



NCA 22-059

CLASSIFICATION: #37. TRIBAL GOVERNMENT

A LAW OF THE MUSCOGEE (CREEK) NATION AMENDING MCNCA TITLE 37, CHAPTER 3, SUBCHAPTER 8 ENTITLED "DRUG-FREE WORKPLACE" AND CREATING NEW SUBSECTION § 3-813 ENTITLED "Medical Marijuana License Holder Protection and Non-Discrimination"

Be it enacted by the National Council of the Muscogee (Creek) Nation:

SECTION ONE. AMENDMENT. This amendment shall be codified in Title 37, Chapter 3, Subchapter 8 of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification of said amendment and its inclusion in pocket parts of the Code of Laws of the Muscogee (Creek) Nation, the Attorney General is hereby authorized: (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated consistent with the format in the Code of Laws published in 2010 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts to the Code of Laws and (3) to note in said pocket parts any editorial correction of minor clerical or grammatical errors in the following amendment, without further National Council approval:

SECTION TWO. AMENDMENT. MCNCA Title 37 §§ 3-801 and 3-810 are hereby amended to read as follows:

§ 3-801. Definitions

A. Controlled substance – Cocaine, marijuana, with the exception of medical marijuana, opiates, amphetamines and any other substance designated a "controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (213 U.S.C. § 812). Except peyote – when used by the Native American church members of one-quarter (1/4) blood or more off the job for ceremonial purpose where peyote is a sacrament or aid to worship.

B. Conviction – A finding of guilt (including judicial acceptance of a plea of nolo contendere) or imposition of a sentence, or both, by a judicial body determining violations of federal or non-federal criminal drug statutes.

C. Criminal drug statute – A federal or non-federal criminal statute involving the manufacture, distribution, dispensation, use or possession of any controlled substance.

D. Employee – Shall include all administrative and professional staff, classified, staff, student trainees, management personnel of the Muscogee (Creek) Nation and any independent agency or division of the Nation.

E. Illegal drug – Drugs which are illegal under federal, state or local laws include, but are not limited to marijuana, heroin, hashish, cocaine, hallucinogens, and depressants and stimulants not prescribed for current personal treatment by an accredited physician.

F. Medical Marijuana – Marijuana that is grown, processed, dispensed, tested, possessed or used for medical purposes.

~~FG.~~ Project director – The individual having administrative supervision over a project resulting from a federal grant or contract.

~~GH.~~ Workplace – Muscogee (Creek) Nation owned or controlled property or the site for performance of work.

§ 3-810. Prescribed medical treatment

A. The use of controlled medication or over-the-counter drugs as part of a prescribed medical treatment program is naturally not grounds for corrective action, but it may be important for supervision to know such is occurring ~~on~~ **in** order to determine job assignments. Any ~~member~~ **employee** undergoing prescribed medical treatment with a controlled medication shall immediately report this treatment to his/her supervisor.

B. The use of medical marijuana by an employee who has been issued a medical marijuana license by the Oklahoma State Department of Health shall not be grounds for disciplinary action, with the exception of employees whose jobs are safety sensitive or primary job function is driving. However, an employee shall not use, possess or be under the influence of medical marijuana during work hours. The Muscogee (Creek) Nation reserves the right to prohibit the use of medical marijuana in the work place if required by applicable law, regulation, funding source, licensure or required credential.

SECTION THREE. NEW LAW. The following new law shall be codified in Title 37, Chapter 3, Subchapter 8 of the Code of Laws of the Muscogee (Creek) Nation; provided that for purposes of codification of said new law and its inclusion in pocket parts for the Code of Laws of the Muscogee (Creek) Nation, the Attorney General is hereby authorized: (1) to approve any changes related to the manner in which sections, articles, chapters and sub-chapters are designated in this law in order to be consistent with the format in the Code of Laws published in 2010 by West Publishing Company; (2) to include footnoted references to the legislative history in said pocket parts to the Code of Laws; and (3) to note in said pocket parts any editorial correction of minor clerical or grammatical errors in the following new law:

§ 3-813. Medical Marijuana License Holder Protection and Non-Discrimination

A. Unless a failure to do would cause the Muscogee (Creek) Nation to imminently lose a monetary or licensing related benefit under federal law or regulations and with the exception of employees whose jobs are safety sensitive or primary job function is driving, the Muscogee (Creek) Nation shall not discriminate against a person in hiring, termination or imposing any term or condition of employment or otherwise penalize a person based upon either:

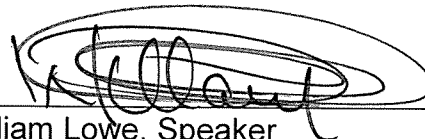
1. Solely, the person's status as a medical marijuana license holder; or
2. Solely, the results of a drug test showing positive for marijuana and its components.

B. Employees that are medical marijuana card holders shall not use, possess or be under the influence while at their place of employment or during hours of employment.

SECTION FOUR. EFFECTIVE DATE. This Act shall become effective immediately upon proper approval and execution in accordance with the requirements of the Muscogee (Creek) Nation Constitution.

ENACTED by the Muscogee (Creek) National Council on this **30TH** day of **July, 2022.**

IN WITNESS WHEREOF, the Speaker of the Muscogee (Creek) National Council has hereto attached his signature.



William Lowe, Speaker
National Council
Muscogee (Creek) Nation

CERTIFICATION

I, the undersigned, certify that the foregoing is a true extract from the minutes of the Muscogee (Creek) National Council comprised of **Sixteen** members with **Sixteen** members attending this meeting on the **30th** day of **July, 2022** and that the above is in conformity with the provisions therein adopted by a vote of **14** in favor, **1** against and that said Law has not been rescinded or amended in any way and the above is the signature of the Speaker of the National Council.

Alicia Stroble

Alicia Stroble, Recording Secretary
Muscogee (Creek) National Council

APPROVAL

I, the Principal Chief of the Muscogee (Creek) Nation, hereby affix my signature on this 2nd day of August, 2022 to the above Law, **NCA 22-059** authorizing it to become a Law under Article VI., Section VI., of the Constitution of the Muscogee (Creek) Nation.

David W. Hill

David W. Hill, Principal Chief
Muscogee (Creek) Nation

