

Blackfeet Tobacco Free Act

PREAMBLE:

The passage of the Blackfeet Tobacco Free Act is dedicated to all the Blackfeet members who have died and suffer from commercial tobacco related cancers and diseases. The Blackfeet Tobacco Free Act is enacted to protect the public health of the Blackfeet Nation, now and in the future.

Section 1. Short Title

This Ordinance maybe referred to as the Blackfeet Tobacco Free Act or Blackfeet TFA.

Section 2. Authority

The Blackfeet Tribe of the Blackfeet Indian Reservation enacts this Ordinance pursuant to Article VI, Part (k) of the Constitution and Bylaws for the Blackfeet Tribe of the Blackfeet Indian Reservation approved by the Secretary of the Interior on December 13, 1935.

- (1) All persons within the boundaries of the Blackfeet Reservation are subject to the Blackfeet Tobacco Free Act, and compliance with this Act is a condition for temporary, transient or permanent occupancy, commerce, or residency on the Blackfeet Reservation.

Section 3. Findings

The Blackfeet Tribal Council finds that:

- (1) Blackfeet cultural, spiritual and ceremonial use of tobacco is an inherent immutable component of the Blackfeet Cultural Landscape. The Blackfeet Tobacco Free Act does not ban, prohibit or restrict in any manner the traditional, cultural, spiritual, and ceremonial sacred tobacco use by the Blackfeet People.
- (2) The Blackfeet cultural tobacco teachings and use are of supreme importance to the health, wellness and welfare of the Blackfeet Tribe and the continuance of the Blackfeet Tribe as a distinct cultural and political entity in perpetuity.
- (3) Cultivation of tobacco for spiritual and ceremonial use is an infinite and inherent right of the Blackfeet spiritual, religious and ceremonial traditions and practices. The Blackfeet Tobacco Free Act does not prohibit or infringe in any manner on any tobacco cultivation or harvesting for spiritual and ceremonial use by the Blackfeet People.
- (4) The Blackfeet Tobacco Free Act is intended solely to protect and restore the

health and welfare of the Blackfeet People by the regulation of second hand tobacco smoke and spit tobacco waste.

- (5) Finds no safe levels of ventilation exists based upon scientific studies that can ensure the protection and prevention of secondhand smoke health related illnesses. The Blackfeet Tobacco Free Act is enacted to protect children, adolescents, adults and elders from second hand smoke that results from the use and addiction to commercial tobacco products.

Section 4. Policy

- (1) The Blackfeet Tobacco Free Act is enacted to protect the public from the health hazards of second hand tobacco smoke and spit tobacco on the Blackfeet Reservation in enclosed public places, where it is usual that the public is allowed to enter. Those public places include but are not limited to the following:
 - i. restaurants,
 - ii. stores,
 - iii. places of employment,
 - iv. educational, training and community centers,
 - v. tribally owned or leased vehicles,
 - vi. buildings and offices, where the public is allowed,
 - vii. tribal childcare facilities,
 - viii. private residences that are used for business and commerce purposes, such as retail sales, childcare or where public access is allowed,
 - ix. all areas within 25 ft. of all facility entranceways or outside ventilation air intake ducts,
 - x. public gathering places that include a designated structure or facility for Blackfeet social cultural gatherings.
- (2) All facilities under the Blackfeet Tobacco Free Act must "designate a smoking area," outside of the facility and noncompliance with Section. 4 (1) ix of this Act. Further, signs designating buildings as "smoke & spit-tobacco free" must be posted in conspicuous places to areas applicable under this act.
- (3) The Blackfeet Tobacco Free Act is intended to provide for a period of implementation for tribally owned casinos and bingo halls until August 30, 2007. After that date all conditions of this Act will apply uniformly to those facilities.
- (4) The Blackfeet Tobacco Free Act is intended to provide for a period of implementation for bars that are operated primarily for the sale of alcohol beverages until August 30, 2007. After that date all conditions of this Act will apply uniformly to those facilities.
- (5) The Blackfeet Tobacco Free Act is not intended to regulate commercial tobacco use in private residences or privately owned vehicles.
- (6) The Blackfeet Tobacco Free Act is intended to provide for an

exemption of lodging space, hotel or motel establishments that designate a room or lodging space rented by a guest as a smoking. This exemption applies only when no more than 30% of the rooms or lodging space are designated as smoking rooms or lodging spaces.

Section 5. Definitions

- (1) Blackfeet Tribal Council means the duly elected governing body within the exterior boundaries of the Blackfeet Indian Reservation.
- (2) Commercial tobacco means a manufactured product for commercial sale and when used results in tobacco addiction, illnesses, cancer and deaths.
- (3) Secondhand smoke is smoke from the burning end of the commercial tobacco product and the smoker's exhalation.
- (4) Spit tobacco use means the chewing and waste expulsion of a commercial spit tobacco product after use by a person.

Section 7. Enforcement

- (1) Enforcement of the Blackfeet Tobacco Free Act will be carried out by the duly commissioned peace officers of the Blackfeet Tribe and the Bureau of Indian Affairs, tribal or other officially recognized enforcement personnel providing law and order enforcement services to the Blackfeet Tribe on the Blackfeet Reservation.
- (2) Each violation shall be prosecuted in the Blackfeet Tribal Court by the Prosecutor of the Blackfeet Tribe. The Blackfeet Court may issue fines up to Five Hundred Dollars (\$500.00) for each violation and/or other penalties determined at the discretion of the Blackfeet Court.
- (3) Verbal warnings will be issued for first time violators by duly commissioned law enforcement personnel for thirty days after the effective date of this ordinance. This exemption terminates on October 1, 2005 and all provisions of the Blackfeet Tobacco Free Act apply.

Section 6. Confidentiality and Disclosure

- (1) The Blackfeet Tobacco Free Act adheres to the Blackfeet Tribal Ordinance 100 "Blackfeet Cultural Preservation Act, Section 18 (1) that states:

"A determination regarding the nature and cultural significance of cultural resources may involve the use of sensitive and confidential information regarding Blackfeet traditional law, tribal customs, beliefs, protocols, practices and traditions. Such information is of a highly specialized and personal nature and sometimes held by only a few individuals in the Blackfeet tribes of South Piegan, North Piegan, Blood and Siksika. According to

traditional Blackfeet law, belief and customs, such information is not readily shared and is proprietary and confidential, unless traditional Blackfeet protocols and practices are used to elicit such information. Public disclosures of this type of information could cause harm to the integrity of the Blackfeet culture, worldview and traditional knowledge system.”

Section 7 Effective Date

The Blackfeet Tobacco Free Act shall be effective September 1, 2005 in accordance with the Blackfeet Tribal Constitutions and Bylaws.