

LAX KW'ALAAMS FIRST NATION

Lax Kw'alaams Cannabis By-Law No. 1.

Being a by-law respecting the sale of cannabis

PREAMBLE

WHEREAS:

- A. The people of the Lax Kw'alaams (“**Lax Kw'alaams**”) have inherent rights, customs and traditions, and the right to self-government.
- B. Section 81 (a) of the Act empowers the Council of a Lax Kw'alaams to make certain by-laws to provide for the health of residents on the reserve.
- C. The Cannabis Act (Canada) and the Cannabis Act (BC) and associated regulations (collectively, the “**BC Cannabis Laws**”) govern the sale of Cannabis in British Columbia.
- D. The BC Cannabis Laws serve to protect the health of residents on reserve through a regulatory framework that controls the sale Cannabis.
- E. Council believes Cannabis should only be sold on Lax Kw'alaams Lands in accordance with BC Cannabis Laws to ensure the health and safety of residents on reserve.
- F. Council for the Lax Kw'alaams deems it advisable and in the best interests of the Lax Kw'alaams to enact a by-law to permitting the sale of Cannabis only in accordance with BC Cannabis Laws.

NOW THEREFORE Council of Lax Kw'alaams hereby enacts this Cannabis By-Law, No. 1.

1. SHORT TITLE

This By-Law may be cited as the “Lax Kw'alaams Cannabis By-Law”.

2. INTERPRETATION

In this By-Law:

- (a) “**Act**” means the *Indian Act*, R.S.C. 1985, c-1-5.
- (b) “**By-Law**” means this Lax Kw'alaams Cannabis By-Law No. 1.
- (c) “**Cannabis**” has the same meaning as in the Cannabis Act (Canada).
- (d) “**Cannabis Act (BC)**” means the *Cannabis Control and Licensing Act*, S.B.C. 2018, c-29.
- (e) “**Cannabis Act (Canada)**” means the *Cannabis Act*, S.C. 2018, c. 16.
- (f) “**Contravention BCR**” has the meaning set out in Section 6.4.

- (g) “**Council**” means band council of Lax Kw’alaams.
- (h) “**Lands**” means all of those lands defined as “Reserve” within the meaning of the Act and set apart for the use and benefit of the Lax Kw’alaams.
- (i) “**Licence**” means a licence to issued under the Cannabis Laws to undertake any of the following:
 - a. Sell Cannabis on the Lands;
 - b. Barter Cannabis on the Lands;
 - c. Manufacture Cannabis on the Lands; or
 - d. Possess for the purposes of selling or bartering Cannabis on the Lands.
- (j) “**Member**” means a person registered on the Lax Kw’alaams band list.
- (k) “**Officer**” means any police officer, police constable or other person charged with the duty to preserve and maintain the public peace, and any person appointed by the Council for the purpose of maintaining law and order on the reserve.

3. APPLICATION

This By-Law applies to all persons located on Lax Kw’alaams Lands, whether Members or non-Members.

4. PROHIBITION

Unless Licence has been issued and is in good standing, no person shall:

- (a) Sell Cannabis on the Lands;
- (b) Barter Cannabis on the Lands;
- (c) Manufacture Cannabis on the Lands; or
- (d) Possess Cannabis for the purposes of selling or bartering Cannabis on the Lands.

5. ENFORCEMENT

Every person who violates any provision of Section 4 of this By-Law commits an offence.

- 5.1 An Officer may order any person who violates any provision of Section 4 of this By-Law to cease such activities immediately.
- 5.2 An Officer may order any person, who is not a Member, that violates Section 4 of this By-Law leave the reserve immediately.

5.3 No person shall fail or refuse to comply with an order made under subsection 5.1 to cease such activities, or shall resist or interfere with an Officer acting under subsections 5.1 or 5.2.

6. PENALTY

6.1 Every person who commits an offence under this By-Law is liable on summary conviction:

- (a) For a first offence: a fine of not more than \$500.00;
- (b) For a second offence: a fine of not more than \$1,000.00;
- (c) For a third offence: recommendation by Council to the courts of competent jurisdiction for a jail term not exceeding thirty (30) days.

6.2 Each offence of this By-Law will be deemed to be a separate offence for which penalties may be imposed in accordance with Section 6.1.

6.3 A person who commits an offence under this By-Law is subject to the penalties in this By-Law in addition to any penalties to which a person may be subject for contravention of any other federal or provincial British Columbia legislation or regulation.

6.4 All decisions of the Council in imposing penalties under Section 6.1 of this By-Law shall be documented in a Band Council Resolution (each, a “**Contravention BCR**”) at a duly convened meeting of the Council, which Contravention BCR shall set out the reasons for the penalties imposed. A copy of the Contravention BCR shall be immediately provided to the offender.

6.5 In deciding whether to impose the penalties under Section 6.1 of this By-Law, the Council shall consider the severity of the offence, the number and frequency of prior offences made by the offender under this By-Law, any written submission of the offender and any other consideration the Council deems relevant.

7. GENERAL

7.1 If any portion of this By-Law is for any reason held to be invalid by a decision of a court of competent jurisdiction, the invalid portion will be severed from and not affect the remaining provisions of this By-law.

7.2 The provisions of this By-Law apply to all Lands of Lax Kw’alaams.

LAX KW'ALAAMS FIRST NATION

Lax Kw'alaams Cannabis By-Law No. 1.

LAX KW ALAAMS BAND

PORT SIMPSON , BRITISH COLUMBIA

REPORT OF BAND COUNCIL

RESOLUTION BCR 24 / 25 – 08

29TH DAY OF AUGUST , 2024

Being a by-law respecting the sale of cannabis

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- 6.5 In deciding whether to impose the penalties under Section 6.1 of this By-Law, the Council shall consider the severity of the offence, the number and frequency of prior offences made by the offender under this By-Law, any written submission of the offender and any other consideration the Council deems relevant.

COUNCIL OF
LAX KW'ALAAMS BAND
PORT SIMPSON, BRITISH COLUMBIA

REPORT OF BAND COUNCIL
RESOLUTION
NO. 24-25-08
29 DAY OF Aug, 2024

REPORT OF BAND COUNCIL RESOLUTION

7. **GENERAL**



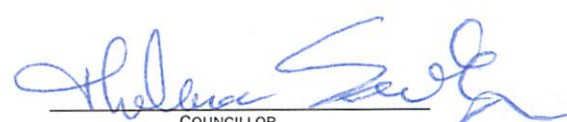
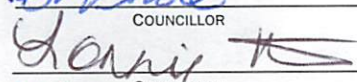
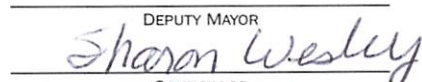
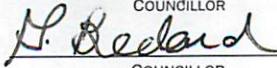
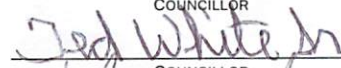
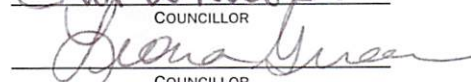
- 7.1 If any portion of this By-Law is for any reason held to be invalid by a decision of a court of competent jurisdiction, the invalid portion will be severed from and not affect the remaining provisions of this By-law.
- 7.2 The provisions of this By-Law apply to all Lands of Lax Kw'alaams.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Lax Kw'alaams this 29th day of August, 2024.

We the undersigned members of the Band Council of the LAX KW'ALAAMS BAND do each hereby confirm, attest, and certify that:

- (a) at a duly convened meeting of Our Band Council held the day, month and year first written (which such meeting is hereinafter called the "Meeting") a motion was made and seconded that the above Resolution(s) (hereinafter called the "Resolutions(s)") be passed by Our Band Council;
- (b) notwithstanding that the Band Council Procedure Regulations provide that in respect of Our Band Council a quorum shall consist of five members of Our Band Council, the present policy of Our Band Council is that a quorum of Our Band Council shall consist of a majority of the number of persons who are members of Our Band Council, provided however that a quorum of Our Band Council shall at no time consist of less than five members of Our Band Council;
- (c) a quorum of Our Band Council as required by the present policy of Our Band Council was present throughout the Meeting;
- (d) the Resolution(s) was/were passed by a majority of the members of Our Band Council present throughout the Meeting;
- (e) we were each present throughout the Meeting and did vote in favor of the Resolution(s).

IN WITNESS WHEREOF the following members of the Band Council of the LAX KW'ALAAMS BAND have hereunto each set their hand the day, month and year first written above.

 _____ COUNCILLOR	 _____ MAYOR	 _____ COUNCILLOR
 _____ COUNCILLOR	 _____ DEPUTY MAYOR COUNCILLOR	_____ COUNCILLOR
 _____ COUNCILLOR	 _____ COUNCILLOR	_____ COUNCILLOR
_____ 1411824864-6745-6985	 _____ COUNCILLOR	_____ COUNCILLOR

COUNCIL OF
LAX KW'ALAAMS BAND
PORT SIMPSON, BRITISH COLUMBIA

BCR 24-25-08
29th August 2024

REPORT OF BAND COUNCIL

RESOLUTION

No. 24-25-08
29 DAY OF Aug , 20 24

REPORT OF BAND COUNCIL RESOLUTION

7. GENERAL

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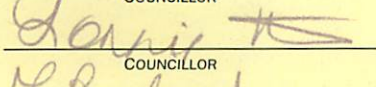
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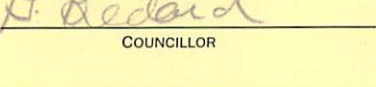
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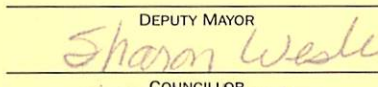

COUNCILLOR

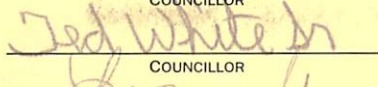

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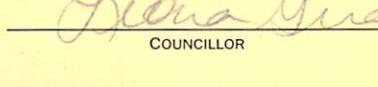

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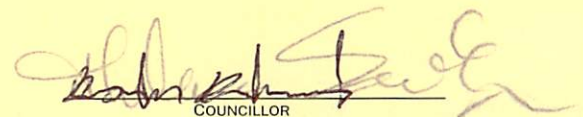
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MAYOR


DEPUTY MAYOR
COUNCILLOR


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