

“Ohinni Candi Wakandapi” Act
Chani Wakan K/nusa
Keep Tobacco Sacred Act

PREAMBLE:

The passage of the Fort Peck “Ohinni Candi Wakandapi” Act is dedicated to all the Assiniboine and Sioux members who have died and suffer from commercial, manufactured tobacco related cancers and diseases. The Fort Peck Tribes “Ohinni Candi Wakandapi” Act is enacted to protect the public health of the Fort Peck Tribes Nation, now and in the future.

Section 1. Short Title

This Ordinance maybe referred to as Fort Peck Tribes “Ohinni Candi Wakandapi” Act or OCWA.

Section 2. Authority

The Fort Peck Tribes of the Fort Peck Indian Reservation enacts this Ordinance pursuant to Article IV, Section 1 of the Fort Peck Tribes Constitution and By-laws of the Assiniboine and Sioux Tribes effective October 1, 1960

All tribal members and American Indians within the boundaries of Ft. Peck Reservation and compliance with the OCW Act is a condition for temporary, transient or permanent occupancy, commerce, or residency on the Ft. Peck Reservation.

Section 3. Findings

The Fort Peck Tribal council finds that:

- (1) Assiniboine and Sioux cultural, spiritual and ceremonial use of tobacco is an inherent immutable component of the Fort Peck Tribes Cultural Landscape. The “Ohinni Candi Wakandapi” Act does not ban, prohibit or restrict in any manner the traditional, cultural, spiritual, and ceremonial sacred tobacco use by the Assiniboine and Sioux People.
- (2) The Fort Peck Tribes cultural tobacco teachings and use are of supreme importance to the health, wellness and welfare of the Fort Peck Tribes and the continuance of the Fort Peck Tribes 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 Fort Peck Tribes spiritual, religious and ceremonial traditions and practices. The “Ohinni Candi Wakandapi” Act does not prohibit or infringe in any manner on any tobacco cultivation or harvesting for spiritual and ceremonial use by the Assiniboine and Sioux People.

- (4) The “Ohinni Candi Wakandapi” Act is intended solely to protect and restore the health and welfare of the Assiniboine and Sioux People by the regulation of second hand manufactured tobacco smoke and spit tobacco product waste.
- (5) Finds no safe levels of ventilation exists based upon scientific studies that can ensure the protection and prevention of secondhand manufactured tobacco smoke health related illnesses. The “Ohinni Candi Wakandapi” Act is enacted to protect children, adolescents, adults and elders from second hand manufactured tobacco smoke that results from the use and addiction to commercial tobacco products.

Section 4. Policy

- (1) The “Ohinni Candi Wakandapi” Act is enacted to protect the public from the health hazards of second hand tobacco smoke and spit tobacco on the Ft. Peck 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 Fort Peck social cultural gatherings and further would include banning cigarettes, chewing and commercial tobacco products.
- (2) All facilities under the “Ohinni Candi Wakandapi” 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 “Ohinni Candi Wakandapi” Act is intended to provide for a period of implementation for tribally owned casinos and bingo halls \for a period of 30 days after the passage of the Act by the Ft. Peck Tribal Executive Board. After that implementation period all conditions of this Act will apply uniformly to those facilities.
- (4) The “Ohinni Candi Wakandapi” Act is not intended to regulate commercial tobacco use in private residences or privately owned vehicles.
- (5) The “Ohinni Candi Wakandapi” 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 is designated as smoking rooms or lodging spaces.

Section 5. Definitions

- (1) Fort Peck Tribal Executive Board means the duly elected governing body within the exterior boundaries of the Fort Peck Indian Reservation.
- (2) Commercial tobacco means a manufactured tobacco 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 manufactured tobacco product and the smoker's exhalation.
- (4) Spit tobacco use means the chewing and waste expulsion of a commercial spit tobacco manufactured product after use by a person.

Section 7. Enforcement

- (1) Enforcement of the "Ohinni Candi Wakandapi" Act will be carried out by the duly commissioned peace officers of the Fort Peck Tribes and the tribal or other officially recognized enforcement personnel providing law and order enforcement services to the Fort Peck Tribes on the Fort Peck Reservation.
- (2) Each violation shall be prosecuted in the Fort Peck Tribes Tribal Court by the Prosecutor of the Fort Peck Tribes. The Fort Peck Tribes Court may issue fines up to Five Hundred Dollars (\$500.00) for each violation and/or other penalties determined at the discretion of the Fort Peck Tribes 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 30 days after the passage of the Act and all provisions of the Fort "Ohinni Candi Wakandapi" Act apply.

Section 6. Confidentiality and Disclosure

- (1) The Fort Peck Tribes "Ohinni Candi Wakandapi" Act adheres to and upholds that:

"A determination regarding the nature and cultural significance of cultural resources may involve the use of sensitive and confidential information regarding traditional laws, 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 Assiniboine and Sioux Tribes. According to traditional laws, belief and customs, such information are not readily shared and are proprietary and confidential, unless traditional Assiniboine and Sioux protocols and practices are used to elicit such information. Public disclosures of this type of information could cause harm to the integrity of the Assiniboine and Sioux culture, worldview and traditional knowledge system."

Section 7 Effective Date

The Fort Peck Tribes “Ohinni Candi Wakandapi” Act shall be effective October 1, 2007 in accordance with the Fort Peck Tribes Tribal Constitutions and Bylaws and codified into the Fort Peck Tribe Law and Order Code.