

Band Bylaw Number 99-09-21.02
Being a By-law Respecting the Prohibition Against
the Inhalation of Solvent and Gasoline Vapours

WHEREAS the Council of the Black Lake First Nation deems it expedient to enact a by-law for the purpose of safeguarding its community on the Reserve from the serious problems resulting from the unhealthy and destructive practice of inhaling solvents and gasoline for the sole purpose of producing euphoria, hallucinations, and intoxication;

AND WHEREAS paragraph 81(1), (a), (c), (d), (q), and (r) of the Indian Act, R.S.C. 1985, c. I-5, empowers the Council of a Band to make by-laws to provide for the health of residents, the observance of the law and order, the prevention of disorderly conduct and nuisances, with respect to any matter arising out of or ancillary to the exercise of powers under Section 81, and the imposition on summary conviction of a fine or imprisonment for violation thereof;

NOW THEREFORE the Council of the Black Lake First Nation enacts as a by-law thereof as follows:

Short Title

1. This by-law may be cited as the Black Lake First Nation Band Solvent and Gasoline Abuse Bylaw.

Interpretation

2. In this by-law

"intoxicating matter" includes plastic solvents, adhesive cement, cleaning agents, glue, dope, nail polish remover, lighter fluid, gasoline, paint, correction fluid, lacquer thinner, or any other substance that produces a intoxicant vapour;

"intoxicating vapour" means any vapour, fume, or liquid that is emitted, given off, or produced from an intoxicating matter;

"possession" means possession as defined in subsection 4(3), 4(3)(a), 4(3)(a)(i), 4(3)(a)(ii), and 4(3)(b) of the Criminal Code R.S., c.C-34.

Prohibitions

Against Inhalation

3. Everyone who, for the purpose of inducing euphoria, hallucinations, or intoxication
 - (a) inhales, administers, or otherwise introduces into his/her respiratory system, or
 - (b) assists or causes another person to inhale, administer, or otherwise introduce into his/her respiratory system

an intoxicating vapour is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand (\$1000.00) dollars or to imprisonment for a term not exceeding thirty (30) days or to both.

Against Possession and Possession for Sale

4. (1) No person shall have in his/her possession any intoxicating matter for the purpose of inhaling, administering, or otherwise introducing into his/her respiratory system the intoxicating vapours emitted, given off, or produced from the intoxicating matter.
- (2) No person shall have in his/her possession any intoxicating matter for the purpose of selling, giving, administering, transporting, sending, delivering, or distributing the intoxicating matter to a person
 - (i) who he/she knows or has good reason to believe is of unsound mind, is impaired by alcohol, drugs, or by reason of having inhaled intoxicating vapours, or
 - (ii) who he/she knows or has good reason to believe will use the intoxicating matter for the purpose of inducing euphoria, hallucinations, or intoxication.
- (3) Everyone who contravenes subsection (1) or (2) is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand (\$1000.00) dollars or to imprisonment for a term not exceeding thirty (30) days or to both.

Against Sale

5. Everyone who sells, gives, administers, transports, sends, delivers, or distributes any intoxicating matter
- (a) to a person he/she knows or has good reason to believe is of unsound mind, is impaired by alcohol, drugs, or by reason of having inhaled intoxicating vapours, or
 - (b) who he/she knows or has good reason to believe will use the intoxicating matter for the purpose of inducing euphoria, hallucinations, or intoxication

is guilty of an offence and liable on summary conviction to a fine not exceeding one thousand (\$1000.00) dollars or to imprisonment for a term not exceeding thirty (30) days or to both.

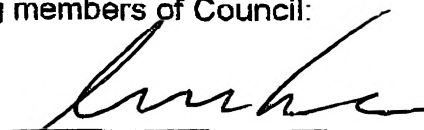
Exceptions

6. Sections 3, 4, and 5 do not apply to any person who
- (a) manufactures nor sells an intoxicating matter for medical purposes,
 - (b) inhales, administers, or otherwise introduces an intoxicating vapour into his/her respiratory system under the supervision of a physician or dentist, or
 - (c) is a physician, or dentist, or a person acting under the direction of a physician or dentist who assists or causes another to inhale, administer, or otherwise introduce into his/her respiratory system an intoxicating vapour.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Black Lake First Nation this 31 day of JANUARY, ~~1900~~.

Voting in favour of the By-law are the following members of Council:

(Member of Council)



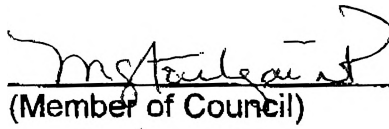
(Member of Council)



(Member of Council)

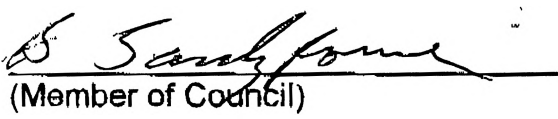


(Member of Council)



(Member of Council)

(Member of Council)



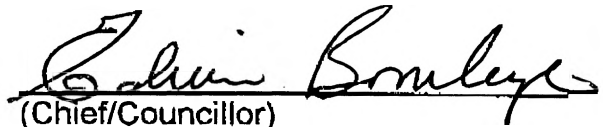
(Member of Council)

being the majority of those of the Council of the Black Lake First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is 4 members.
Number of members of the Council present at the meeting: 5

I, Edwin Boneleye, Chief/Council of the Black Lake First Nation, do hereby certify that a true copy of the foregoing BY-Law was **mailed** to the Minister of Indian Affairs and Northern Development at the District/Regional/Hull offices (as the case may be) pursuant to subsection 82(1) of the **Indian Act**, this 31 day of JANUARY, ²⁰⁰⁰~~1999~~.


(Witness)


(Chief/Councillor)