

# Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

## **BC Resolution # 02-26-20-A Tobacco Law Emergency Amendments**

- 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 by resolution BC-11-18-81-A and amended by resolution BC-10-10-07-A and BC-04-09-14-F, and BC-01-25-17-B; and
- WHEREAS,** the Law regulates the sale, possession and distribution of cigarettes within the Reservation; and
- WHEREAS,** the current Law allows for tobacco products to be sold to those persons eighteen (18) years of age and older; and
- WHEREAS,** on December 20, 2019 the Federal Food, Drug, and Cosmetic Act was amended to change the minimum age for the sale of tobacco products from eighteen (18) years to twenty-one (21) years; and
- WHEREAS,** an emergency amendment to the Law is being made to increase the minimum age in which people may buy tobacco products from eighteen (18) years of age to twenty-one (21) years of age in order to comply with federal law; and
- WHEREAS,** the Legislative Procedures Act authorizes the Oneida Business Committee to enact legislation on an emergency basis, to be in effect for a period of six (6) months, renewable for an additional six (6) months; and
- WHEREAS,** emergency adoption of legislation is allowed when legislation is necessary for the immediate preservation of the public health, safety, or general welfare of the Reservation population, and the amendment of the legislation is required sooner than would be possible under the Legislative Procedures Act; and
- WHEREAS,** the emergency adoption of the amendment to the Law is necessary for the preservation of the public health and general welfare of the Reservation population because it ensures the Nation is in compliance with federal law; and

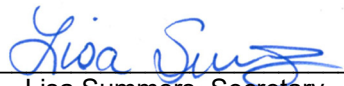
**WHEREAS,** observance of the requirements under the Legislative Procedures Act for adoption of this amendment would be contrary to public interest; and

**WHEREAS,** the Legislative Procedures Act does not require a public meeting or fiscal impact statement when considering emergency legislation; and

**NOW THEREFORE BE IT RESOLVED,** that the emergency amendments to the Tobacco law are hereby adopted on an emergency basis and shall become effective immediately.

#### 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; 6 members were present at a meeting duly called, noticed and held on the 26<sup>th</sup> day of February, 2020; that the forgoing resolution was duly adopted at such meeting by a vote of 3 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."