

MAR 18 2014

By-Law No. 2-2014

Direction de l'Administration des Bandes
Band Governance Directorate

PREAMBLE:

WHEREAS the Nation, as defined herein, wishes to undertake measures for the protection of its Members, as defined herein;

WHEREAS at the Nation's Annual General Meeting held on July 20, 2013, the Members directed the Council of the Nation to develop and implement an intoxicant bylaw prohibiting the sale, barter, supply or manufacture of Intoxicants, as defined herein, on the Reserve Lands, as defined herein,; against any person being Intoxicated, as defined herein, on the Reserve Lands; and against any person having Intoxicants in his/her possession on the Reserve Lands;

WHEREAS subsection 85.1(1) of the *Indian Act*, authorizes the Council of the Nation to enact by-laws:

- (a) Prohibiting the sale, barter, supply or manufacture of Intoxicants on the Reserve Lands;
- (b) Prohibiting any person from being intoxicated on the Reserve Lands;
- (c) Prohibiting any person from having Intoxicants in his/her possession on the Reserve Lands; and
- (d) Providing for exceptions to any of the prohibitions established pursuant to paragraph (b) or (c);

WHEREAS a majority of the Nation's Members voted in favor of this bylaw at a special meeting called for considering the contents of this bylaw;

WHEREAS the Council of the Nation did enact By-law Number 2-2014 on the 8th day of March, 2014;

Short Title

1. This by-law may be cited as the Wood Mountain Lakota First Nation Intoxicant By-law No. 2-2014 ("Bylaw").

Interpretation

2. In this Bylaw:
 - (a) "Band" or "Nation" means the Wood Mountain Lakota First Nation being a band within the meaning of subsection 2(1) of the *Indian Act*;

- (b) "Intoxicant" includes alcohol, alcoholic, spirituous, vinous, fermented malt or other intoxicating liquor or combination of liquors and mixed liquor a part of which is spirituous, vinous, fermented or otherwise intoxicating and all drinks, drinkable liquids, preparations or mixtures capable of human consumption and also includes, without restricting the generality of the foregoing, the following:
- (i) any other controlled or prohibited substances as defined under the *Controlled Drugs and Substances Act*, S.C. 1996, c. 19, as amended from time to time;
 - (ii) glues, adhesives, cements, cleaning solvents, thinning agents and dyes containing toluene or acetone;
 - (iii) petroleum distillates or products containing petroleum distillates, including naphtha, mineral spirits, Stoddart solvent, kerosene, gasoline, mineral seal oil and other related distillates or petroleum;
 - (iv) fingernail or other polish removers containing acetone, aliphatic acetates or methyl ethyl ketone;
 - (v) any substance that is required pursuant to the *Hazardous Products Act (Canada)*, R.S.C., 1985, c. H-3, or the *regulations* pursuant to that Act, as amended from time to time, to bear the label "Vapour Harmful", "Vapour Very Harmful" or "Vapour Extremely Harmful"; and
 - (vi) aerosol disinfectants and other aerosol products containing ethyl alcohol;
- (c) "Intoxicated" means being under the influence of an intoxicant;
- (d) "manufacture" means, in respect to an Intoxicant, to obtain an Intoxicant or any substance forming part of the Intoxicant by any method or processing including:
- (i) manufacturing, synthesizing or using any means of altering the chemical or physical property of the Intoxicant or the substances forming part of the intoxicant; or
 - (ii) cultivating, propagating or harvesting the Intoxicant or the substances forming part of the Intoxicant or any living thing from which the Intoxicant may be extracted or otherwise obtained, and includes an offer to produce;

- (e) "Member(s)" means a member of the Nation;
- (f) "Possession" means possession within the meaning of subsection 4(3) of the Criminal Code;
- (g) "Reserve Lands" means Wood Mountain Reserve #160;
- (h) "Sell" includes the offering for sale, exposing for sale, having in possession for sale and distribution, whether or not distribution is made for consideration or not, and also includes the administering, transferring, transporting or delivering of an intoxicant.

Application of Bylaw

- 3. This Bylaw shall apply to any person present on Reserve Lands.

Prohibitions

- 4. No person shall be Intoxicated on Reserve Lands.
- 5. No person shall be in Possession of an Intoxicant on Reserve Lands.
- 6. No person shall Sell, barter or supply an Intoxicant to anyone or manufacture an Intoxicant on Reserve Lands.

Penalties

- 7. Any person who contravenes Sections 4 or 5 of this Bylaw is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred (\$100.00) dollars or to imprisonment for a term not exceeding three (3) months, or to both.
- 8. Any person who contravenes Section 6 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 six (6) months, or to both.

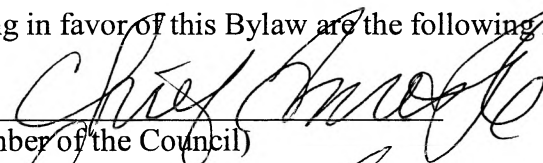
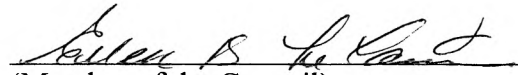
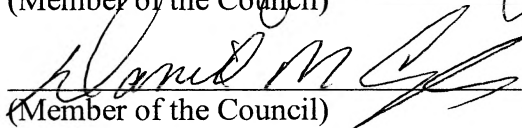
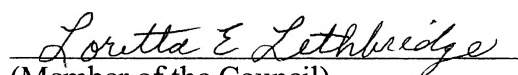
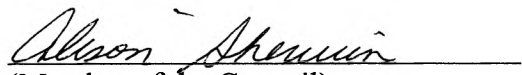
Exceptions

- 9. No person contravenes sections 4 or 5 of this Bylaw where the intoxicant is possessed, used or intended to be used solely for medicinal purposes.

10. No person contravenes section 5 of this Bylaw where the intoxicant is possessed, used or intended to be used solely for domestic, business, commercial or other purpose that does not involve producing a state of intoxication in any person.
11. No person contravenes section 5 of this Bylaw where the Intoxicant is possessed, used or intended to be used solely for a religious purpose that does not involve producing a state of intoxication in any person.
12. This Bylaw comes into force on the day of enactment.
13. Amendment or repeal of this Bylaw shall be in the manner stipulated by the *Indian Act*.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Nation this 8th day of March, 2014.

Voting in favor of this Bylaw are the following members of the Council:

 _____ (Member of the Council)	 _____ (Member of the Council)
 _____ (Member of the Council)	 _____ (Member of the Council)
 _____ (Member of the Council)	

being the majority of those members of the Council of the Band present at the aforesaid meeting of the Council.

The quorum of the Council is 3 members.

Number of members of the Council present at the meeting: 5.