

**LEGISLATIVE SUMMARY SHEET**  
Tracking No. 0100-22

**DATE:** June 6, 2022

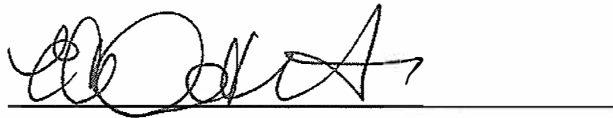
**TITLE OF RESOLUTION: AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES; OPPOSING DECRIMINALIZING THE RECREATIONAL USE OF PEYOTE AND URGING ALL STATES TO LIMIT THE NON-CRIMINAL USE OF PEYOTE TO RELIGIOUS PURPOSES; AND OPPOSING THE INCLUSION OF PEYOTE ON THE CALIFORNIA SENATE BILL 519 LIST OF SUBSTANCES TO BE DECRIMINALIZED**

**PURPOSE:** This resolution, if approved, will provide the Navajo Nation's firm position of opposing the efforts or any attempt made by states in decriminalizing the recreational use of peyote (*lophophora williamsii*) which contains the natural hallucinogenic drug mescaline, and urging states to limit its use to the Native American Church religion, similar to federal law—42 U.S.C. § 1996a.

**This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.**

PROPOSED STANDING COMMITTEE RESOLUTION  
24<sup>th</sup> NAVAJO NATION COUNCIL – Fourth Year, 2022

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. 0100-22

AN ACTION

**RELATING TO RESOURCES AND DEVELOPMENT, HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES; OPPOSING DECRIMINALIZING THE RECREATIONAL USE OF PEYOTE AND URGING ALL STATES TO LIMIT THE NON-CRIMINAL USE OF PEYOTE TO RELIGIOUS PURPOSES; AND OPPOSING THE INCLUSION OF PEYOTE ON THE CALIFORNIA SENATE BILL 519 LIST OF SUBSTANCES TO BE DECRIMINALIZED**

**WHEREAS,**

- A. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council empowered to assist and coordinate all requests for information, appearances and testimony relating to proposed county, state and federal legislation impacting the Navajo Nation. 2 N.N.C. §§ 700(A), 701(A)(6).
- B. The Resources and Development Committee is a standing committee of the Navajo Nation Council empowered to represent the Navajo Nation at local, state, and federal levels, in cooperation and coordination with the President of the Navajo Nation and the appropriate committee of the Navajo Nation Council on proposed resolutions or actions affecting natural resources. . . 2 N.N.C. §§ 500(A), 501(B)(5).
- C. The Health, Education and Human Services Committee is a standing committee of the Navajo Nation Council empowered to represent the Navajo Nation at local, state and

1 federal levels, in coordination with the President of the Navajo Nation and the  
2 Naabik'iyáti' Committee on proposed legislation, funding and other actions affecting  
3 environmental health. 2 N.N.C. §§ 400(A), 401(B)(7)(a).

4 D. The Law and Order Committee is a standing committee of the Navajo Nation Council  
5 with its purpose to protect the rights and interests of the Navajo People by improving the  
6 quality and effectiveness of the justice system within the Navajo Nation. 2 N.N.C. §  
7 600(C)(2).

8 E. The Native American Church is one of the oldest religious traditions in the Western  
9 Hemisphere; a recent carbon dating of peyote at an archeological site in Texas revealed  
10 that the peyote dated back to 4,220 B.C. (approximately 6,000 years ago). James D.  
11 Muneta, *Peyote Crisis Confronting Modern Indigenous Peoples: The Declining Peyote*  
12 *Population and a Demand for Conservation*, Amer. Ind. Law Journal: Vol. 9 : Iss. 1,  
13 Article 6., (2020).

14 <https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1228&context=ailj>

15 F. Native American Church members consume the sacred cactus plant (*lophophora*  
16 *williamsii*) known as peyote which contains the hallucinogenic drug “*mescaline*” during  
17 ceremonies. The hallucinogenic effect of mescaline is naturally found in the peyote  
18 cactuses (*lophophora williamsii*).

19 G. In the Southwest United States and Mexico, peyote is drastically declining due to land  
20 development, ranching, agriculture, poaching, psychedelic tourism, incorrect harvesting,  
21 and other factors such as recreational use and climate change.

22 H. Peyote is a slow-growing cactus that takes approximately ten or more years to grow from  
23 a seed to a mature plant to be consumed.

24 I. In February 2020, California introduced Senate Bill 519 which would decriminalize  
25 certain hallucinogenic substances including mescaline. The California law would make  
26 it: (1) legal to possess for personal and social sharing; (2) place strict limits on who could  
27 use the drug, penalizing those who are under the age of 21 for using drugs; (3) expunge  
28 the records of those with prior criminal offenses for possession and use; (4) require the  
29 California Department of Public Health to come up with regulations and therapeutic uses  
30 of the legalized psychedelics; and (5) will no longer carry criminal penalties for

1 possession of drug paraphernalia associated with psychedelics as long as they are owned  
2 by adults. *See, SB-519 Controlled substances: decriminalization of certain*  
3 *hallucinogenic substances.*

4 J. Under Section 1(l) of Senate Bill 519: *Peyote is specifically excluded from the list of*  
5 *substances to be decriminalized, and any cultivation, harvest, extraction, tincture or*  
6 *other product manufactured or derived therefrom, because of the nearly endangered*  
7 *status of the peyote plant and the special significance peyote holds in Native American*  
8 *spirituality. Section 11363 of the Health and Safety Code, which makes it a crime in*  
9 *California to cultivate, harvest, dry, or process any plant of the genus Lophophora, also*  
10 *known as Peyote, is not amended or repealed.*

11 K. Furthermore, Section 1(m) of Senate Bill 519 provides: *The State of California fully*  
12 *respects and supports the continued Native American possession and use of peyote under*  
13 *federal law, 42 U.S.C. 1996a, understanding that Native Americans in the United States*  
14 *were persecuted and prosecuted for their ceremonial practices and use of peyote for*  
15 *more than a century and had to fight numerous legal and political battles to achieve the*  
16 *current protected status, and the enactment of this legislation does not intend to*  
17 *undermine explicitly or implicitly that status.*

18 L. The Azeé Bee Nahagha of Diné Nation, Inc., passed a resolution, attached as **Exhibit A**,  
19 opposing the decriminalization of peyote due to recreational use by the public which will  
20 threaten the availability and over harvesting of peyote. The Azeé Bee Nahagha of Diné  
21 Nation, Inc., further suggests that peyote be limited strictly for religious, cultural and  
22 ceremonial purposes only.

23 M. Azeé means medicine in Diné language. Native American Church practitioners identify  
24 Azeé to also mean peyote and is believed to spiritually heal a person through songs,  
25 prayers, and consumption of the Azeé (Peyote).

26 N. The Navajo Nation understands that peyote is classified as a Schedule I controlled  
27 substance under the Federal Controlled Substance Act. However, the Navajo Nation  
28 government has allowed the religious use of peyote since 1967 within Navajo Nation  
29 through Resolution No. CO-65-67.

30

1 O. The Navajo Nation further understands that federal law, the American Indian Religious  
2 Freedom Act Amendments of 1994, 42 U.S.C. § 1996a, provides authorization for  
3 Native American Church members to legally use peyote for religious purposes only.

4 P. It is in the best interest of the Navajo Nation to oppose decriminalizing the recreational  
5 use of peyote as it is a cacti that could be excessively harvested and will endanger the  
6 plant (peyote) and will also affect the religious practice of Indigenous people across the  
7 Western Hemisphere including members of the Navajo Nation who have a sincere  
8 religious belief in Native American Church.

9  
10 **NOW, THEREFORE, BE IT RESOLVED THAT**

11 A. The Navajo Nation opposes decriminalizing the recreational use of peyote and urges all  
12 states to limit the non-criminal use of peyote for religious purposes only, similar to 42  
13 U.S.C. § 1996a.

14 B. Further, the Navajo Nation strongly opposes the inclusion of peyote on the California  
15 Senate Bill 519 list of substances to be decriminalized.





Willie Tracey Jr., President  
Albert Johnson, Vice President

Victoria Woody, Treasurer  
Roxyanne Harvey, Secretary

**RESOLUTION OF THE AZEE' BEE NAHAGHA OF DINE NATION, Inc.**

**Respectfully Approving and Recommending the Navajo Nation Council to Oppose the National Peyote Decriminalization**

**WHEREAS:**

1. Azee Bee Nahagha of Dine Nation, Inc. (ABNDN Inc.) is governed by Board of Directors as provided for in its Articles of Incorporation, Constitution and Bylaws; and
2. The Native American Church of Navajoland, Inc. (NACNL Inc.), now known as ABNDN Inc. was established on June 11, 1966 as a non-profit organization, was incorporated within the State of New Mexico on May 15, 1972 and in December 1989, the Advisory Committee of the Navajo Tribal Council granted a Revocable Land Use Permit (Mission Site) for NACNL comprising of ten (10) acres of Navajo Nation Trust land at Chinle, Arizona; and
3. ABNDN, Inc. is vested with the authority to review all matters affecting it's membership while making appropriate delicate decisions as deem necessary and to make recommendation to various agencies while seeking resources; and
4. ABNDN recognizes the Azeé (Peyote) plant to be sacred among the Navajo people; and
5. ABNDN recognizes Azeé (Peyote) has been consumed by Navajo people for religious, cultural, and ceremonial purposes since time in immemorial; and
6. ABNDN recognizes certain lands in the Southwest part of Texas and in Northern Mexico are cultural places of significant importance where Azeé (Peyote) plant grows in its aboriginal habitat; and
7. ABNDN recognizes the number of Azeé (Peyote) plants has decreased in recent years, threatening the long-term sustainability of the Azeé (Peyote) aboriginal habitats or populations, and depleting the number of Azeé (Peyote) that could be available for future generations; and
8. ABNDN recognizes the personal and corporate cultivation of the Azeé (Peyote) plant threatens the historical, cultural, and biological integrity of the plant by potentially exposing the population to hybridization, genetic modification, and sterilization, all of which is in violation of Public Law 103-344 American Indian Religious Freedom Act of 1994 (AIRFA of 1994); and
9. ABNDN recognizes the movement to decriminalize Azeé (Peyote) use directly threatens the availability of Azeé (Peyote) and integrity of the ceremonial use of Azeé (Peyote) for Navajo people, including other Indigenous peoples, and would be contrary to the doctrine of



federal preemption, whereby federal law supersedes state law in this area (under Public Law 103-344 AIRFA of 1994).

10. ABNDN recognizes the decriminalization of Azeé (Peyote) consumption beyond the already hundreds of thousands of federally recognized tribes and other Indigenous peoples, including Navajo people, will create a demand and market for Azeé (Peyote) that further threatens the existing aboriginal inhabitants.

**NOW THEREFORE, BE IT RESOLVED THAT:**

1. ABNDN opposes the decriminalization of Azeé (Peyote). Usage should be only "by a federally enrolled tribal citizen who uses Azeé (Peyote) in a bona fide traditional ceremony.

2. ABNDN opposes the extraction and synthesis of mescaline, and any cultivation, tincture, or manufacturing for scientific purposes (research), or for any reasons outside of a traditional bone-fide ceremonial setting and purposes.

3. ABNDN hereby requests to protect and preserve Azeé (Peyote) strictly used for religious, cultural, and ceremonial purposes by the Navajo people, as protected under federal law.

4. ABNDN hereby requests Navajo leadership to protect and preserve the Peyote Way of Life and the lands in which they reside within its natural aboriginal habitant.

**CERTIFICATION**

We hereby certify that the foregoing resolution was duly considered by the ABNDN, Inc. Executive Officials and Board of Directors at a duly called meeting at Chinle, Navajo Nation, Arizona, at which a quorum was present and that same was passed by a vote of 11 in favor, 00 opposed and 01 abstained, this 16<sup>th</sup> day of April, 2022.

**MOTION:** Justin Dale

**SECOND:** Richard Monroe

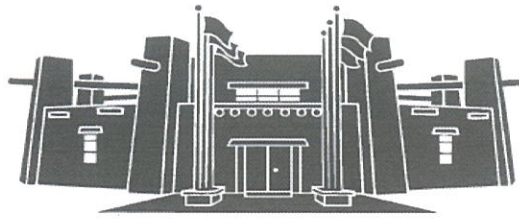
Willie Tracey Jr., President

Albert Johnson, Vice President

Melinda Nakai, Protemp Secretary

Victoria Woody, Treasurer





## MEMORANDUM

TO : Honorable Eugenia Charles-Newton, Sponsor  
Law and Order Committee  
24<sup>th</sup> Navajo Nation Council

Honorable Thomas Walker, Jr., Co-sponsor  
Resources and Development Committee  
24<sup>th</sup> Navajo Nation Council

FROM:   
Chad Abeyta, Attorney  
Office of Legislative Counsel

DATE : June 6, 2022

RE : **AN ACTION RELATING TO RESOURCES AND DEVELOPMENT, HEALTH, EDUCATION AND HUMAN SERVICES, LAW AND ORDER AND NAABIK'ÍYÁTI' COMMITTEES; OPPOSING DECRIMINALIZING THE RECREATIONAL USE OF PEYOTE AND URGING ALL STATES TO LIMIT THE NON-CRIMINAL USE OF PEYOTE TO RELIGIOUS PURPOSES; AND OPPOSING THE INCLUSION OF PEYOTE ON THE CALIFORNIA SENATE BILL 519 LIST OF SUBSTANCES TO BE DECRIMINALIZED**

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. The resolution as drafted is legally sufficient. Regarding substance, as with any legislation, it can be subject to review by the courts in the event of proper challenge. Please ensure that this particular resolution request is precisely what you want.

If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment. If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution. Ahéhee'.



THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0100-22\_

SPONSOR: Eugenia Charles-Newton

**TITLE: An Action Relating to Resources and Development, Health, Education and Human Services, Law and Order and Naabik'iyáti' Committees; Opposing Decriminalizing the Recreational Use of Peyote and Urging All States to Limit the Non-Criminal Use of Peyote to Religious Purposed; and Opposing the Inclusion of Peyote on the California Senate Bill 519 List of Substances to be Decriminalized**

*Date posted:* June 06, 2022 at 6:16PM

Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto:comments@navajo-nsn.gov)

Written comments may be mailed to:

Executive Director  
Office of Legislative Services  
P.O. Box 3390  
Window Rock, AZ 86515  
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

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