KIOWA TRIBE
KIOWA INDIAN COUNCIL MEETING
APRIL 6, 2019
RED BUFFALO HALL, CARNEGIE, OK
RESOLUTION NUMBER: KIC-CY-0052-2019

DATE POSTED: DATE APPROVED:

SUBJECT: LEGALIZATION OF RECREATIONAL AND MEDICINAL MARIJUANA.

WHEREAS: the Kiowa Tribe is a sovereign nation since time immemorial and is federally recognized as a Tribal Government by the United States; and,

WHEREAS: The Kiowa Tribe is organized under a Constitution approved by tribal membership on April 17, 2017, and approved by the Secretary of the Interior, U.S. Bureau of Indian Affairs on May 5, 2017; and,

WHEREAS: Article V, section 3(b) of the Constitution grants the Kiowa Indian Council the power to set policy for the Tribe, and shall have all other powers and duties specifically provided by the Constitution

WHEREAS: We, the members of the Kiowa Indian Council of the Kiowa Tribe, under the authority granted to the Kiowa Indian Council by the Constitution of the Kiowa Tribe, in order to preserve for ourselves and our children the inherent sovereign rights of our Indian nations, governed under the laws of the Kiowa Constitution, to preserve Kiowa cultural values, and promote the health, safety and welfare of the Kiowa people, do hereby establish and submit the following resolution; and

WHEREAS: Marijuana shall be legal in a recreational manner and/or medicinal, an annual fee shall be paid to the Kiowa Tribe for a recreational license or medicinal marijuana cared that allows each Kiowa Tribal member the right to possess (4) ounces of flower, grow up to but no more than 12 adult (Blooming) Marijuana plants. Maintain (12) vegetation cycle plants, possess up to (2) ounces concentrated Marijuana, possess up to (1200) grams of edibles, possess up to (2) pounds of Marijuana in residence.

WHEREAS: Marijuana shall be Legal for the Kiowa Tribe and the enrolled members for recreational or medicinal use for 18 years of age or older;
WHEREAS: Marijuana shall be legal for the Kiowa tribe enrolled members to be able to cultivate, process, study, broker, import, export, sold and traded by the Kiowa Tribe and its enrolled members.

WHEREAS: Marijuana licensing shall be issued by the Kiowa Tribe to whereas cultivation, dispensary, broker, medicinal studies, import and export shall be granted by the Kiowa Tribe for Kiowa Tribe enrolled members who file and pay an application (non-refundable) processing fee of $1000 dollars, and who are also of age 25 or older.

WHEREAS: Marijuana shall be taxed only by the Kiowa Tribe no more than 4% of yearly revenue to which the taxed funds paid to the Tax Commission goes into funding for elder programs, child programs, and food, health services and medical programs evenly dispersed as seen fit by a vote of the Kiowa Tribe members.

WHEREAS: No outside state(s) or federal government(s) can interfere with processes that have to do with the Marijuana industry of the Kiowa Tribe, as well as no outside party can claim taxation of anything related to the sales bearing the Kiowa Tribe Marijuana industry tax stamp – state licensed marijuana retailers may purchase and receive marijuana and processed marijuana products from the Kiowa Tribe and the enrolled members as permitted by a tribal-retailer agreement. State licensed marijuana producers and processors may also sell and distribute marijuana and processed marijuana products as permitted by a tribal retailer agreement.

Issuance of Marijuana Business Licenses within Kiowa Tribe: The OMMA is prohibited from issuing a marijuana business license for premises located within KCA territory, including fee patent lands within the perimeter of a tribal reservation, without the consent of the Kiowa Tribe and KCA agreement.

Federal Policy on Marijuana and Tribes: On January 4, 2018, Jeff Sessions, U.S. Attorney General rescinded the Department of Justice’s previous guidance on federal government’s enforcement policy regarding marijuana. The Attorney General’s memorandum states:
In deciding which marijuana activities to prosecute under these laws with the Department’s finite resources, prosecutors should follow the well-established principles that govern all federal prosecutions...These principles require federal prosecutors deciding which cases to prosecute to weigh all relevant considerations, including federal law enforcement priorities set by the Attorney General, the seriousness of the crime, the deterrent effect of criminal prosecution, and the cumulative impact of particular crimes on the community.

(U.S. Attorney General, Jeff Session, memo January 4, 2018)
On October of 2014, a federal memorandum, known as the Wilkinson Memorandum, (rescinded, January 4, 2018); see Sessions memo above) was issued regarding the legalization of marijuana by Indian tribes. The memo indicated that federal authorities would not interfere with tribal legalization efforts provided the tribe implements strong and effective regulatory and enforcement systems consistent with federal law enforcement priorities. The Wilkinson Memorandum also acknowledged that the tribes are sovereign nations and directs to the Department of Justice to consult with affected tribes on a government-to-government basis on matters relating to the regulation of legalized marijuana.

Additional resources:

RCW 43.06.490 – Marijuana agreements – Federally recognized Indian Tribes
An example of a tribal marijuana compact (for the Suguamish Tribe).

NOW THEREFORE BE IT RESOLVED; that the Kiowa Indian Council hereby; legalizes the recreational, medicinal, and industrial use of all things Marijuana, for the betterment of the Kiowa Tribe and to assist in the means to keep up with the world and bettering the Kiowa Tribe and it’s enrolled members morally and financially.

BE IT FURTHER RESOLVED, that this resolution shall be the policy of the Kiowa Tribe until it is withdrawn or modified by subsequent resolution.
2019 KIOWA INDIAN COUNCIL OF THE KIOWA TRIBE

Chairperson

ATTEST:

__________________________
Secretary, Kiowa Indian Council
KIOWA INDIAN COUNCIL, RESOLUTION NO. _____:

CERTIFICATION

The foregoing resolution was duly voted upon by the 2019 Annual Kiowa Indian Council of the Kiowa Tribe; was present at the duly called Annual Kiowa Indian Council Meeting held on the 6th day of April 2019, and that the foregoing resolution was adopted by the affirmative vote:

For: _______ Opposed: _______ Abstention: _______

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Secretary, Kiowa Indian Council