

ORDINANCE OF THE OGLALA SIOUX TRIBAL COUCIL OF THE OGLALA
SIOUX TRIBE
(An Unincorporated Tribe)

AMMENDMENT TO THE ORDINACE OF THE OGLALA SIOUX TRIBAL COUNCIL ESTABLISHING OGLALA SIOUX TRIBAL BUILDINGS AS SMOK-FREE, REQUIRING ALL PUBLIC BUILDINGS LOCATED WITHIN THE PINE RIDGE RESERVATION BOUNDARIES TO ESTABLISHING PENALTIES FOR VIOLATION OF THIS ORDINACE.

WHEREAS, The Oglala Sioux Tribal Council Judiciary Committee has recommended the Oglala Sioux Tribal Council adopt an ordinance establishing all Oglala Sioux Tribal buildings and all offices of the Oglala Sioux Tribal programs as smoke-free, and

WHEREAS, the purpose of this ordinance is to protect the public health, safety and welfare of the people of the Lakota Nation, especially unborn children, elderly, and people with respiratory illnesses, and

WHEREAS, smoking may be linked to the higher incidence of infant mortality in the Aberdeen Area, in as much as prenatal smoking reduces oxygen to the fetus, parental smoking results in increased prevalence of respiratory problems, bronchitis, and pneumonia among newborns, and smoking is also associated with Sudden Infant Death Syndrome, and

WHEREAS, implementation of a smoking policy for Tribal buildings ad offices would be one such way of promoting better health and preventing diseases and serious health problems for members of the Oglala Sioux Tribe, and

WHEREAS, establishment of such and ordinance is critical for the following reasons:

1. Reduction of exposure to passive smoking; Non-smokers who are exposed to the smoke of others are at increased risk for both cancer and of heart disease. Such exposure results in an estimated 5,000-6,000 deaths per year in the United States. Persons with chronic respiratory problems such as asthma, emphysema, allergies, and Chronic Obstructive Pulmonary Disease are also placed at greater risk by exposure to second-hand smoke. All employees have a right to a healthy environment in the work place. Establishment of smoking

policies and their enforcement is the only way the Tribe can ensure that it's employees are guaranteed such a healthy work environment.

2. Reduction in cigarette consumption of all employees: When work places become smoke-free, employees tend to smoke fewer cigarettes per day. This in itself produces a health benefit. Sometimes employees with proper counseling and encouragement will quit entirely, and obviously that would promote better health,

WHEREAS, this amendment has repealed and omitted any and all references "designated smoking areas" mentioned in previously approved ordinances, now

THEREFORE BE IT ORFAINED, that the Oglala Sioux Tribal Council at the recommendation of the Judiciary Committee does hereby adopt the following:

- I. No person may smoke tobacco or carry any lighted tobacco product in the following places;
 - A. Any hospital or medical or dental clinic,
 - B. Any office of any Oglala Sioux Tribal Program,
 - C. Any nursing facility
 - D. Any public library, museum or indoor theater,
 - E. Any elementary or secondary school building,
 - F. Any public conveyance,
 - G. Any jury room,
 - H. Any elevator,
 - I. Any registered or unregistered day care program, day care center, day care cooperative; or family day care home governed by Chapter 26-6 during the time in which children who a not family members or the day care provider are receiving care.
- II. This section does not prohibit the smoking of tobacco products in buildings such as bingo halls or casinos.
- III. This section does not prohibit the use of tobacco for ceremonial purposes.
- IV. Sign required to be posted in all Tribal buildings to advise the persons of "No Smoking".

The following terms used in this ordinance have the following meanings unless the context clearly indicated otherwise:

Ceremonial purposes means when an individual or individuals offer tobacco to carry the message of prayer.

BE IT FURTHER ORDAINED, that the smoke-free building policy shall go into the Oglala Sioux Tribal Personnel Policies & Procedures Manual, and shall read as follows:

For Oglala Sioux Tribal Personnel:

OFFENSE	1st	2 nd	3 rd	4th
Smoking in any Tribal building or smoking in facilities for personal rather than ceremonial purposes.	Verbal warning	written warning	1-10 day suspension with out pay	2-week suspension with out pay
For the general Public	Verbal Direction to leave facility	Removal from facility		

BE IT FURTHER ORDAINED, that the Oglala Sioux Tribal Council sergeant-at-Arms, the Security Guards and District Building Security, shall enforce this ordinance.

C-E-R-T-I-F-I-C-A-T-I-O-N

I, as undersigned Recording Secretary of the Oglala Sioux Tribal Council, hereby certify that this Ordinance was adopted by a vote of: 11 for; 3 against; 0 abstain; 0 not voting, during a REGULAR SESSION held on the 3rd day of FEBRURY, 1998.

Recording Secretary
Oglala Sioux Tribe

A-T-T-E-S-T

Vice-President
Oglala Sioux Tribe