained on all perimeter entry points and perimeter windows. The security alarm system shall comply with the Compact, this Title, and Tribal policies and procedures.

Cameras and Surveillance System Requirements: Cameras must cover the entire premises, including all points of ingress and egress. The camera and surveillance system, including how long the information must be maintained, shall comply with the Compact, this Title, and Tribal policies and procedures.

Employee Identification Requirements; Logging Requirements:

A. All employees on the premises or engaged in the transportation of marijuana products shall hold and display an identification badge, including name and photograph.

B. All nonemployee visitors, other than retail store customers, shall be required to hold and properly display an identification badge at all times while on the premises.

C. A log must be kept and maintained showing the full name of each noncustomer visitor entering the premises, badge number issued, the time of arrival, time of departure, and the purpose of the visit.

Transport of Product: All transportation of product to or from a State licensee shall comply with State transportation laws. All other transportation of product shall comply with the Compact, this Title, and Tribal policies and procedures.

### Section 10A.2.11 Advertising and Signage

Restrictions on Content in Signage and Advertising: The Tribe or Tribal enterprise may display signage or engage in advertising within Indian country, provided that it does not

contain any statement or illustration that:

A. Is false or misleading;

B. Promotes overconsumption; or

C. Is designed in any manner that would be especially appealing to children or persons under 21 years of age.

Buffer Restrictions on Signage and Advertising: No signage or advertising may violate the buffer requirements contained in Section 4 of this Title.

Additional Restrictions on Signage and Advertising: Any signage or advertising located outside of Indian country must comply with RCW 69.50 and WAC 314-55.

### Section 10A.2.12 Medical Marijuana

Compliant Medical Marijuana Products Authorized: Compliant products. The Tribe or Tribal enterprise may produce, process, and/or sell marijuana for medical use, as follows:

A. Produced or processed. Any marijuana products produced and processed by the Tribe or Tribal enterprise for sale to a State licensee as a compliant marijuana product must meet the requirements of WAC 246-70.

B. Sold at retail. Any marijuana products sold by the Tribe or Tribal enterprise at retail as a compliant product must meet the requirements of WAC 246-70.

Recognition Cards: At a retail outlet, the Tribe or Tribal enterprise may accept valid authorizations, enter data into the medical marijuana authorization database, and issue recognition cards to qualifying patients and designated providers consistent with the Tribe's Compact, this Title, and Tribal policies and procedures. All recognition cards will meet the requirements of WAC 246-71-040(3).

Access to Medical Marijuana Authorization Database:

A. All employees of the retail outlet will have access to the medical marijuana authorization database sufficient to electronically verify whether a recognition card is valid.

B. Only employees of the retail outlet with the proper training and certification as a medical consultant under WAC 246-72 will have access to the medical marijuana authorization database necessary to enter new qualifying patients and designated providers into the database and issue a recognition card or to enter information to obtain a renewed or replacement recognition card.

C. Notwithstanding the foregoing, Tribal Police or prosecutorial officials will have access to the database consistent with RCW 69.51A.230(1)(d).

Confidentiality and Nondisclosure:

A. No records from the medical marijuana authorization database shall be disclosed, other than as permitted herein.

B. Any person who knowingly or intentionally accesses or discloses information from the medical marijuana authorization database other than as permitted in this Chapter shall be subject to the penalty as stated in RCW 69.51A.240(2).

### Section 10A.2.13 Compliance and Enforcement

Premise and Compliance Checks Authorized: The Tribal Police may conduct premises and compliance checks of any commercial marijuana activity to observe compliance with the Compact, this Title, and Tribal policies and procedures and to provide support and education to Tribal enterprises and staff to ensure any problems are corrected. For any serious or ongoing non-compliance issues that arise, results will be reported to Tribal Council.

Use of Minors for Premise and Compliance Checks: Notwithstanding the prohibition on minors contained in this Title, the Tribal Police may use minors 18, 19, or 20 years of age to conduct any minor compliance checks. No criminal action may be taken against any minor who purchases marijuana as part of such a compliance check.

### Section 10A.2.14 Insurance

Insurance Requirements – General: Any Tribal enterprise engaged in commercial marijuana activity shall provide insurance coverage as set out in this section. The intent of the required insurance is to protect the consumer should there be any claims, suits, actions, costs, damages or expenses arising from any negligent or intentional act or omission of the marijuana licenses. Marijuana licensees shall furnish evidence in the form of a certificate of insurance satisfactory to the Tribal Council that insurance, in the following kinds and minimum amounts, has been secured. Failure to provide proof of insurance, as required, may result in license cancellation.

Coverages:

A. Commercial general liability insurance: The licensee shall at all times carry and maintain commercial general liability insurance and if necessary, commercial umbrella insurance for bodily injury and property damage arising out of licensed activities. This insurance shall cover such claims as may be caused by any act, omission, or negligence of the licensee or its officers, agents, representatives, assigns, or servants. The insurance shall also cover bodily injury, including disease, illness and death, and property

damage arising out of the licensee's premises/operations, products, and personal injury. The limits of liability insurance shall not be less than one million dollars.

B. Insurance carrier rating: The insurance required in subsection A. of this section shall be issued by an insurance company authorized to do business within the state of Washington. Insurance is to be placed with a carrier that has a rating of A - Class VII or better in the most recently published edition of Best's Reports. If an insurer is not admitted, all insurance policies and procedures for issuing the insurance policies must comply with chapters 48.15 RCW and 284-15 WAC.

C. Additional insured. The Tribe and its employees, agents, and volunteers shall be named as an additional insured on all general liability, umbrella, and excess insurance policies. All policies shall be primary over any other valid and collectable insurance.

### Section 10A.2.15 Indemnity

Indemnified Parties; Limitations: The Tribe indemnifies any Tribal Council member, Economic Development Authority member or employee, manager, or employee of the Tribe or Tribal enterprise made party to any proceeding because of their role in commercial marijuana activity against personal liability incurred in a proceeding if:

A. The individual acted in their official capacity;

B. The individual acted in good faith;

C. The individual believed their conduct was in the best interests of the Tribe; and

D. The individual acted in accordance with this Title, the Compact, and Tribal policies and procedures.

Definitions:

A. Proceeding means any threatened, pending, or completed action, suit, or proceeding whether civil, criminal, administrative, or investigative related to commercial marijuana activity.

B. Liability means the obligation to pay a judgment, settlement, penalty, or fine, or reasonable expenses, including legal expenses, incurred with respect to a proceeding.

### Section 10A.2.16 Tribal Sovereign Immunity and Jurisdiction Preserved

Tribal Sovereign Immunity and Jurisdiction Preserved: Nothing in this Title shall be construed as a waiver of the sovereign immunity of the Tribe, the Tribal Council, or of any committee, entity, or corporation acting under the authority of the Tribe or the Tribal Council. Nothing in this Title shall be construed as a grant of jurisdiction to the United States or to a State, local or other tribal government.

### Section 10A.2.17 Codification and Amendments

Codification: Title 10A Marijuana Control was adopted by Tribal Council Resolution #07-24-20-38 on July 24, 2020.

Amendments: (Reserved)

## Chapter 10A.3 Construction

### Section 10A.3.01 Severability

If any part of this Title or the application thereof to any party, person, or entity or to any circumstances shall be held invalid for any reason whatsoever, the remainder of the Title shall not be affected thereby, and shall remain in full force and effect as though no part thereof had been declared to be invalid.

### Section 10A.3.02 Amendment or Repeal of Title

This Title may be amended or repealed by a majority vote of the Tribal Council.

### Section 10A.3.03 Jurisdiction

Notwithstanding anything in this Title to the contrary, nothing herein is intended to nor shall be construed as a grant of jurisdiction from the Shoalwater Bay Indian Tribe to the State of Washington beyond that provided expressly by applicable law.

SHOALWATER BAY INDIAN TRIBE
P.O. Box 130 • Tokeland, Washington 98590
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SHOALWATER BAY INDIAN TRIBE
RESOLUTION 07-24-20-40

**Summary: This resolution VOIDS Title 10 Liquor and Marijuana Control Ordinance and its resolution #05-29-20-28. Title 10 Liquor Control reverts to the 02-16-2018 version, and Title 10A Marijuana Control is separated into its own ordinance.**

WHEREAS, The Shoalwater Bay Indian Tribe (the "Tribe") is a Federally Recognized Tribe headquartered on the Shoalwater Bay Indian Reservation in Tokeland, State of Washington; and

WHEREAS, The Shoalwater Bay Tribal Council is the governing body of the Tribe in accordance with the Shoalwater Bay Indian Tribe Constitution and By-laws with the powers set forth in Article VI, Section 1 of the Constitution; and

WHEREAS, the Shoalwater Bay Tribal Council has the power and authority to consult, negotiate, contract and conclude agreements on behalf of the Tribe, with various federal, state and Tribal governments and agencies and with public and private persons and organizations; and

WHEREAS, the Tribal Council has the power and authority to impose taxes on all persons, property and activities within the Tribe's jurisdiction; and

WHEREAS, The Shoalwater Bay Tribal Council is hereby VOIDING Title 10 Liquor and Marijuana Control and its resolution #05-29-28. Title 10 Liquor Control reverts to the 02-16-2018 version. The Tribal Council adopted Title 10A Marijuana Control Resolution #07-24-20-38.

NOW THEREFORE BE IT RESOLVED, Title 10 Liquor and Marijuana Control is hereby VOIDED.

BE IT FURTHER RESOLVED, that the Liquor Control ordinance enacted by the Shoalwater Bay Tribal Council in 2018 (Resolution No: 02-16-18-07) is hereby reinstated.

CERTIFICATION

This Resolution was passed at a Regular Meeting of the Shoalwater Bay Tribal Council on July 24, 2020, at which a quorum was present by a vote of 5 FOR 0 AGAINST 0 ABSTENTION.

Charlene Nelson

Charlene Nelson, Chairwoman
Shoalwater Bay Tribal Council

Attest: Lynn Clark

Lynn Clark, Secretary
Shoalwater Bay Tribal Council

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SHOALWATER BAY INDIAN TRIBE
RESOLUTION 07-24-20-_38

**Summary: Title 10A Marijuana Control Ordinance adopted. Title 10 Liquor Control reverts to the 02-16-2018 version.**

WHEREAS, The Shoalwater Bay Indian Tribe (the "Tribe") is a Federally Recognized Tribe headquartered on the Shoalwater Bay Indian Reservation in Tokeland, State of Washington; and

WHEREAS, The Shoalwater Bay Tribal Council is the governing body of the Tribe in accordance with the Shoalwater Bay Indian Tribe Constitution and By-laws with the powers set forth in Article VI, Section 1 of the Constitution; and

WHEREAS, the Shoalwater Bay Tribal Council has the power and authority to consult, negotiate, contract and conclude agreements on behalf of the Tribe, with various federal, state and Tribal governments and agencies and with public and private persons and organizations; and

WHEREAS, the Tribal Council has the power and authority to impose taxes on all persons, property and activities within the Tribe's jurisdiction; and

WHEREAS, The Shoalwater Bay Tribal Council is hereby adopting Title 10A Marijuana Control.

NOW THEREFORE BE IT RESOLVED, Title 10A Marijuana Control attached as Exhibit A is hereby adopted.

BE IT FURTHER RESOLVED, that the liquor control ordinance enacted by the Shoalwater Bay Tribal Council in 2018 (Resolution No: 02-16-18-07) is hereby reinstated.

CERTIFICATION

This Resolution was passed at a Regular Meeting of the Shoalwater Bay Tribal Council on July 24, 2020, at which a quorum was present by a vote of 5 FOR 0 AGAINST 0 ABSTENTION.

Charlene Nelson
Charlene Nelson, Chairwoman
Shoalwater Bay Tribal Council

Attest: Lynn Clark
Lynn Clark, Secretary
Shoalwater Bay Tribal Council