



Medical Marijuana Tribal Consultation Meeting

April 07, 2011

REPORT

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Table of Contents

	Page
I. Introduction	1
II. Medical Marijuana Law and Implementing Rules Background	1
III. Planning Committee	1
IV. Meeting Participants	2
V. Meeting Proceedings	3
VI. Questions/Answers	4
VII. Summary/Recommendations	4

Attachments:

- A. Meeting Agenda
- B. List of Attendees

Introduction

On April 07, 2011 the Arizona Department of Health Services (ADHS) per its Tribal Consultation Policy sponsored a Medical Marijuana Tribal Consultation meeting. The meeting was held in the Second Floor Conference Room of the Governor's Executive Tower located at the state Capitol. This report documents the proceedings and outcome of the meeting. See Attachment A for a copy of the meeting agenda.

Medical Marijuana Law and Implementing Rules Background

On November 02, 2010 Arizona voters passed Proposition 203, the Arizona Medical Marijuana Act. This Act was certified by Governor Brewer in December 2010. The law mandated ADHS to create a medical marijuana program within 120 days from the official election results. ADHS is responsible for issuing registry identification cards or registration certificates to qualifying patients, designated caregivers, dispensaries, and dispensary agents. On December 17, 2010 ADHS posted informal draft Rules for public comments. On January 31, 2011 ADHS posted official draft Rules for public comments. On February 14 – 17, 2011 ADHS held four public meetings to receive comments on the official draft Rules. On March 28, 2011 ADHS published the final Rules.

Post meeting update: On April 14, 2011 the rules for the Medical Marijuana Act became effective. ADHS is accepting applications for qualifying patients and designated caregivers. However, due to the state Attorney General filing for declaratory judgment in federal court about the legality of the Arizona Medical Marijuana Act and the ADHS Rules and legal advice from the Attorney General, ADHS is currently not accepting applications for dispensaries. Note: Qualifying patients are patients that meet the requirements to receive a Medical Marijuana registration card and designated caregivers are individuals designated by qualifying patients to act on their behalf. For detail descriptions and information on the Medical Marijuana Law and the implementation regulatory rules access the following ADHS web site: www.azdhs.gov/medicalmarijuana.

Planning Committee

In January 2011 a decision was made by ADHS to sponsor a Medical Marijuana Tribal Consultation Meeting to share the status of the implementation process and to receive feedback from Tribal Leaders and their representatives. A planning committee was formed comprised of the following individuals: Don Herrington, Assistant Director, Public Health Services, ADHS; Richard Porter, Bureau Chief, Bureau of Public Health Statistics, ADHS; Michael Allison, Native American Liaison, ADHS; Eva Sekayumtewa, Acting Director, Health Services, Hopi Tribe; Sandra Irwin, Health Director, Hualapai Tribe; Francis Bradley Sr., Chief of Police, Hualapai Tribe; Herman Shorty, Environment Health Director, Navajo Division of Health, Navajo Tribe; and Antone Brummund, Behavioral Health Director, Hualapai Tribe. The planning committee held three planning meetings on February 07, March 03, and March 17, 2011 to plan the Tribal Consultation meeting.

Meeting Participants

Twenty-four participants attended the Tribal Consultation meeting. Fifteen were tribal representatives, one was an Urban Indian organization representative, one was an Inter Tribal Council of Arizona representative, two were state department representatives, three were federal government representatives, and two were city representatives. Four of the tribal representatives were elected officials with two being President/Chairman and two being Vice Chairmen. See Attachment B for a listing of the attendees.

Meeting Proceedings

The meeting started with a welcome provided by Michael Allison. The Opening Blessing was provided by Honorable Herman Honanie, Vice Chairman, Hopi Tribe. Opening Remarks were provided by Don Herrington and Honorable Chairman Leroy Shingoitewa, Hopi Tribe. Mr. Herrington provided remarks on behalf of Will Humble, ADHS Director who was not available for the meeting. He provided background on the law leading up to this Tribal Consultation meeting. He commented that the Law goes into effect April 14, 2011. Chairman Shingoitewa started his comments with a short background on his work career and community involvement. He expressed disappointment in the low tribal Leadership attendance for this tribal consultation meeting. He stated that the Hopi Tribal Council opposes marijuana use on the Hopi reservation. He commented that Federal laws are followed on Indian reservations and that it is against federal law to use marijuana. As an educator by profession he stated he was very concerned about marijuana use by American Indian youth. He stated using harmful substance is against Hopi traditional culture. He expressed concerns about any activities that would negatively impact the health and safety of the Hopi people and other indigenous tribes.

An overview of the Medical Marijuana Law was provided by Mr. Herrington. He provided a detail overview of the Law and the ADHS program rules. He noted that it was still a violation of federal law to use marijuana. He used a power point presentation. He noted important dates and in particular the dispensary application start date of June 01, 2011. He highlighted the ADHS responsibility related to qualifying patients, application for registry identification (ID) cards, designated caregiver, and non-profit dispensaries. He noted prior to the opening of the first dispensary all qualifying patients with ID cards can grow a certain amount of their own marijuana if they ask. Cardholders must pay a \$150 fee with a discount available for food stamps eligible patients. He stated the number of dispensaries is based on the formula of one for each ten pharmacies for a total of 124 in total throughout the state. The location of the dispensaries will be based on the state's Community Health Analysis Areas (CHAA) of which there are 126. Eighteen of the 126 CHAAs are Indian reservations. He stated that Indian tribes would be given one year to decide if they wish to establish a dispensary on their reservation subject to state rules and regulations. At the end of this one year period any dispensaries not pursued by Indian tribes will be made available for off reservation use.

An overview of Tribal Law Enforcement Policies was provided by Jesse Delmar, Chief of Police, and Fort McDowell Yavapai Nation. Chief Delmar commented on the three legal jurisdictions that exist on

Indian reservations, these being tribal, state, and federal. He gave an overview of federal laws impacting reservation law enforcement. These laws included the 1968 Indian Civil Rights Act, the General Crimes Act, the Major Crimes Act, the Assimilative Crimes Act, and the 1974 Wheeler Act. He stated several facts including the following: for general crimes involving non-Indians the state has jurisdiction, tribes have jurisdiction over any tribal members and Native Americans from a federally recognized tribe committing crimes on their reservations, tribal law enforcement personnel hold federal and state peace officer commissions, the Bureau of Indian Affairs (BIA) is the primary reservation law enforcement agency, and through PL 93-638 most tribes have contracted this law enforcement authority and services. He stated law enforcement problems will surface with any medical marijuana qualifying patient deciding to stay on an Indian reservation and that the BIA position is that they support whatever the tribe wishes to do on this matter. A majority of the tribes said they would enforce tribal, state, and federal laws routinely as before and that nothing has changed.

An overview of Non-Tribal Law Enforcement Policies was provided by Tim Dorn, Chief of Police and Hugh White, Lieutenant, City of Gilbert. Chief Dorn was also representing the Arizona Chief of Police Association. They commented that possession was the issue, the gap in time for dispensaries allows for home grown plants, each qualifying patient is allowed to grow 12 plants and have in their possession 2.5 oz every 14 days which does not include seeds and stems, there is no mandate to use the 2.5 oz which will lead to hoarding, 16 states have medical marijuana laws, federal law outlaws medical marijuana, and it will be cheaper to buy marijuana on the street.

An overview of Federal Law Enforcement Policies was provided by John Tuchi, Tribal Liaison, US Department of Justice, and District of Arizona. Mr. Tuchi stated that for the Federal government marijuana use is illegal, for clear and unambiguous compliance of medical marijuana the federal government will not prosecute, on reservations tribal laws will apply, the Gila River Indian Community is very clear in that marijuana use is not allowed, some members of the White Mountain Apache Tribe have expressed interest in pursuing a dispensary, their office (USDOJ District of Arizona) has sent out a letter to Tribal Leaders stating their position on medical marijuana.

An overview of Indian Health Service (IHS) Policy in regards to Medical Marijuana was provided by Dr. Roy Teramoto, Maternal & Child Health Consultant, and Phoenix Indian Health Service Area Office on behalf of Dr. C. Ty Reidhead who was not able to attend. Dr. Teramoto stated by federal law marijuana use is illegal, IHS does not currently have a medical marijuana policy, the Veteran Administration (VA) has a policy, when IHS develops its policy it will be similar to the VA policy, this policy would also apply to tribal PL 93-638 programs because of federal funding contractual requirements.

An Overview Comparison of State Medical Marijuana Laws was provided by Herman Shorty, Director, Environmental Health, and Navajo Division of Health. Mr. Shorty used a power point presentation. He stated 15 states and Washington D.C. have legalized medical marijuana use. These 15 states are: Alaska, Arizona, California, Colorado, Hawaii, Maine, Michigan, Montana, Nevada, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, and Washington. He provided comparison information on

the year their laws were passed, how the laws were passed, the identification registration fees, possession limits, and acceptance of other state' identification registrations.

A meeting closing blessing was offered by Mr. Herman Shorty.

Questions/Answers

Throughout the presentations audience members were allowed to ask questions of the presenters. To the best of their knowledge and understanding the presenters answered each question addressed to them.

Summary/Recommendations

Tribal leaders and representatives in attendance were appreciative for the scheduling of the Tribal Consultation Meeting and the opportunity to learn more about the state Medical Marijuana Law and implementation regulations. They expressed unified opposition to the Medical Marijuana Law however they supported the states off reservation implementation philosophy of a Medical Marijuana program and not a Recreational Marijuana program. They recommended that ADHS send a formal letter to each tribe's chief elected leader (President, Chairman, Governor) informing them about the one year period to decide if their tribe would want to set up a Medical Marijuana dispensary on their reservation land subject to state rules and regulations.

Agenda
Arizona Department of Health Services (ADHS)
State of Arizona Medical Marijuana Tribal Consultation Meeting
April 07, 2011
Governor's Executive Tower – 2nd Floor Conference Room
1700 West Washington
Phoenix, Arizona
1-5pm

1:00 pm	Welcome	Michael Allison, Native American Liaison, ADHS
1:05 pm	Opening Blessing	Herman Honanie, Vice Chairman, Hopi Tribe
1:10 pm	Opening Remarks	Will Humble, Director, ADHS Leroy Shingoitewa, Chairman, Hopi Tribe
1:30 pm	Overview of the Medical Marijuana Law	Don Herrington, Assistant Director, Public Health Preparedness Svcs, ADHS
2:30 pm	Tribal Law Enforcement Policies	Jesse Delmar, Chief of Police, Fort McDowell Yavapai Nation
3:00 pm	Break	
3:15 pm	Non-Tribal Law Enforcement Policies	Tim Dorn, Chief of Police, Gilbert Police Department, AZ Chief of Police Association
3:40 pm	Federal Law Enforcement Policies	John Tuchi, Tribal Liaison, USDOJ District of Arizona
4:00 pm	Indian Health Service Policy	C. Ty Reidhead, MD, Chief Medical Officer Phoenix IHS Area Office
4:20 pm	Comparison of State Medical Marijuana Laws	Herman Shorty, Director, Environmental Health Navajo Division of Health
4:40 pm	Closing Remarks	Don Herrington, ADHS Tribal Leader – to be invited
4:45 pm	Closing Blessing	Herman Shorty Navajo Division of Health
5:00 pm	Adjournment	

List of Attendees

Name	Title	Organization
Tribal Representatives		
Leroy Shingoitewa	Chairman	Hopi Tribe
Herman Honanie	Vice Chairman	Hopi Tribe
Eva Sekayumtewa	ACOIHS Member/Hopi Tribe Director	Hopi Tribe
Ernest Jones, Sr.	President	Yavapai Prescott Indian Tribe
Herman Shorty	Director, Environmental Health	Navajo Division of Health
Jolene John	Health Services Director	Fort Mohave Indian Health Center
Jesse Delmar	Chief of Police	Fort McDowell Yavapai Nation
Demetra Barr	Medical/Health Div Director	Fort McDowell Yavapai Nation
Annette Brown	Assistant General Counsel	Salt River Pima-Maricopa Indian Community
Laverne R. Dallas	Health Resource Director	Gila River Indian Community
Tom Murphy	Acting Deputy Counsel	Gila River Indian Community
Edward Roybal	Attorney	Ak-Chin Indian Community
Isidro Lopez	Vice Chairman	Tohono O'odham Nation
Collette Lewis	Behavioral Health Director	Fort Mojave Indian Tribe
Reuben T. Howard	Executive Director	Pascua Yaqui Tribe
Inter Tribal Council of Arizona		
Sherrilla Mckinley	Health Program Specialist	Inter Tribal Council of Arizona, Inc.
Urban Indian Representative		
Leland L. Fairbanks, MD	President	Native Health, Inc.

State Indian Representative

Michael Allison	Native American Liaison	Arizona Dept. of Health Services
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Don Herrington	Assistant Director	Arizona Dept. of Health Services
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City Representatives

Tim Dorn	Chief of Police	City of Gilbert
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Hugh White	Police Lt.	Gilbert Police Dept.
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Federal Representatives

John Tuchi	Tribal Liason	USDOJ District of Arizona
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Lena Benally	Health System Specialist	Indian Health Service
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Roy Teramoto	MCH Consultant	Indian Health Service
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