

PEEPEEKISIS CREE NATION No. 81

Peepeekisis Cree Nation Cannabis Act

An Act to control the production, distribution, sale, possession and consumption of cannabis and cannabis products on Reserve lands.

Law No. _____

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WHEREAS the Peepeekisis Cree Nation No. 81 retains its inherent jurisdiction to make laws and regulations respecting the health and safety of its citizens and the use of reserve lands;

WHEREAS the Peepeekisis Cree Nation No. 81 continues to assert its authority over reserve lands as provided for under the terms of Treaty No. 4, 1874;

WHEREAS the inherent jurisdiction and authority of the Peepeekisis Cree Nation No. 81 to make laws and regulations respecting the health and safety of its citizens and the use of reserve lands is affirmed in sections 81, 83, and 85.1 of the *Indian Act*, R.S.C., 1985, c. I-5, section 14 of the *First Nations Fiscal Management Act*, S.C. 2005, c. 9, the *UN Declaration of the Rights of Indigenous Peoples*, and the *Constitution Act*, 1982, section 35.

WHEREAS the Council of the Peepeekisis Cree Nation No. 81 desires to make a law for the licensing of businesses, callings, trades and occupations associated with the production, distribution, sale, possession and consumption of cannabis in the Reserve, and with respect to any matter arising out of or ancillary to the exercise of powers under this section, including the enforcement of payment of amounts that are payable thereof, and for the imposition and recovery of interest on amounts that are payable thereof;

NOW THEREFORE the Council of the Peepeekisis Cree Nation No. 81, hereby enacts the following law.

PART 1 – PRELIMINARY MATTERS

SHORT TITLE

1. This law may be cited as the *Peepeekisis Cree Nation Cannabis Act*.

PUPROSE

2. The purpose of this Act is to protect the health and safety of residents by regulating the safe possession, consumption, production, distribution and sale of cannabis, and the observance of law and order on Peepeekisis Cree Nation No. 81 Reserve lands.

APPLICATION

3. (1) This Act applies to cannabis produced, sold, and distributed on Peepeekisis Cree Nation No. 81 Reserve lands under authority of the Act.

(2) This Act shall not apply with respect to:

(a) any drug or device, as defined under the *Food and Drugs Act* (R.S.C., 1985, c. F-27), as amended from time to time and published by the Government of Canada on its website;

(b) any Natural Health Product as defined in the *Natural Health Products Regulation* (SOR/2003-196), as amended from time to time and published by the Government of Canada on its website;

(c) industrial hemp or derivative thereof, as defined in the *Industrial Hemp Regulations* (SOR/2018-145), as amended from time to time and published by the Government of Canada on its website;

(d) any food or cosmetic, as defined in the *Food and Drugs Act* (R.S.C., 1985, c. F-27), as amended from time to time and published by the Government of Canada on its website, and which contain industrial hemp or a derivative of industrial hemp.

(3) For greater certainty, nothing in this Act is to be construed as limiting activities authorized under authority of federal or provincial legislation, on Reserve lands or otherwise.

(4) To the extent that this Act establishes any quantitative limits on possession of cannabis, such limits shall not be construed as permitting possession of cannabis in addition to or in excess of limits established by federal or provincial legislation.

INTERPRETATION

4. In this Act,

“**Board**” means a person(s) appointed under Part 5 of this Act;

“**business**” means a calling, trade, occupation, employment or profession, vocation, commercial activity, or an enterprise that habitually occupies or engages the regular time, attention, labour and effort, of the licensee or person(s) for purposes of gain, benefit, advantage, livelihood or profit, or, in which the licensee or person(s) show(s) willingness to invest time and capital on future outcome;

“**calling**” means a business or profession as defined in this Act;

“**cannabis**” means a cannabis plant and anything referred to in Schedule 1;

“**cannabis accessory**” means

(a) a thing, including rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers, that is represented to be used in the consumption of cannabis; or

(b) a thing that is represented to be used in the consumption of cannabis, including a thing that is sold at the same point of sale as cannabis;

“**cannabis extract**” has the same meaning as defined in Schedule 1;

“**cannabis plant**” means a plant that belongs to the genus Cannabis;

“**cannabis product**” means cannabis of only one of the classes that are set out in Schedule 1 to the Act — or a cannabis accessory if that accessory contains such cannabis — after it has been packaged and labelled for sale to a consumer at the retail level;

“**cannabis topical**” has the same meaning as defined in Schedule 1;

“**citizen**” means a member of the Peepeekisis Cree Nation No. 81;

“**Council**” means the Chief and Council of the Peepeekisis Cree Nation No. 81;

“**Councillor**” means the Councillor(s) of the Peepeekisis First Nation No. 81;

“**distribute**” or “**distribution**” includes administering, giving, transferring, transporting, sending, delivering, providing or otherwise making available in any manner, whether directly or indirectly, and offering to distribute;

“**edible cannabis**” has the same meaning as defined in Schedule 1;

“**equivalent**” or “**equivalency**” is defined as Schedule 2 to this Act;

“**illicit cannabis**” means cannabis that is or was sold, produced or distributed by a person prohibited from doing so under this Act;

“**licence**” or “cannabis license” means a licence issued by the Peepeekisis Cree Nation No. 81 and in accordance with this Act, as the case may be, and any related regulations, including a licence for the

- (i)** production of cannabis,
- (ii)** distribution of cannabis, or
- (iii)** sale of cannabis;

“**licensee**” means a person to whom a licence is issued under this Act;

“**minor**” means an individual who is under 19 years of age;

“**Nation**” means the Peepeekisis Cree Nation No. 81;

“**occupation**” means a business or profession as defined in this Act;

“**organization**” means

- (a)** a public body, body corporate, society, company, firm, partnership, or trade union, or
- (b)** an association of persons that
 - (i)** is created for a common purpose,
 - (ii)** has an operational structure, and
 - (iii)** holds itself out to the public as an association of persons;

“**person**” means an individual, a partnership, syndicate, association, corporation or the agent or trustee of a person;

“**produce**” or “**production**”, in respect of cannabis, means to obtain it by any method or process, including by:

- (a) manufacturing;
- (b) synthesis;
- (c) altering its chemical or physical properties by any means; or
- (d) cultivating, propagating or harvesting it or any living thing from which it may be extracted or otherwise obtained;

“**profession**” means a vocation, occupation or calling requiring special, usually advanced, education and skill, and as defined in this Act;

“**Promote**” or “**promotion**” in respect of a thing or service, means to make, for the purpose of selling the thing or service, a representation — other than a representation on a package or label — about the thing or service by any means, whether directly or indirectly, that is likely to influence and shape attitudes, beliefs and behaviours about the thing or service;

“**public place**” includes any place to which the public has access as of right or by invitation, express or implied, and any motor vehicle located in a public place or in any place open to public view;

“**Reserve**” or “**Reserve land**” or “**Reserve lands**” means the Reserve(s) set apart for the use and benefit of the Peepeekisis Cree Nation No. 81;

“**sell**” includes offer for sale, expose for sale and have in possession for sale;

“**trade**” means a business as defined in section 4 of this Act.

MINORS

Prohibition

5. Subject to section 14, all minors are prohibited from possessing, consuming, purchasing, producing, distributing, or selling cannabis.
6. No licence that may be issued under this Act shall be issued to a minor.
7. No minor is permitted in or within 10 metres of a business that holds a licence under Act.
8. (1) A minor found to be in violation of this Act is liable to a fine of not more than \$500.
(2) Subsection 8(1) does not apply to a minor under the age of 12 years old.

PART 2 - POSSESSION AND CONSUMPTION

POSSESSION

Definition of Possession

9. (a) A person has anything in possession when they have it in their personal possession or knowingly
 - (i) has it in the actual possession or custody of another person, or

(ii) has it in any place, whether or not that place belongs to or is occupied by them, for the use or benefit of themselves or of another person; and

(b) Where one (1) of two (2) or more persons, with the knowledge and consent of the rest, has anything in their custody or possession, it shall be deemed to be in the custody and possession of each and all of them.

Limited Possession

10. Unless authorized under this Act, no person shall have in their possession:

(a) More than four (4) cannabis plants on Reserve lands, or

(b) an amount exceeding the equivalent of thirty (30) grams of dried cannabis in a public place in Reserve lands.

11. Unless authorized under this Act, no organization shall possess cannabis.

CONSUMPTION

Controlled Consumption

12. Unless authorized under this Act, no person shall consume cannabis:

(a) in any public space in the Reserve;

(b) in a motor vehicle in Reserve lands, unless at the time of consumption, the motor vehicle:

(i) is used as a temporary place of residence;

(ii) is not in operation; and

(iii) is not put into operation for a period of six (6) hours from the time that cannabis was last consumed in the vehicle;

(c) cannabis the person knows to be illicit cannabis.

13. The Council may make regulations prohibiting, limiting or regulating the consumption of cannabis in public place, private place, or other prescribed place.

MEDICAL CANNABIS

Exemption to Controlled Consumption

14. A person, including a minor, who possess:

(a) a valid medical document issued under the federal *Access to Cannabis for Medical Purposes Regulations* or the federal *Cannabis Act*, as amended from time to time and published by the Government of Canada on its website;

(b) a medical document provided by a health care practitioner to support the use of cannabis for medical purposes from a medical professional in good standing with their respective regulating body; or

(c) a written recommendation from a traditional healer recognized by Council;

entitling that person to consume medical cannabis as part their treatment for a recognized medical condition may consume medical cannabis in a public place.

15. A person referred to in section 14 must, on demand of a Peace Officer, produce a copy of the relevant medical document.

16. A person referred to in section 14 must not consume medical cannabis:

- (a)** in a public place;
- (b)** in or within five (5) metres of a:
 - (i)** school or day care facility;
 - (ii)** playground;
 - (iii)** sports field;To which the public has access; or
- (c)** within five (5) metres of an entrance or exit to a public place.

PART 3 - PRODUCTION, DISTRIBUTION AND SALE OF CANNABIS

REQUIREMENT OF LICENSE

17. (1) Every person conducting or carrying on a business related to the

(a) production of cannabis in the Reserve must hold a valid licence for production issued under this Act;

(b) distribution of cannabis in the Reserve must hold a valid licence for distribution issued under this Act; or

(c) sale of cannabis in the Reserve must hold a valid licence for sale issued under this Act.

(2) A person who conducts or carries on a business related to the production, distribution, and sale of cannabis in the Reserve and does not hold a valid licence under this Act is in contravention of subsection 17(1), as the case may be.

PRODUCTION

Production of Cannabis on Reserve Lands

18. Unless authorized under this Act, no person shall conduct or carry on a business on Reserve lands that includes the production of cannabis.

Licence for Production

19. (1) Every person who holds a licence for production of cannabis on Reserve is authorized to conduct the following on Reserve lands:

(a) to possess cannabis;

(b) to obtain dried cannabis, fresh cannabis, cannabis plants or cannabis plant seeds by cultivating, propagating and harvesting cannabis;

(c) for the purpose of testing, to obtain cannabis by altering its chemical or physical properties by any means; and

(d) to sell cannabis.

(2) A person referred to in subsection 19(1) is not authorized to sell cannabis under section 28 of this Act.

20. A holder of a licence for the production of cannabis is authorized to possess cannabis plants

and cannabis plant seeds on Reserve lands that were not obtained in accordance with this Act if the holder had submitted to the Board, with the licence application, a declaration, signed and dated by the individual who signed and dated the application, indicating the quantity of such cannabis plants and cannabis plant seeds that they will have in their possession on the effective date of the licence.

21. The Council may make regulations concerning the production of cannabis on Reserve lands.

DISTRIBUTION

Distribution of Cannabis on Reserve Lands

22. (1) Unless authorized by this Act, no person shall distribute cannabis on Reserve lands, or conduct or carry on a business on Reserve lands that includes the distribution of,

(a) of one (1) or more classes of cannabis as set out in Schedule 2, the total amount of which is equivalent to more than 30 grams of dried cannabis;

(b) cannabis to an organization;

(c) cannabis that he or she know to be illicit cannabis;

(d) of one (1) or more cannabis plants that re budding or flowering; or

(e) more than four (4) cannabis plants that are not budding or flowing.

(2) The delivery of medical cannabis produced under the federal *Cannabis Act*, or recreational cannabis delivered pursuant to any other federal or provincial law or regulation is permitted on Reserve lands.

(3) For greater certainty this section is not intended to limit the delivery of medical or recreational cannabis sold and delivered on Reserve lands under provincial or federal authority.

Licence for Distribution

23. Every person who holds a licence for the distribution of cannabis is authorized to distribute cannabis, or conduct or carry on a business that includes the distribution of cannabis on Reserve land in accordance with this Act

(a) up to an amount set out by the Council, including cannabis plants that re budding or flowering;

(b) to an organization.

24. No person, including a business authorized to transport or distribute cannabis pursuant to the Act, shall

(a) open or allow to be opened, whether intentionally or unintentionally, a container or packaged containing cannabis that the person is transporting or distributing; or

(b) consume or allow to be consumed any cannabis while the cannabis is being transported or distributed.

25. The Council may make regulations concerning the distribution of cannabis produced on Reserve lands.

SALE

Sale of Cannabis on Reserve Lands

26. Unless authorized by this Act, no person shall conduct or carry on a business on Reserve lands that includes the sale of cannabis, including promotion, retail, delivery, and all other aspects associated with the sale of cannabis.

27. It is prohibited to sell cannabis that has been mixed with nicotine, caffeine, or ethyl alcohol.

Licence for Sale of Cannabis

28. Every person who holds a licence for the sale of cannabis is authorized under this act to sell cannabis, including promotion, retail, delivery, and all other aspects associated with the sale of cannabis.

29. All cannabis offered for sale must be from producers who are:

- (a) authorized to produce cannabis under any federal act;
- (b) authorized to produce cannabis under this Act; or
- (c) authorized to produce cannabis under the Act of a First Nation listed in Schedule 9, as amended from time to time.

30. Council may amend Schedule 9 where it is satisfied that the law of another First Nation referred to in subsection 29(c) is equivalent to this Act by passing a band council resolution.

Retail Sale of Cannabis

31. No person shall sell more than the equivalent of thirty (30) grams of dried cannabis per sale.

32. Every person who offers cannabis for sale shall be required to keep records on the origin of each cannabis product being offered for sale.

33. Every person who holds a licence for the sale of cannabis shall maintain the following records in respect of each producer and distributor who supplies the licensee:

- (a) the name of the producer or distributor;
- (b) the date on which the cannabis was received;
- (c) the date and location of the cannabis production;
- (d) the strain or strains of cannabis received; and
- (e) the quantity of cannabis received.

34. Every person who offers cannabis for sale shall produce the documents referred to in section 33 upon request by an inspection officer or the Board.

35. No person shall sell cannabis known to contain poisonous or harmful substances, or is otherwise unfit for human consumption.

36. Unless authorized under this Act, it is prohibited for a person that is authorized to sell cannabis to sell it in a package or with a label

- (a) if there are reasonable grounds to believe that the package or label could be appealing to young persons;
- (b) that sets out a testimonial or endorsement, however displayed or communicated;

- (c) that sets out a depiction of a person, character or animal, whether real or fictional;
- (d) that associates the cannabis or one of its brand elements with, or evokes a positive or negative emotion about or image of, a way of life such as one that includes glamour, recreation, excitement, vitality, risk or daring; or
- (e) that contains any information that is false, misleading or deceptive or that is likely to create an erroneous impression about the characteristics, value, quantity, composition, strength, concentration, potency, purity, quality, merit, safety, health effects or health risks of the cannabis.

37. The immediate container in which a cannabis product, other than a cannabis plant or cannabis plant seeds, is packaged must

- (a) be opaque or translucent;
- (b) prevent contamination of the cannabis;
- (c) in the case of dried cannabis keep the cannabis dry;
- (d) have a security feature that provides reasonable assurance to consumers that it has not been opened prior to receipt;
- (e) meet the requirements of a child resistant package under subsections C.01.001(2) to (4) of the *Food and Drug Regulations*, as amended from time to time and published by the Government of Canada on its website; and
- (f) not contain more than the equivalent of 30 g of dried cannabis.

38. All cannabis that is offered for sale must be stored in food safe packaging and labelled with the following information:

- (a) the strain of cannabis;
- (b) the class of cannabis as set out in Schedule 1;
- (c) the name, telephone number and email address of the cannabis producer;
- (d) the date and location of the cannabis production;
- (e) the net weight, if the cannabis is in solid form, its net weight, in grams, and in any other case, its net volume, in millilitres;
- (f) the potency of the cannabis,
 - (i) in mg of THC preceded by "Total THC"
 - (ii) in percentage of THC w/w, preceded by "THC";
 - (iii) in mg of CBD preceded by "Total CBD";
 - (iv) in percentage of CBD w/w, preceded by "CBD";
- (g) the lot number;
- (h) the expiry date or a statement that no expiry date has been determined;
- (i) the warning KEEP OUT OF REACH OF CHILDREN; and
- (j) a health warning message or equivalent health warning message as that set out in the document entitled *Cannabis Health Warning Messages*, as amended from time to time and published by the Government of Canada on its website.

- (k) the recommended storage conditions;
- (l) the packaging date;
- (m) in the case of cannabis extracts, cannabis topicals or cannabis edibles,
 - (i) a list of the ingredients, including the name of any food allergen that is present, except as a result of cross-contamination, either in the list of ingredients or in a food allergen source, gluten source and added sulphites statement;
 - (ii) the identity of the cannabis product in terms of its common name or in terms of its function; and
 - (iii) the intended use of the cannabis product, or for edible cannabis its common name;
 - (iv) for edible cannabis, a nutrition facts table in the form required pursuant the federal *Cannabis Act*, as amended from time to time and published by the Government of Canada on its website;
- (n) the following label statement “This product is regulated/produced/sold/distributed [as applicable] under authority of the Peepeekisis Cree Nation No. 81”.

39. The display and sale of cannabis may only occur in a permanent structure that includes at least four walls and a roof enclosing the entirety of the structure.

40. The sale of cannabis, including the products for sale and its inventory, shall not be within the view of a minor.

41. No consumption or use of cannabis is permitted in the structure referred to in section 39 or within 150 metres of a location where cannabis is offered for sale.

42. Unless authorized by Council by way of a band council resolution, no person shall offer cannabis for sale within

- (a) 300 metres of any other person offering cannabis for sale;
- (b) 300 metres of a school, schoolyard, or day care;
- (c) 10 metres of a residence; or
- (d) 150 metres of a playground, arena, or sports field.

43. Council may enter into agreements with a federal body, including Health Canada or the First Nation Inuit Health Branch, in respect of the packing requirements under section 38.

44. The Council may make regulations concerning the labelling and sale of cannabis and cannabis accessories on Reserve lands.

PROMOTION OF CANNABIS

Promotion of Cannabis

45. Unless authorized under this Act, no person shall promote:

- (a) the sale or use of cannabis ;
- (b) a particular strain of cannabis;
- (c) a particular producer, distributor, or retailer of cannabis;
- (d) any other aspect of cannabis including, but not limited to:

- (i) by communicating information about its price or distribution;
- (ii) by doing so in a manner that there are reasonable grounds to believe could be appealing to young persons;
- (iii) by means of a testimonial or endorsement, however displayed or communicated;
- (iv) by means of the depiction of a person, character or animal, whether real or fictional; or
- (v) presenting it or any of its brand elements in a manner that associates it or the brand element with, or evokes a positive or negative emotion about or image of, a way of life such as one that includes glamour, recreation, excitement, vitality, risk or daring.

46. A person who holds a licence authorized under this Act may promote:

- (a) the sale or use of cannabis;
- (b) a particular strain of cannabis;
- (c) a particular producer, distributor, or retailer of cannabis; and
- (d) other brand preference or informational promotion of cannabis.

47. A person referred to in section 46 shall ensure that no materials that promote cannabis:

- (a) contain false, misleading, or deceptive statements or images about its characteristics, including its value, quantity, composition, potency, quality, safety or effects on health;
- (b) contain images, symbols, or information that may be appeal to a minor; and
- (c) any other requirements set out in a regulation under this Act.

48. No person shall promote or cause advertising material to be left in a location that is within view of a minor.

49. No person shall broadcast or distribute promotional material on a medium, where, whether intentionally or unintentionally, a minor is likely to receive that material.

50. The Council may make regulations concerning the promotion of cannabis on Reserve lands.

PRODUCTION AND STORAGE OF CANNABIS

Rules Applicable to All Licensees

51. This Part applies to the production, distribution and sale of cannabis, as the case may be.

52. Cannabis must be produced, packaged, labelled, distributed, stored, sampled or tested in accordance with the requirements of this Act.

53. No cannabis may be treated with a pest control product unless the product is registered for use on cannabis under the *Pest Control Products Act*, as amended from time to time and published by the Government of Canada on its website, or is otherwise authorized for use under that Act.

54. Cannabis must be stored under conditions that maintain its quality.

55. Cannabis must be distributed in a manner that maintains its quality.

56. (1) Cannabis must be produced, packaged, labelled, stored, sampled or tested in a building or part of a building that is designed, constructed and maintained in a manner that permits those

activities to be conducted in a manner that is compliant with this Act and under sanitary conditions, and must,

(a) permit the building or part of the building to be kept clean and orderly;

(b) prevent the contamination of cannabis, including the addition of any extraneous substance to the cannabis; and

(2) Despite subsection (1), cannabis may be cultivated outdoors.

57. The building or part of the building where cannabis is produced, packaged, labelled or stored must be equipped with a system that filters air to prevent the escape of odours.

58. Cannabis must be produced, packaged, labelled, stored, sampled or tested using equipment that is designed, constructed, maintained, operated and arranged in a manner that

(a) permits the equipment to be kept clean and orderly;

(b) prevents the contamination of cannabis, including the addition of any extraneous substance to the cannabis;

Sanitation Program

59. (1) Cannabis must be produced, packaged, labelled, stored, sampled or tested in accordance with a sanitation program that sets out

(a) procedures for effectively cleaning the building or part of the building in which those activities are conducted;

(b) procedures for effectively cleaning the equipment used in those activities;

(c) procedures for handling any substance used in those activities; and

(d) all requirements, in respect of the health and hygienic behaviour of the personnel who are involved in those activities, that are necessary to ensure that those activities are conducted in sanitary conditions.

(2) Subsection (1)(a) does not apply to the outdoor cultivation, propagation or harvesting of cannabis.

Quality Assurance

60. (1) In the case of a holder of a licence for production, every lot or batch of cannabis must be approved by a qualified quality assurance person before it is made available for sale.

(2) Every complaint received in respect of the quality of the cannabis must be investigated by a qualified quality assurance person who must, if necessary, take corrective and preventative measures.

61. The Council may make regulations concerning the quality standards of cannabis produced, distributed and sold on Reserve lands.

PART 4 CANNABIS LICENCE

OBLIGATIONS OF LICENSEE

Requirement to Obtain a Licence

62. (1) Any person carrying on more than one business in the Reserve(s) must obtain a separate business licence for each business, and where a business is conducted in or from

more than one premise, the business conducted in or from each premise will be deemed a separate and distinct business and will require a separate licence.

(2) Every licence granted under this Act is valid and permits the licensee to carry on the business in a lawful manner.

(3) The licensee or person in charge or control of the premises where the business is conducted must at all times keep the licence or licences prominently displayed in an area of the premises to which the public has access or in an area designated by the Board. The Licence may be in the form and content as set out by the Board.

(4) The licensee must notify the Board of any change in the mailing or business address, the type of business, the area of the premises, the maximum quantity of cannabis produced or held in inventory, and any substantial physical alteration to the premises in which the business is conducted, and upon the closing of the business, the licensee will surrender the licence to the Board.

Security Requirements of Licensed Locations/Facilities

63. (1) The licensee shall maintain security measures necessary to ensure the security of the business and its inventory, including but not limited to,

- (a)** locks on all doors;
- (b)** a security system with continuous monitoring;
- (c)** surveillance video recorders.

(2) A licensee shall, without delay, notify the police and Board in the event that any crime takes place involving the place of business or any property thereof.

LICENCE APPLICATION

Applications in Writing

64. (1) Every person who

- (i)** wishes to conduct a business in the Reserve that includes the production of cannabis must apply in writing in Schedule 5 to the Board,
- (ii)** wishes to conduct a business in the Reserve that includes the distribution and transportation of cannabis must apply in writing in Schedule 5 to the Board, or
- (iii)** wishes to conduct a business in the Reserve that includes the sale of cannabis must apply in writing in Schedule 5 to the Board,

must disclose all information required on the appropriate application form.

Application Requirements

(2) Where the applicant is a corporation or a partnership, proof of incorporation or partnership must be provided with the completed Schedule 5.

(3) In the event of a transfer of the business for which a licence has been issued, the Board will permit the transfer of the licence from one premise to another provided

- (a)** the licensee has completed an application in Schedule 5;
- (b)** the licensee has paid the fee under subsection 69(2) of this Act; and

- (c) the proposed business premises comply with the terms of this Act.
- (4) In the event of a sale of the business for which a licence has been issued, the Board will permit an assignment of the licence to the purchaser of the business, provided
 - (a) the proposed assignee has completed an application in Schedule 5;
 - (b) the proposed assignee has paid the fee under subsection 69(3) of this Act; and
 - (c) the proposed assignee meets the provisions of this Act to carry on the business for which the licence was issued.

CANNABIS LICENCES

Classes of Licences

65. The following are established as classes of licences that authorize activities in relation to cannabis:

- (a) a licence for production (Producer);
- (b) a licence for distribution (Distributor);
- (c) a licence for sale (Retailer).

Term of Licence

66. (1) A licence is granted for a one (1) year period commencing on the date on which the licence is issued.

Licence Renewal

67. (1) Licences must be renewed by completing Schedule 5 no later than three (3) months prior to the expiry of the Licence Term.

(2) The Board may suspend all Licences for non-timely renewal if a licensee is in contravention of subsection 1.

(3) Licences may be renewed by the Board, and reinstated from suspension for non-timely renewal in accordance with sections 69 of this Act.

Licence Entitlements

68. (1) A licence will specify the time period, type and location of the business the licensee is permitted to conduct.

(2) A licence is valid throughout the Reserve.

(3) A licence will be issued in in the form of Schedule 3.

FEES

Fees for Licences

69. (1) The fee payable for a licence under this Act, including licence renewal are as set out in Schedule 4 per calendar year.

(2) The fee payable for filing a cannabis Licence Application in Schedule 5 for the transfer of a business licence, pursuant to subsection 64(3) of this Act, is five hundred dollars (\$500.00).

- (3)** The fee payable for filing a cannabis Licence Application in Schedule 3 for the assignment of a licence, pursuant to section 64(4) of this Act, is five hundred dollars (\$500.00).
- (4)** The fee payable for filing a Request for Hearing in Schedule 7, pursuant to section 72 of this Act is five hundred dollars (\$500.00) plus any applicable annual, renewal, transfer or assignment fee.
- (5)** Where a licensee has not renewed the licence on or before the expiry date as set out in section 68 of this Act, the licence will be suspended and the licensee has fifteen (15) days after the date of expiry to renew the licence and have the licence reinstated by completing the application in Schedule 5 and will pay the licence fee set out in subsection (1) and an added fee of five hundred dollars (\$500.00).
- (6)** Where a suspended licensee has not renewed the licence within the fifteen (15) days after the expiry date as set out in section 68, the suspended licensee has another seventy-five (75) days to renew the licence and have the licence reinstated by completing the application in Schedule 3 and will pay the licence fee set out in subsection (1) and an added fee of five hundred dollars (\$500.00). The licence will be revoked if not renewed at the end of this time.

REFUND

No Refund

70. No licence fee paid pursuant to this Act will be refunded.

ISSUANCE OF LICENCE

Criteria for Licence Issuance

- 71. (1)** Upon a licence applicant meeting the provisions for licence issuance under subsection (2), the Board shall/may issue a licence under this Act.
- (2)** The Board may, upon receiving an application for a licence under this Act, issue, by delivery or mail, a licence to the licensee at the address shown in the licence application provided
- (a)** the Board is satisfied that the applicant's business complies with all provisions in any of the other Acts of the Nation;
 - (b)** the application complies with this Act;
 - (c)** the applicant has disclosed all required information in the application form and the Board is satisfied under subsections [(d) to (f)];
 - (d)** the applicant has not, within the preceding three (3) years, been convicted of an offence under the *Criminal Code* (Canada), relating to the conduct of this business whether on or off the Reserve, for which the applicant has not been pardoned;
 - (e)** the applicant's business would not in the Board's sole discretion be detrimental to the health, welfare, safety and environment of inhabitants on the Reserve;
 - (f)** the Board's investigations do not disclose any reason to believe that the carrying on of the said business may result in a breach of the law, or in the Board's sole discretion may be in any way adverse to the public interest; and
 - (g)** the required fee for the licence has been paid.

(3) Every licence granted pursuant to this Act will be in duplicate; one copy will be issued to the licensee and the other copy retained by the Board. The licence so issued will be deemed a personal licence to the licensee.

(4) If the applicant or licensee fails to comply with or the Board is not satisfied with information received from the applicant or licensee under subsection (2), the Board will forthwith serve the applicant notice in Schedule 6 of the refusal to issue the licence and said notice will be served personally or by registered mail to the applicant at the address shown in the licence application.

HEARING

Where a Hearing is Required

72. Where a person disputes a determination made by the Board under sections 71 and 80, that person may request a hearing to make a final determination on this issue.

Definition of Claimant

73. For the purposes of this section, a person referred to in section 74 will be known as the Claimant.

Hearing Procedure

74. (1) Within thirty (30) days of service of the notice under section 69(4) of this Act, the Claimant or licensee may apply for a review by Council by completing and filing Schedule 7, and paying the fee as referred to in section 69 of this Act, and submitting these to the Board.

(2) The Board, upon receipt of Schedule 7 and the fee referred to in section 69(4) of this Act, will forthwith transmit to Council and the Claimant

(a) a copy of the original licence application as completed by the Claimant and copies of any supporting documentation accompanying the licence application;

(b) a copy of the Claimant's completed Schedule 7; and

(c) a copy of the Board's determination and reasons for the determination.

(3) Upon receipt of the material described in subsection (2), Council will determine the time and date of the review hearing, which will be at least fifteen (15) days hence but no more than forty-five (45) days and will advise the Board of its decision. The Board will forthwith serve notice of the decision in Schedule 8 on the applicant by personal service or by registered mail at the address shown in the licence. Council will hold the review hearing at the time and date set out in Schedule 8. The Claimant shall be given at least seven (7) days notice of the hearing.

(4) The Claimant may be represented at the review hearing by counsel and the Claimant or counsel may adduce evidence, submit argument in support of their position, answer any objections that may arise, and examine or cross-examine witnesses.

(5) At the hearing, the Board is entitled to submit arguments in reply to evidence and argument presented by or on behalf of the person.

(6) At the review hearing, the onus will be upon the applicant to show just cause why the licence applied for should be granted.

(7) Council will give its decision in writing to the Board within seven (7) days of the date of the completion of the review hearing.

(8) The Board will forthwith notify the Claimant of the decision referred to in subsection (7), including notification that the Claimant has a further right of appeal to a court of competent jurisdiction, by serving a copy of the decision personally or by registered mail to the applicant at the address shown in the applicant's licence application.

(9) If the Claimant agrees at the review hearing to accept conditions upon the licence, Council may render a decision granting the applicant the licence applied for upon such conditions as it considers fair and appropriate and authorized by law.

(10) All review hearings will be held in camera unless the applicant requests that the hearing be open to the public and Council must approve the request by a band council resolution, and the decision resulting from the review hearing will be made public forthwith, and any minutes of the review hearing will be available to the public within fifteen (15) days of the decision.

(11) If Council renders a decision granting the relief sought by the Claimant, the Claimant will be deemed to be in compliance with the Act, subject to any conditions imposed on the granting of such relief.

PART 5 CANNABIS BOARD ESTABLISHMENT AND POWERS

CANNABIS BOARD

Establishment

75. The Cannabis Board is hereby established.

Board Members and Terms

76. Council, by band council resolution,

(a) will appoint three Cannabis Board Members, and such other officers as may be necessary, who will receive applications, appeals, issue licences and carry out the cannabis licensing administrative functions under this Act including enforcement;

(b) will provide for reasonable remuneration to be paid to the Board and other appointed officers;

(c) will appoint the Board for a fixed term of not less than three (3) years after which reappointment shall be discussed by both parties; and

(d) may dismiss the Board or a Board Member from the appointed position for

(i) failing to carry out duties as described in this Act;

(ii) having been convicted of an employment related offence under the *Criminal Code* (Canada); or

(iii) contravening the First Nation's conflict of interest guidelines.

DUTIES OF BOARD

Board Powers

77. (1) The Board will:

(a) receive and process all applications, appeals, renewals, transfers and assignments of licences to be issued under this Act;

(b) maintain a record of all applications and fees for licences and retain on file a copy of all licences issued, together with their particulars;

(c) ascertain, as far as reasonably practicable, that all information furnished by the applicant in connection with an application for a licence is accurate;

(d) in response to receipt of a written complaint, or at least once a year, with the consent of the licensee (such consent not to be unreasonably withheld) make inquiries and inspect premises to determine whether every holder of a licence issued under this Act complies with the licence issued and the Acts of the Council, and no licensee shall obstruct or hinder the making or completing of the inspection;

(e) report monthly in writing to the Band Administrator, or Band Manager, or the person appointed by Council from time to time to administer the affairs of the Band, stating the number of licences issued, the type of business conducted under each licence, and the fees received since the previous report along with a summary stating the total number of licences issued and the total amount of money received to date for the current year;

(f) following a determination made by Council under section 81 and where Council directs, impose any penalties against a licensee under section 84.

Enforcement Officer

(2) The Board:

(a) may, with the approval of Council, delegate any of its powers under section 78 to an Enforcement Officer.

(b) receive reports from enforcement officers pursuant to subsection (2)(a).

(3) Where the Board has delegated its powers under subsection (2)(a), the Enforcement Officer shall be subject to the ongoing supervision and direction of the Board.

Inspections

78. The Board may make all investigations required to ensure compliance with this Act, including

(a) make unannounced site visits to the holders of a licence under this Act;

(b) enter the building or premises of a business or person known to hold a licence; or

(c) inspect all products, buildings, and equipment associated with the production, distribution, or sale of cannabis.

79. The Board shall prepare and deliver to Council a report following each inspection that details the licensee's compliance or violations under this Act, or any other determination where appropriate.

80. Where the Board determines that a licensee has violated this Act, the licensee will be notified in writing and informed of the penalty under section 84.

PART 6 – ENFORCEMENT

ENFORCEMENT

Power to Enforce

81. The Council may charge a licensee for contravention of this Act, with all reasonable costs that are incurred in the collection of all fees, fines, interest, penalties or other costs imposed by this Act.

Procedure

82. (1) Council will, by band council resolution, and after giving notice in Schedule 8 and holding a hearing referred to in section 74, (i) suspend for a period not exceeding ninety (90) days, or (ii) revoke, any licence issued under this Act, where it has come to Council's attention that the licensee:

- (a) has failed to comply with this Act;
- (b) is carrying on a business that fails to comply with all provisions in any of the other Act(s) of the First Nation;
- (c) within the preceding three (3) years of licence issuance and since licence issuance, has been convicted of an offence under the *Criminal Code* (Canada), relating to the conduct of this business whether on or off the Reserve, for which the licensee has not been pardoned;
- (d) has conducted the business in a manner that is detrimental to the health, welfare, safety and environment of inhabitants in the Reserve;
- (e) is convicted of any offence under any statute of the province in respect of the licensed business or with respect to the premises named in the licence; or
- (f) is carrying on a business, the purpose of which is to engage in or permit, allow, facilitate, encourage or assist others to engage in any activity that violates the *Criminal Code* (Canada), as amended from time to time and published by the Government of Canada on its website.

(2) Council will give the licensee at least seven (7) days notice of the hearing referred to in subsection (1) and the Board will serve Schedule 8 personally or by registered mail to the licensee at the address shown in the licence application, but if a licensee who by reasonable efforts of the Council and Board cannot be found and has not come forward then the notice will be considered to be duly served and an *ex parte* decision will be issued against the licensee.

(3) The Board will post the notice of suspension or revocation of a licence by the Council upon the premises for which the licence was issued and the notice must not be removed until the licence is reinstated or the licensee ceases to occupy the premises, or a new business other than the one carried on by the former licensee is licensed on the premises.

83. Council has the authority to enter into an enforcement agreement with the attorney general of Canada pursuant to section 59 of the federal *Cannabis Act*, as amended from time to time and published by the Government of Canada on its website.

PENALTY

Penalty for Infractions

84. (a) Subject to section 8, every person who contravenes sections 10, 12, 14, 15, or 16 of this Act is guilty of an offence and on summary conviction is liable to a fine not exceeding two thousand dollars (\$2,000).

(b) Subject to section 8, every person who contravenes a provision of this Act not referred to in subsection a is guilty of an offence and on summary conviction is liable to a fine not exceeding five thousand dollars (\$5,000), and any licence held by that person charged may be subject to suspension or revocation.

(c) A violation that is committed or continued on more than one day constitutes a separate violation in respect of each day on which it is committed or continued.

PART 7 – OTHER MATTERS

NO LIABILITY

Indemnity Provision

85. No liability attaches to the Council or Board, including its members, or any agent or employee thereof, and no action or proceedings may be brought against the Council or Board, including its members, or any agent or employee thereof, as a result of anything done or omitted to be done under this Act.

CONFLICT OF INTEREST

First Nation Conflict of Interest Policy

86. The Chief and each Councillor, as well as each member of the Board, must declare any potential conflict of interest, in accordance with the Nation's conflict of interest guidelines, and withdraw from any hearing, held under section 74 of this Act, where a conflict of interest may arise.

87. A member of the Board or Enforcement Officer must declare any potential conflict of interest, in accordance with the First Nation's conflict of interest guidelines, and withdraw from any hearing, held under section 74 of this Act, where a conflict of interest may arise.

EXEMPTIONS

88. The Band Council may exempt, with or without terms and conditions, any person or class of persons, any cannabis or any class of cannabis or any cannabis accessory or any class of cannabis accessory from the application of all or any of the provisions of this Act or of the regulations;

THIS ACT IS HEREBY ENACTED by Council at a duly convened meeting held on the 10th day of January, 2020.

SCHEDULE 1

DEFINITION OF CANNABIS

1. Any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not.
2. Any substance or mixture of substances that contains or has on it any part of such a plant
3. Any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained

EXCLUSIONS FROM THE DEFINITION OF CANNABIS

1. A non-viable seed of a cannabis plant
2. A mature stalk, without any leaf, flower, seed or branch, of such a plant
3. Fibre derived from a stalk referred to in item 2
4. The root or any part of the root of such a plant

Classes of Cannabis That an Authorized Person May Sell

1. dried cannabis
2. fresh cannabis
3. cannabis plants
4. cannabis plant seeds
5. edible cannabis
6. cannabis extracts
7. cannabis topicals

Associated definitions:

cannabis extract means

(a) a substance produced by

(i) subjecting anything referred to in item 1 of the Definition of Cannabis in Schedule 1 to the Act to extraction processing, or

(ii) synthesizing a substance that is identical to a phytocannabinoid produced by, or found in, a cannabis plant; or

(b) a substance or mixture of substances that contains or has on it a substance produced in a manner referred to in paragraph (a).

It does not include a cannabis topical or edible cannabis.

cannabis topical means a substance or mixture of substances that contains or has on it anything referred to in item 1 or 3 of the Definition of Cannabis in Schedule 1 to the Act and that is intended for use, directly or indirectly, exclusively on external body surfaces, including hair and nails.

edible cannabis means a substance or mixture of substances that contains or has on it anything referred to in item 1 or 3 of the Definition of Cannabis in Schedule 1 to the Act and that is intended to be consumed in the same manner as food. It does not include dried cannabis, fresh cannabis, cannabis plants or cannabis plant seeds.

cannabis concentrate means a substance that has a concentration of greater than 3% w/w of THC, taking into account the potential to convert THCA into THC.

non-solids containing cannabis means substances that are in non-solid form at a temperature of $22 \pm 2^\circ\text{C}$ and that have a concentration of 3% w/w or less of THC, taking into account the potential to convert THCA into THC.

solids containing cannabis means substances that are in solid form at a temperature of $22 \pm 2^\circ\text{C}$ and that have a concentration of 3% w/w or less of THC, taking into account the potential to convert THCA into THC.

SCHEDULE 2

EQUIVALENCY

	Column 1	Column 2
Item	Class of Cannabis	Quantity that is equivalent to 1 g of dried cannabis
1	dried cannabis	1 g
2	fresh cannabis	5 g
3	solids containing cannabis	15 g
4	non-solids containing cannabis	70 g
5	cannabis concentrates	0.25 g
6	cannabis plant seeds	1 seed

SCHEDULE 3

BUSINESS LICENCE

_____ is hereby authorized to conduct a business, calling, trade or
(Name of licensee)
occupation in the following _____
(Production/Distribution/Sale)
of Cannabis on the Reserve Lands of the Peepeekisis Cree Nation No. 81, for the period
commencing _____, 20____, and expiring _____, 20____.
(date) (date)

Name of business

Location of business

Signature of Board

Signature of licensee

Date

SCHEDULE 4

FEES

Type of Business: Producer	Annual Fee \$500.00
Type of Business: Distributor	Annual Fee \$500.00
Type of Business: Retailer	Annual Fee \$500.00

SCHEDULE 5

APPLICATION AND RENEWAL FORM

Date: _____

CANNABIS LICENCE APPLICATION

1. Applicant's Name: _____
2. Applicant's Date of Birth: _____
3. Applicant's Address: _____
(residence)
4. Name of Company proposed as Licensee: _____
5. Mailing Address: _____
(partnership/corporation if different)
6. Phone Number: residence: _____ office: _____
7. Fax Number: residence: _____ office: _____
8. Name of business to be licensed: _____
9. Address of business to be licensed: _____
10. Name of person in charge at this location: _____
11. Title of person in charge: _____
12. Type of business: (Producer/Distributor/Retailer): _____
13. Have you previously had a business licence from Peepeekisis Cree Nation No. 81?
Yes _____ No _____
14. Are you presently registered with the federal government with respect to the conduct of your business? Yes _____ No _____

(If yes, applicant must provide proof and give details below.)

15. Are you bonded with a bonding agency with respect to the conduct of your business?
Yes ___ No ___

(If yes, applicant must provide proof and give details below.)

16. Is the business incorporated? Yes ___ No ___ Federal ___ Provincial _____

(If yes, applicant must provide proof and give details below.)

17. Is the business administered by a partnership? Yes ___ No _____

(If yes, applicant must provide proof and give details below - registration.)

18. Have you, within the previous three (3) years, been convicted of an offence under the *Criminal Code* (Canada) for which you have not been pardoned? Yes _____ No _____

NOTE: Please read the Peepeekisis Cree Nation Cannabis Act, which outlines the conditions whereby your licence could be denied, revoked or suspended.

SCHEDULE 6

NOTICE OF LICENCE REFUSAL

TO: _____
(name of applicant)

ADDRESS: _____

RE: _____
(location of business)

TAKE NOTICE that pursuant to the _____ *Pepeeekisis Cree Nation Cannabis Act* your application to

___ receive, ___ renew, ___ transfer, ___ assign,

a CANNABIS LICENCE is refused.

AND TAKE NOTICE that you have thirty (30) days from the date of this NOTICE within which you may apply for a review by Council by completing and filing Schedule 7 of the said Act and paying the fee pursuant to this Act with the Board.

AND TAKE FURTHER NOTICE that if you file a request for review a hearing will be conducted for which you will be notified of the time and place to attend.

DATED AT _____ this _____ day of _____, 20__.

Name of Board

Signature of Board

SCHEDULE 7

REQUEST FOR HEARING

TO: Council of the Peepeekisis Cree Nation No. 81
c/o The Cannabis Board

PURSUANT to section 72 of the *Peepeekisis Cree Nation Cannabis Act*, I hereby appeal the decision as outlined on the NOTICE OF LICENCE REFUSAL, dated the _____ day of _____, 20__ and signed by the Board to refuse to

___ issue, ___ renew, ___ transfer, ___ assign,

a CANNABIS LICENCE for the following business located at

(description of the business and location)

on the following grounds:

- 1.
- 2.
- 3.
- 4.

DATED AT _____ this _____ day of _____, 20__.

Printed name of appellant

Appellant's signature

Address to which all notices to appellant are to be sent

SCHEDULE 8

NOTICE OF HEARING

TO: _____
(name of licensee)

ADDRESS: _____

RE: ___ Licence Suspension for: _____
(location of business)

___ Licence Revocation for: _____
(location of business)

PURSUANT to the *Peepeekisis Cree Nation Cannabis Act*, Council will be holding a hearing relating to the above-noted business regarding:

___ (i) why your business licence should not be suspended for a period not exceeding ninety (90) days; or,

___ (ii) why your business licence should not be revoked.

AND TAKE NOTICE that this hearing will be held at the hour of _____ (a.m./p.m.) on the _____ day of _____, 20__ at the following location:

AND TAKE FURTHER NOTICE that you should bring to the hearing all relevant documents pertaining to this matter.

DATED AT _____ this _____ day of _____, 20__.

Board

SCHEDULE 9

LIST OF FIRST NATION ACTS RECOGNIZED UNDER SECTION 29(C) OF THE PEEPEEKISIS CREE NATION CANNABIS ACT

1. Muscowpetung First Nation Cannabis Act
2. Pheasant Rump Nakota First Nation Traditional Medicinal Plants Act
3. Zatimē Anishinakēk Cannabis and Hemp Act (2019)



PEEPEEKISIS CREE NATION No.81

ORDER IN COUNCIL

#2019-20 / 33

Governing Council Meeting

Duly Convened Meeting Date: January 10, 2020

TITLE: Peepeekisis Cree Nation Cannabis Act

DECISION: Carried

WHEREAS based on the Spirit and intent of Treaty, this Order In Council and anything provided for or taken pursuant to this Order in Council shall not derogate from the Inherent and Treaty right of the Peepeekisis Cree Nation No.81; and

WHEREAS after much consultation to the membership, The Governing Council held a special meeting of the membership on December 21, 2019 for the purpose of considering the *Peepeekisis Cree Nation Cannabis Act* ;and

WHEREAS at that special meeting on December 21, 2019, the membership present voted to a majority in favour and assent to adopt and approve the *Peepeekisis Cree Nation Cannabis Act* as presented; and

WHEREAS the Governing Council are hereby given direction by the assent of the majority of the voters present to enact the *Peepeekisis Cree Nation Cannabis Act* ;and

THEREFORE BE IT RESOLVED that the Governing Council of the Peepeekisis Cree Nation No.81 hereby move to adopt and enact the *Peepeekisis Cree Nation Cannabis Act* on this day January 10, 2020.

Quorum (3)

Chief Francis Dieter



Headman Allan Bird



Headman Richard Ironquill



Headman William Desnomie



Headman Colin Stonechild

