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Dear Business Owner/Manager,

This letter is your official notification that the Cheyenne River Sioux Tribal Council has passed the "Smoke-Free Air Act of 2015," Tribal Ordinance 77 to provide protection from the dangers of second-hand smoke.

Effective immediately the smoking of commercial tobacco products is prohibited in all enclosed public places and places of employment within the Cheyenne River Reservation. The Smoke-Free Air Act will be enforced by Law Enforcement or an authorized designee. See below for definitions.

The smoking of commercial tobacco products is also prohibited within 50 feet of outside entrances, operable windows, and ventilation intakes (such as air conditioners) in businesses where smoking is prohibited, to ensure that secondhand smoke does not enter those areas.

"No Smoking" signs or the international "No Smoking" symbol shall be clearly posted in every public place and place of employment where smoking is prohibited, by the person in control of that place. If you have not received a complementary sign by June 1, 2015, tribal businesses may contact CRST Property & Supply at 964-4767 and non-tribal businesses may contact Missouri Breaks at 964-3418 to get "No Smoking" signs - ask for Corrine or Rae.

All ashtrays, matchbooks, or similar smoking equipment intended for use on the premises must be removed from any area where smoking is prohibited.

This ban on the smoking commercial tobacco products must be communicated to all existing employees both orally and in writing by June 1, 2015 and to all prospective employees upon their application for employment. See attached sample letter to employees. This is the responsibility of the owner, manager, program director, operator, or employee of the establishment.

The following areas are not subject to the restrictions of the Smoke Free Air Act:

The blue represents the thunderclouds above the world where live the thunder birds who control the four winds. The rainbow is for the Cheyenne River Sioux people who are keepers of the Most Sacred Calf Pipe, a gift from the White Buffalo Calf Maiden. The eagle feathers at the edges of the rim of the world represent the spotted eagle who is the protector of all Lakota. The two pipes fused together are for unity. One pipe is for the Lakota, the other for all the other Indian Nations. The yellow hoops represent the Sacred Hoop, which shall not be broken. The Sacred Calf Pipe Bundle in red represents Wakan Tanka – The Great Mystery. All the colors of the Lakota are visible. The red, yellow, black and white represent the four major races. The blue is for heaven and the green for Mother Earth.

- Private residences unless made available to the general public for commercial business uses, including but not limited to child, adult or health care facilities
- Outdoors, except within 50 feet of business entrances
- Hotel or motel sleeping rooms rented to guests, provided the rooms are designated as smoking areas.

The Cheyenne River Sioux Tribe continues to recognize the fundamental use of traditional tobacco. **Traditional tobacco use is not prohibited anywhere.** See definitions below.

Enforcement

Any citizen who wants to register a complaint may start enforcement of Tribal Ordinance 77 with the appropriate Law Enforcement personnel.

An owner, manager, program director, operator, or employee of an establishment must inform any person violating the Smoke Free Air Act – Tribal Ordinance 77 of the appropriate provisions, and shall ask the person to refrain from smoking. If the person does not refrain from smoking after being asked to do so, the employee in charge shall ask the person to leave. If the person refuses to leave, the employee in charge shall handle the situation consistent with lawful methods for handling other persons acting in a disorderly manner or as a trespasser. An employee or private citizen may bring legal action to enforce the Smoke Free Air Act – Tribal Ordinance 77 when necessary.

In addition to the remedies provided Law Enforcement or any person aggrieved by the failure to comply with the Smoke-Free Air Act – Tribal Ordinance 77 may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

Civil Violations

A person who smokes in an area where smoking is prohibited shall pay a civil penalty not exceeding \$50 for each violation.

A person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply shall be guilty of an infraction, punishable by a fine not exceeding \$100 for each violation.

In addition to these fines, violation of the Smoke-Free Air Act by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.

Violation of Tribal Ordinance 77 is hereby declared to be a public nuisance, which may be abated by Law Enforcement by restraining order, preliminary and permanent injunction, or other means provided for by law, and the Cheyenne River Sioux Tribe may take action to recover the costs of the nuisance abatement.

Each day on which a violation occurs shall be considered a separate and distinct violation. Ignorance of the requirements of this ordinance is not a defense to the civil penalties.

Definitions

“Commercial tobacco” means all forms of commercial tobacco use including but not limited to cigarettes, cigars, smokeless, electronic cigarettes or any other form of commercial tobacco products.

“Traditional tobacco use” as defined by the CRST Cultural Preservation Office and the Great Plains Tribal Chairman’s Health Board means plants for healing the mind, body, and spirit. There are four plants that are used in Lakota ceremonies: tobacco, sage, sweet grass and cedar. Traditional Tobacco is called “cansasa,” another name is ‘kinikinik’. Cansasa translates to red willow. Tobacco is used: 1) in our sacred pipe in ceremonies and is not inhaled; 2) in its natural form to make tobacco ties for prayer or thanksgiving in times of need; 3) only for special purposes in prayer, offering or rituals; 4) as an offering to an elderly when we need his or her help, advice or prayer; 5) as an offering when we see the sacred eagle in the sky, as the eagle is the intercessor to Tunkasila, Great Spirit; 6) as an offering to the drum at pow-wows to give special blessing to the heartbeat of the nation and onto the singers at the drum; 7) as an offering when a person asks someone to do a ceremony such as naming – hunka-pipe ceremony, singing-sweat lodge or any of the Lakota ceremonies; 8) as an offering to a person as a way to ask for forgiveness to heal bad feeling when emotions are hurt; 9) as an offering or to an elderly to seek knowledge and to show appreciation to that person for sharing. Traditional tobacco is never abused because it is in its natural form without additives.

“Indoor area” means all space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent.

“Place of Employment” means an area under the control of a public or private employer including, but not limited to auditoriums; cafeterias; classrooms; conference and public meeting rooms; elevators; employee lounges; hallways; medical facilities; private offices; restrooms; stairways; vehicles used in whole or in part for work purposes; and work areas. A private residence is not a “workplace” unless it is used as a child care, adult day care, or health care facility.

“Public place” means any enclosed area to which the public is permitted or invited, including but not limited to, aquariums; banks; bars; bingo facilities; child and adult care facilities; common use areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes and other multiple unit residential facilities; convention facilities; educational facilities (both public and private); elevators; galleries; gaming facilities; health care facilities; hotels and motels excluding designated sleeping rooms rented to guests; laundromats; libraries; museums; offices; places of public meeting or assembly including school buildings, service lines, shopping malls, and enclosed sports arenas; polling places; public restrooms; public transportation vehicles and facilities including buses, taxi cabs, and ticket, boarding, and waiting areas of public transit depots; reception areas; restaurants and other facilities which provide food and/or beverage service; retail food production and marketing establishments; retail service establishments; retail stores; shopping malls; sports arenas; theaters and other facilities used primarily for exhibiting motion pictures, stage dramas, lectures, musical recitals, or other similar performances; veteran, fraternal, and similar clubs; and waiting rooms.

“Smoking” of commercial tobacco means inhaling, exhaling, burning, carrying or possessing any lighted or heated commercial tobacco product, including but not limited to cigars, cigarettes, pipe tobacco, hookah pipes, or using any battery operated “Electronic cigarettes” or other gadget oral smoking devices promoted with the purpose of circumventing public anti-smoking laws.

“Secondhand smoke” means the particulate matter, gases, and other by-products of combustion emitted from a lighted pipe, the lit end of a cigarette or cigar, or another form of commercial tobacco and also the exhaled by-products of tobacco combustion previously inhaled during the smoking of a pipe, cigarette, or cigar, or any other form of commercial tobacco.

Thank you for your cooperation to protect the residence of CRST from the dangers of second-hand smoke. Questions regarding the “Smoke Free Air Act” may be directed to CRST Chairman’s Office at 964-4155.

Sincerely,



Harold Frazier
CRST Tribal Chairman



Kenneth Little Thunder
CRST Administrative Officer