

114TH CONGRESS
2D SESSION

H. R. 5014

To protect the legal production, purchase, and possession of marijuana by Indian tribes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 2016

Mr. POCAN introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To protect the legal production, purchase, and possession of marijuana by Indian tribes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Tribal Marijuana Sov-
5 ereignty Act of 2016”.

6 **SEC. 2. LEGAL PRODUCTION, PURCHASE, AND POSSESSION**
7 **OF MARIJUANA BY INDIAN TRIBES.**

8 (a) IN GENERAL.—The fact that an Indian tribe, a
9 member of an Indian tribe, or a tribal entity is legally au-

1 thORIZED to produce, purchase, or possess marijuana on
2 lands held in fee by that Indian tribe, lands held in trust
3 by the United States for the benefit of that Indian tribe,
4 or lands conveyed to an Alaska Native Corporation pursu-
5 ant to the Alaska Native Claims Settlement Act (43
6 U.S.C. 1601 et seq.), shall not be considered when—

7 (1) allocating or distributing Federal funds or
8 other Federal benefits to the Indian tribe, a member
9 of an Indian tribe, or the tribal entity;

10 (2) determining the eligibility of the Indian
11 tribe or the tribal entity for any contract, grant, or
12 other agreement with the United States, or the re-
13 newal or modification thereof, where the legal pro-
14 duction, purchase, or possession of marijuana by the
15 Indian tribe or a member of an Indian tribe would
16 otherwise disqualify the Indian tribe from eligibility;

17 (3) evaluating the ongoing compliance of the
18 Indian tribe or the tribal entity with any contract,
19 grant, or other agreement with the United States
20 where the legal production, purchase, or possession
21 of marijuana by the Indian tribe or a member of an
22 Indian tribe would otherwise result in the Indian
23 tribe or tribal entity being out of compliance; and

24 (4) determining if the Indian tribe or a member
25 of an Indian tribe is eligible for Federal benefits for

1 which the Indian tribe or a member of an Indian
2 tribe would otherwise be eligible.

3 (b) CLARIFICATION.—This section shall not prohibit
4 consideration of income from the legal production, pur-
5 chase, or possession of marijuana to the same extent that
6 the other legal income would be considered when allocating
7 or distributing Federal funds or determining eligibility for
8 Federal benefits.

9 (c) DEFINITION.—For purposes of this section:

10 (1) INDIAN TRIBE.—The term “Indian tribe”
11 means those entities described in section 4(e) of the
12 Indian Self-Determination and Education Assistance
13 Act of 1975 (25 U.S.C. 450b(e)).

14 (2) TRIBAL ENTITY.—The term “tribal entity”
15 means—

16 (A) tribal organizations as defined in sec-
17 tions 4(l) of the Indian Self-Determination and
18 Education Assistance Act of 1975 (25 U.S.C.
19 450b(l));

20 (B) tribally designated housing entities as
21 defined in section 4(22) of the Native American
22 Housing Assistance and Self-Determination Act
23 of 1996 (25 U.S.C. 4103(22)); or

24 (C) Indian owned businesses and tribal en-
25 terprises as defined in sections 3(5) and 3(8) of

1 the Native American Business Development,
2 Trade Promotion, and Tourism Act of 2000 (25
3 U.S.C. 4302(5) and (8)).

4 (3) LEGALLY AUTHORIZED.—The term “legally
5 authorized” means permitted under the laws of—

6 (A) the United States;

7 (B) the State where the lands held in fee
8 by an Indian tribe or held in trust by the
9 United States for the benefit on behalf of that
10 Indian tribe are located; or

11 (C) an Indian tribe.

12 **SEC. 3. RECOMMENDATIONS OF IHS MEDICAL PROFES-**
13 **SIONALS REGARDING MARIJUANA.**

14 (a) IN GENERAL.—Notwithstanding any other provi-
15 sion of law, IHS medical professionals are authorized to
16 make medical recommendations to their patients with re-
17 gard to marijuana and to complete forms reflecting such
18 recommendations.

19 (b) DEFINITIONS.—In this section:

20 (1) The term “IHS medical professional”
21 means a physician or other health professional fur-
22 nishing services through an Indian health program
23 (as defined in section 108(a)(2) of the Indian Health
24 Care Improvement Act (25 U.S.C. 1616a(a)(2))).

1 (2) The term “recommendations” does not in-
2 clude dispensing (as defined in section 102 of the
3 Controlled Substances Act (21 U.S.C. 802)).

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