

Pheasant Rump Nakota First Nation #68

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Chronological # 2020 / 10 / 22 - 01
Year Month Day BCR #

WHEREAS Pheasant Rump Nakota First Nation ("Pheasant Rump") enacted the Pheasant Rump Traditional Medicinal Plants Act ("Traditional Plants Act") and the Cannabis Regulation ("Cannabis Regulation") on June 19, 2019;

WHEREAS Section 30 of the Traditional Plants Act provides that the Traditional Plants Act, and any regulations enacted pursuant to the Traditional Plants Act, may be amended by way of a resolution of the Band Council of Pheasant Rump ("Council");

WHEREAS the Council wishes to amend the Traditional Plants Act to provide for the regulation of production, cultivation, and processing of traditional medicinal plants in accordance with the traditional governance practices of Pheasant Rump;

WHEREAS the Council wishes to amend the Cannabis Regulation to enable the sale and distribution of cannabis by a Permittee through a website;

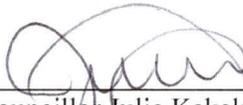
WHEREAS Part IV of the Traditional Medicinal Plants Act provides that the Council may enact regulations consistent with the purpose of the Traditional Medicinal Plants Act; and

WHEREAS Pheasant Rump has prepared a draft Cannabis Production Regulation pursuant to Part IV of the Traditional Medicinal Plants Act to regulate the production and distribution of cannabis.

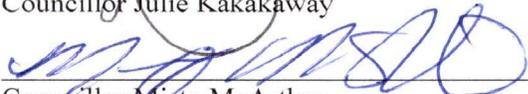
NOW THEREFORE THE COUNCIL OF PHEASANT RUMP NAKOTA FIRST NATION RESOLVES TO:

1. Take such steps as are necessary to amend the Traditional Medicinal Plants Act and Cannabis Regulation as provided in the amendments attached as Schedule "A" to this resolution;
2. Take such steps as are necessary to enact and implement the Cannabis Production Regulation attached as Schedule "B" to this resolution.

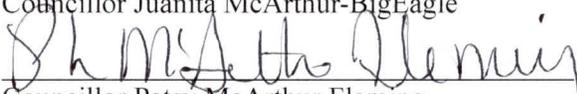
Signatures (quorum: 3) attesting to the approval and validity of this resolution:



Councillor Julie Kakakaway



Councillor Misty McArthur

Councillor Juanita McArthur-BigEagle


Councillor Patsy McArthur Fleming

Approval, and witness to signatures:



Chief Ira McArthur

SCHEDULE "A"
Amendments to Traditional Medicinal Plants Act
(see attached)

Pheasant Rump Nakota First Nation
Amendments to the
Pheasant Rump Nakota First Nation Traditional Medicinal Plants Act

WHEREAS Pheasant Rump Nakota First Nation (“Pheasant Rump”) enacted the *Pheasant Rump Nakota First Nation Traditional Medicinal Plants Act* (“Traditional Plants Act”) and the Cannabis Regulation (“Cannabis Regulation”) on June 19, 2019;

WHEREAS Section 30 of the Traditional Plants Act provides that the Traditional Plants Act, and any regulations enacted pursuant to the Traditional Plants Act, may be amended by way of a resolution of the Band Council of Pheasant Rump (“Council”); and

WHEREAS the Council has passed a resolution approving the amendments to the Traditional Plants Act and the Cannabis Regulation contained herein;;

NOW THEREFORE THE COUNCIL OF PHEASANT RUMP ENACTS THE FOLLOWING AMENDMENTS TO THE TRADITIONAL PLANTS ACT AND THE CANNABIS REGULATION:

Traditional Plants Act

Section 1(f.1)

The Traditional Plants Act be amended to include the following Section 1(f.1):

“(f.1) “derivative” in relation to a Traditional Plant means, any product or mixture of a product with another substances that contains (i) any substance produced by subjecting the Traditional Plant or any part thereof to an extraction process; (ii) a substance or mixture of substances that contains or has on it a substance produced by subjecting a Traditional Plant or any part thereof to an extraction process;”

Section 1(f.2)

The Traditional Plants Act be amended to include the following Section 1(f.2):

“(f.2) “distribution” or “distribute” means, in respect of a Permitted Product, administering, giving, transferring, transporting, sending, delivering, providing or otherwise making available in any manner, whether directly or indirectly, and offering to do any of the foregoing;”

Section 1(n)

Section 1(n) of the Traditional Plants Act be deleted in its entirety and replaced with the following:

“(n) “Permitted Product” means a plant, or derivative product of such plant, listed in Schedule “A” to this Act;”

Section 1(r)

Section 1(r) of the Traditional Plants Act be deleted in its entirety and replaced with the following:

“(r) “Premises” means a location identified in a Permit for the production, distribution or sale of a Permitted Product;”

Section 1(r.1)

The Traditional Plants Act be amended to include the following Section 1(r.1):

“(r.1) “production” or “produce” means, in respect of a Permitted Product, to obtain such Permitted Product by any method or process, including by:

- (i) manufacturing;
- (ii) synthesis;
- (iii) altering its chemical or physical properties by any means; or
- (iv) cultivating, propagating or harvesting it or any living thing from which it may be extracted or otherwise obtained;”

Section 4

Section 4 of the Traditional Plants Act be deleted in its entirety and replaced with the following:

“4 The Council of Pheasant Rump may designate any plant, and any derivative product of such plant, as a Permitted Product”

Section 6

Section 6 of the Traditional Plants Act be deleted in its entirety and replaced with the following:

“6 No Person shall produce, distribute, sell, or operate a business for the purpose of producing, distributing, or selling, a Permitted Product on a Pheasant Rump Reserve unless that Person holds a valid Permit”

Section 13

Section 13 of the Traditional Plants Act be deleted in its entirety and replaced with the following:

“13 For greater certainty, the Council of Pheasant Rump may prescribe, as a condition of a Permit, the maximum amount of the Permitted Product that a Permittee may produce, distribute, or sell within a specified period of time”

Section 18(e)

Section 18(e) of the Traditional Plants Act be deleted in its entirety and replaced with the following:

“(e) the Council of Pheasant Rump has reasonable grounds to believe that the Person has participated or is involved in the production, distribution, or sale of a Permitted Product obtained from or through a Criminal Organization, or”

Section 20(b)

Section 20(b) of the Traditional Plants Act be deleted in its entirety and replaced with the following:

“(b) the Permittee has participated or is involved in the production, distribution or sale of a Permitted Product obtained from or through a Criminal Organization; or”

SCHEDULE “A”

Section 1(a) to the Traditional Plants Act be deleted in its entirety and replaced with the following:

“(a) “cannabis”, being: (i) any part of the cannabis plant, including phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not; (ii) any substance or mixture of substances that contains or has on it any part of the cannabis plant; (iii) any substance that is identical to any phytocannabinoid produced by, or found in, cannabis, regardless of how the substance was obtained; and including (iv) dried cannabis; (v) cannabis oil; (vi) fresh cannabis; (vii) cannabis plants; (viii) cannabis plant seeds; (ix) edibles containing cannabis; and (x) cannabis concentrates”

Cannabis Regulation

Section 7.1

The Cannabis Regulation be amended to include the following Section 7.1:

“7.1 Notwithstanding section 7, a Permittee may sell and distribute cannabis from the Premises identified in the Permittee’s Permit to an individual situated on a reserve through a website operated by the Permittee, provided that:

- (i) the Permittee’s Permit specifically authorizes the sale of cannabis by the Permittee through such a website;
- (ii) the website is not accessible to Minors; and
- (iii) the cannabis sold through the website is only delivered to the purchaser at the Premises identified in the Permittee’s Permit or mailed to the purchaser at their residence located on a reserve.”

Section 8

Section 8 of the Cannabis Regulation be deleted in its entirety and replaced with the following:

“8. Except as expressly provided in the Act or this Regulation, no Permittee shall display or advertise cannabis for sale or distribution. Notwithstanding the

foregoing, a Permittee authorized to operate a website pursuant to such Permittee's Permit in accordance with section 7.1 will not contravene this section 8 by virtue of operating such website, provided however that the Permittee does not advertise such website online or otherwise."

Effective Date

The amendments to the Traditional Plants Act provided hereby come into force on the date of their publication in accordance with section 86 of the *Indian Act* and the customs and traditions of Pheasant Rump.

The amendments to the Traditional Plants Act have been passed at a duly convened meeting of the Council of Pheasant Rump this 22nd day of October, 2020.