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The Joseph Bighead Band
Section 81 of the Indian Act
Bylaw Number 2:1995

**BEING A BY-LAW RESPECTING THE PROHIBITION AGAINST THE
INHALATION OF SOLVENT AND GASOLINE VAPOURS**

WHEREAS according to the terms of the treaties, the Chief representing the Indian people agreed to maintain peace and good order between each other;

WHEREAS the Council of the Joseph Bighead Band of Indians is desirous of preserving the treaty rights of maintaining peace and good order between each other, including the health of the Band members;

WHEREAS by Section 25 of the Constitution Act, 1982, the guarantees in the Charter of Rights and Freedom shall not be construed so as to abrogate or derogate from any aboriginal people of Canada;

WHEREAS the Council of the Joseph Bighead Band enacts as a by-law for the purpose of safeguarding its community on the reserve from the serious problems resulting from the unhealthy and destructive practice of inhaling solvents and gasoline for the sole purpose of producing euphoria, hallucinations and intoxication;

AND WHEREAS paragraph 81(1), (a), (c), (d), (q) and (r) of the Indian Act, R.S.C. 1985, c. 1-5, empower the Council of a Band to make by-laws to provide for the health of residents, the observance of the law and order, the prevention of disorderly conduct and nuisances, with respect to any matter arising out of or ancillary to the exercise of powers under section 81, and the imposition on summary conviction of a fine or imprisonment for violation thereof;

NOW THEREFORE the Council of the Joseph Bighead Band enacts the by-law thereof as follows:

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Short Title

1. This By-Law may be cited as the "Joseph Bighead Band Solvent and Gasoline Abuse By-Law".

Interpretation

1. In this By-Law

"*intoxicating matter*" includes plastic solvents, adhesive cement, cleaning agents, glue, dope, nail polish remover, lighter fluid, gasoline, paint or lacquer thinner;

"*intoxicating vapour*" means any vapour, fume or liquid that is emitted, given off or produced from an intoxicating matter;

"*possession*" means possession as defined in subsection 4(3) of the Criminal Code, R.S., c.C-34.

Prohibitions

Against Inhalation

2. Every one who, for the purpose of inducing euphoria, hallucinations or intoxication

- (1) inhales, administers or otherwise introduces into his respiratory system, or
- (2) assists or causes another person to inhale, administer or otherwise introduce into his respiratory system

an intoxicating vapour is guilty of an offence and liable on summary conviction to a fine not exceeding \$ 1,000.00 or to imprisonment for a term not exceeding 30 days or to both.

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Against Possession and Possession for Sale

4. (1) No person shall have in his possession any intoxicating matter for the purpose of inhaling, administering or otherwise introducing into his respiratory system the intoxicating vapours emitted, given off or produced from the intoxicating matter;

(2) No person shall have in his possession any intoxicating matter for the purpose of selling, giving, administering, transporting, sending, delivering or distributing the intoxicating matter to a person

(a) who he knows or has good reason to believe is of unsound mind, is impaired by alcohol, drugs or by reason of having inhaled intoxicating vapours, or

(b) who he knows or has good reason to believe will use the intoxicating matter for the purpose of inducing euphoria, hallucinations or intoxication.

5. Every one who contravenes subsection (1) or (2) is guilty of an offence and liable on summary conviction to a fine not exceeding \$ 1,000.00 or to imprisonment for a term not exceeding 30 days or to both.

6. Every one who sells, gives, administers, transports, sends, delivers, or distributes any intoxicating matter

(1) to a person who he knows or has good reason to believe is of unsound mind, is impaired by alcohol, drugs or by reason of having inhaled intoxicating vapours, or

(2) who he knows or has good reason to believe will use the intoxicating matter for the purpose of inducing euphoria, hallucinations or intoxication

is guilty of an offence and liable on summary conviction to a fine not exceeding \$ 1,000.00 or to imprisonment for a term not exceeding 30 days or to both.

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Exceptions

6. Sections 3, 4 and 5 do not apply to any person who
- (1) manufactures or sells an intoxicating matter for medicinal purposes,
 - (2) inhales, administers or otherwise introduces an intoxicating vapour into his respiratory system under the supervision of a physician or dentist, or
 - (3) is a physician or dentist or a person acting under the direction of a physician or dentist who assists or causes another to inhale, administer or otherwise introduce into his respiratory system an intoxicating vapour.

THIS BY-LAW IS HEREBY made at a duly convened meeting of the Council of the Joseph Bighead Band this 01st day of March 1995.

Voting in favour of the By-Law are the following members of the Council:

[Signature]
(Member of the Council)

[Signature]
(Member of the Council)

[Signature]
(Member of the Council)

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

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The quorum of the Council is 3 members.
Number of members of the Council present at the meeting 3.

I, Ernest Sundown Chief of the Joseph Bighead 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 District Office pursuant to subsection 82(1) of the Indian Act, this 1st day of March, 1995.

[Signature]
(Witness)

[Signature]
(Chief/Councillor)