

**The Wabaseemoong Independent Nations Band**  
**By-Law Number # 2002- 01**  
**Being a By-Law respecting the Prohibition**  
**against the inhalation of Solvent and Gasoline Vapours**

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**Whereas** the Band Council of Wabaseemoong Independent Nations is experiencing the effects of solvent and gasoline abuse, this practice of inhaling solvents and gasoline has demonstrated to be destructive and unhealthy to the members and residents of Wabaseemoong Independent Nations,

**And Whereas** the Band Council of Wabaseemoong Independent Nations has the authority to make by-laws under the Indian Act paragraph 81 sec(1),(a),(c),(d),(q) and (r) to provide a safe and healthy community, and the prevention of disorderly conduct and nuisances, the observance of law and order, with respect to any matter arising out of or ancillary to the exercise the powers under section 81, on the imposition on summary conviction of a fine or imprisonment for violation thereof;

**Now Therefore** the Band Council of Wabaseemoong Independent Nations hereby enacts this by-law to be known as the Solvent and Gasoline Abuse By-Law.

### **Definition**

1. "Intoxication" means being under the influence of an intoxicating matter or vapour to the extent that a person's physical and mental functioning is impaired;

"Intoxicating matter" includes plastic solvents, adhesive cement, cleaning agents, glue, nail polish remover, lighter fluids, gasoline, paint or lacquer thinner, naphtha, and any other substance which induces a state of impairment;

"Intoxicating vapour" means any vapour, fume or liquid that is emitted or produced from an intoxicated matter;

"Possession and possession for sale" means any person physically carrying an intoxicating matter or by reason of having inhaled intoxicating vapour or is believed to administer, sell, transport for the purpose of distributing to a person,

### **Prohibitions Against Sale**

2. Every one who sells for the purpose of trafficking, administers, transports, sends, delivers or distributes any intoxicating matter to a person,
  - a) who is or is believed to be using the intoxicating matter for the purpose of being intoxicated,
  - b) who is believed to be of unsound mind, is impaired by drugs, alcohol or by having inhaled intoxicating vapour,
3. Everyone who contravenes S.2 of this by-law is guilty of an offence and liable on summary conviction to a fine not exceeding \$ 1000.00 ( one thousand dollars) or imprisonment for a term not exceeding 30 days, or both.

### **Penalty For Possession of intoxicating Matters**

4. Every one who is found in possession of intoxicating matter upon the Reserve of Wabaseemoong Independent Nations for the purpose of inhaling,
  - a) inhaling, administering or otherwise introducing into his/her respiratory system, or
  - b) assisting or causing another person to inhale, administer or otherwise introduce into his/her respiratory system
5. Everyone who contravenes S.4 of this by-law is guilty of an offence and liable on summary conviction to a fine not exceeding \$ 100.00 ( one hundred dollars) or imprisonment for a term not exceeding 30 days, or both.

### **Exceptions**

5. Not with standing anything in this by-law no offence is committed if the person who is in possession of an intoxicating matter is;
  - a) under the supervision of a physician or dentist or a person acting under the direction of a physician or dentist who assists or causes another to inhale or administer or otherwise introduce into his/her respiratory system a intoxicating vapour,
  - b) not prohibiting the purpose of domestic, commercial, business or other purpose that do not involve in producing a state of intoxication.
6. A copy of this By-Law made under section 81 of the Indian Act has been forwarded by mail by the Chief of the Wabaseemoong Independent Nations Band to the Minister within four days after it is made. A By-Law made under section 81 comes into force forty days after thereof is mailed to the Minister.
7. When this By-Law comes in to force under section 81 that a Court of competent Jurisdiction strike down a section of this By-Law, that the remaining portions of the By-Law shall continue to stand if practicable.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Wabaseemoong Independent Nations this 6<sup>th</sup> day of June, 2002.

Voting in favor of the by-law are the following members of Council:

Ron McDonald  
Chief

[Signature]  
Councillor

[Signature]  
Councillor

[Signature]  
Councillor

[Signature]  
Councillor

[Signature]  
Councillor

[Signature]  
Councillor

[Signature]  
Councillor

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Councillor

[Signature]  
Councillor

Being the majority of those members of Council of the Wabaseemoong Independent Nations present at the aforesaid meeting of the Council.

The quorum of the Council is 5 Members.

Number of members of the Council present at the meeting 8.

I, Ron R. McDonald Chief of the Wabaseemoong Independent Nations Band, 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 Thunderbay office of the department pursuant to subsection 82(1) of the Indian Act, this 6<sup>th</sup> day of June, 2002.

[Signature]  
Witness

Ron McDonald  
Chief

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Witness