



WHITE MOUNTAIN APACHE TRIBE

A Sovereign Tribal Nation

(Authorizing Naloxone Receiving Agreement between the Tribe and the United States Department of Health and Human Services)

WHEREAS, The Constitution of the White Mountain Apache Tribe (“Tribe”) of the Fort Apache Indian Reservation provides, at Article IV, Section 1(b) that the Tribal Council (“Council”) shall exercise the power, “To negotiate, make and perform contracts and agreements of every description, not inconsistent with federal law or this constitution...”; and

WHEREAS, Per the terms of a settlement agreement between the Tribe and defendant Teva, the Tribe will receive an allocation of Naloxone Hydrochloride Nasal Spray (generic of Narcan), a medication that counteracts the life-threatening effects of opioid overdose and significantly reduces opioid-overdose mortality; and

WHEREAS, Teva requires that the Naloxone boxes be shipped to a tribally-owned pharmacy or an Indian Health Service (“IHS”) pharmacy; and

WHEREAS, IHS is requiring that it and the Tribe execute an agreement (draft attached and incorporated herein by reference) to accept the Naloxone shipment on behalf of the Tribe so that the Tribe can then distribute the Naloxone boxes to Tribal Departments as it sees fit; and

WHEREAS, The Agreement does not require any expenditure of funds nor any waiver of immunity, but does provide an indemnification clause for the brief storage period between when IHS receives the Naloxone shipment and when White Mountain Apache Police pick them up; and

WHEREAS, The Council has reviewed the Agreement and finds that its authorization will enable the Tribe to receive the Teva settlement-funded Naloxone, which will be used to save the lives of Tribal members, and is in the best interests of the Tribe and its members.

BE IT RESOLVED by the Tribal Council of the White Mountain Apache Tribe that the attached draft Naloxone Receiving Agreement between the Tribe and US Department of Health and Human Services is hereby authorized, subject to any final negotiations and review by the Tribe’s Attorney General.

BE IT FURTHER RESOLVED by the Tribal Council of the White Mountain Apache Tribe that it hereby directs that in the event this Resolution directly conflicts with the Tribal Constitution, Tribal Ordinances, or any material facts concerning the issues presented are later found to be false, this Resolution shall be deemed null and void and have no legal effect.

