

## **Chapter 12. Medical Marijuana Patient Protection**

### **9.1201 SHORT TITLE**

This Statute shall be cited as the ‘LTBB Medical Marijuana Patient Protection Act.’

(Source: WOS 2011-002, February 8, 2011, Sections I)

### **9.1202 PURPOSE**

The purpose of this Statute is to provide protection for LTBB Tribal Citizens or others that would otherwise be approved under State of Michigan law for patient utilization of medical marijuana.

(Source: WOS 2011-002, February 8, 2011, Sections II)

### **9.103 DEFINITIONS**

- A.** “Qualifying patient” means a person who has been diagnosed by a physician as having a debilitating medical condition and who has been issued and possesses a State of Michigan registry identification card.
- B.** “Tribal Lands” means property either owned or leased by the Tribe or property that is held in trust for the benefit of the Tribe.
- C.** The “Tribe or LTBB” shall mean the Little Traverse Bay Bands of Odawa Indians.

(Source: WOS 2011-002, February 8, 2011, Sections III)

### **9.1204 LTBB TRIBAL CODE**

- A.** It shall be legal for Tribal Citizens and others on Tribal lands to obtain, possess, transport, manufacture or use medical marijuana, provided the following:
  - 1.** The individual is a qualifying patient and has been issued and possesses a registry identification card under applicable laws of the State of Michigan;

2. The individual is a caregiver as authorized under State of Michigan law, to obtain, possess, transport within the State of Michigan, or manufacture medical marijuana from obtaining, possessing, transporting within Tribal Lands, or manufacturing medical marijuana on an qualifying patient's behalf; or

3. Is a pharmacy or other entity authorized under State of Michigan law, to distribute medical marijuana to qualifying patients from obtaining, possessing or distributing medical marijuana to such qualifying patients on Tribal Lands.

**B.** No provision of the Tribal Code shall prohibit or otherwise restrict an entity authorized by the State of Michigan, in which medical marijuana may be prescribed or recommended by a physician for medical use, for the purpose of producing medical marijuana for prescription or recommendation by a physician for medical use from producing, processing, or distributing medical marijuana for such purpose.

(Source: WOS 2011-002, February 8, 2011, Sections IV)

### **9.1205 RELATION TO CERTAIN PROHIBITIONS OF SMOKING**

This Statute does not affect any Tribal law regulating or prohibiting smoking in public.

(Source: WOS 2011-002, February 8, 2011, Sections V)

### **9.1206 REGULATIONS**

The Executive may develop regulations necessary to carry out the intent of this Statute; such regulations may allow Tribal entities, Tribal employers and other entities within the Tribe's jurisdiction to place appropriate limits or prohibitions on the use or possession of medical marijuana. Such regulations shall be submitted to Tribal Council for approval.

(Source: WOS 2014-003, March 21, 2014, Sections VI)

### **9.1207 SEVERABILITY**

If any section, subsection, paragraph, sentence, phrase or portion of this Statute is, for any

reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

(Source: WOS 2011-002, February 8, 2011, Sections VII)

### **9.1208 EFFECTIVE DATE**

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

(Source: WOS 2011-002, February 8, 2011, Sections VIII)