

# Oneida Nation

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## **BC Resolution # 06-10-20-D Amendments to the Tobacco Law**

- WHEREAS,** the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and
- WHEREAS,** the Oneida General Tribal Council is the governing body of the Oneida Nation; and
- WHEREAS,** the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and
- WHEREAS,** the Tobacco law (“the Law”) was adopted by the Oneida Business Committee through resolution BC-11-18-81-A, and then amended by resolutions BC-10-10-07-A, BC-04-09-14-F, and BC-01-25-17-B; and
- WHEREAS,** the purpose of the Law is to regulate the sale, possession and distribution of cigarettes within the Reservation; and
- WHEREAS,** the Oneida Business Committee adopted emergency amendments to this Law through resolution BC-02-26-20-A in accordance with the emergency adoption process set forth in the Legislative Procedures Act; and
- WHEREAS,** the emergency amendments raised the Nation’s minimum age for the sale of cigarettes and electronic cigarettes from eighteen (18) to twenty-one (21) years old based on President Trump’s December 20, 2019, action to sign into law an amendment to the Federal Food, Drug, and Cosmetic Act which raised the legal age to purchase tobacco products from at least eighteen (18) to at least twenty-one (21) years old, effective immediately; and
- WHEREAS,** the emergency amendments to the Law are set to expire on August 26, 2020; and
- WHEREAS,** the adoption of the emergency amendments on a permanent basis are necessary to remain compliant with the Federal Food, Drug, and Cosmetic Act’s requirements; and
- WHEREAS,** additional permanent amendments to the Law were made and include the addition of a definition for tobacco products; and
- WHEREAS,** the permanent amendments clarify that all tobacco products, and not just cigarettes and electronic cigarettes, shall not be sold to any person under the age of twenty-one (21) years old; and

- WHEREAS,** the permanent amendments to the Law clarify that no person other than an authorized employee shall sell tobacco products, and not just cigarettes and electronic cigarettes, at an Oneida retail location; and
- WHEREAS,** the permanent amendments to the Law clarify that the process and procedure contained in the Nation's Citations law will govern citations issued under this Law; and
- WHEREAS,** the permanent amendments to the Law provide authority to the Oneida Business Committee to adopt through resolution a fine and penalty schedule for citations issued as a result of a violation of this Law; and
- WHEREAS,** the Legislative Operating Committee worked collaboratively with representatives from the Oneida Law Office, Oneida Retail Enterprise, and the Community Health Services Department to develop the amendments to this Law; and
- WHEREAS,** in accordance with the Legislative Procedures Act, a legislative analysis and fiscal impact statement were completed for the amendments to the Law; and
- WHEREAS,** a public meeting on the proposed amendments to this Law was not held in accordance with the Legislative Procedures Act due to the COVID-19 pandemic; and
- WHEREAS,** in the Spring of 2020 the world experienced the spread of the COVID-19 pandemic which resulted in many countries experiencing the effects of health issues and mortality related to COVID-19 and vast economic impacts; and
- WHEREAS,** on March 12, 2020, Chairman Tehassi Hill signed a "*Declaration of Public Health State of Emergency*" regarding COVID-19 which declared a Public Health State of Emergency for the Nation until April 12, 2020, which was then subsequently extended through June 11, 2020, through the adoption of resolutions BC-03-28-20-A and BC-05-06-20-A; and
- WHEREAS,** on March 24, 2020, the Nation's COVID-19 Core Decision Making Team issued a "*Safer at Home*" declaration which prohibits all public gatherings of any number of people and orders all individuals present within the Oneida Reservation to stay at home or at their place of residence, with certain exceptions allowed; and
- WHEREAS,** on March 27, 2020, the Nation's COVID-19 Core Decision Making Team issued a "*Suspension of Public Meetings under the Legislative Procedures Act*" declaration which suspended the Legislative Procedures Act's requirement to hold a public meeting during the public comment period, but allows members of the community to still participate in the legislative process by submitting written comments, questions, data, or input on proposed legislation to the Legislative Operating Committee via e-mail during the public comment period; and
- WHEREAS,** although a public meeting was not held for the proposed amendments to this Law, the public comment period for the amendments to this Law was held open until May 7, 2020; and

**NOW THEREFORE BE IT RESOLVED**, that the amendments to the Tobacco law are hereby adopted and shall be effective on June 24, 2020.

**CERTIFICATION**

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 9 members were present at a meeting duly called, noticed and held on the 10<sup>th</sup> day of June, 2020; that the forgoing resolution was duly adopted at such meeting by a vote of 6 members for, 0 members against, and 2 members not voting\*; and that said resolution has not been rescinded or amended in any way.

  
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Lisa Summers, Secretary  
Oneida Business Committee

\*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."