



INTOXICANT LAW

2025

Enacted on May 15, 2025.

PREAMBLE

- A. Mathias Colomb Cree Nation wishes to exercise, through this law, its inherent rights of self-governance as well as its by-law powers under Section 81 and Section 85.1 of the *Indian Act*, RSC 1985, c I-5; and
- B. A majority of electors of the Mathias Colomb Cree Nation who attended a special meeting of Mathias Colomb Cree Nation on May 15, 2025, called by the Council of Mathias Colomb Cree Nation for the purpose of considering this law, assented to this law by vote; and
- C. The Council of Mathias Colomb Cree Nation wishes to pass this law in the best interests of Mathias Colomb Cree Nation;

NOW THEREFORE the Council of Mathias Colomb Cree Nation enacts as follows:

Citation

- 1. This law may be cited as the *Mathias Colomb Cree Nation Intoxicant Law, 2025*.

Definitions

- 2. In this Bylaw:
 - a. “**Council**” means the duly elected Council of the Mathias Colomb Cree Nation, and includes the Chief and Councillors.
 - 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 that are intoxicating. Intoxicants will also include drugs or other substances other than alcohol that are otherwise intoxicating if used, or intended for human consumption for intoxication.

Mathias Colomb Cree Nation Intoxicant Law, 2025

- c. **"Import Limit"** means the maximum allowable limit of Intoxicants allowed to be brought to Mathias Colomb Reserves.
- d. **"Intoxicant Law"** means this law, the *Mathias Colomb Cree Nation Intoxicant Law, 2025*.
- e. **"Officer"** means a police officer, peace officer, constable or any person assigned by Council as an enforcement officer for this by-law.
- f. **"MCCN Lands"** means MCCN Reserve Land, and any lands within MCCN's traditional territory.
- g. **"Mathias Colomb Reserves"** means the Pukawatagan Indian Reserve and all other reserves set aside the benefit of Mathias Colomb Cree Nation, and **"Mathias Colomb Reserve"** means any of them.

Prohibitions

Sale, barter, supply or manufacture

- 3. The sale, barter, supply or manufacture of Intoxicants on Mathias Colomb Reserves is prohibited.

Limits to Possession

- 4. Possession of an Intoxicant for the purpose of bringing an Intoxicant to Mathias Colomb Reserves above the Import Limit as set out in Schedule "A", or for the purpose of assisting any other person in exceeding or avoiding the Import Limit set out in Schedule "A", is prohibited.
- 5. Possession of an Intoxicant for the purpose of any sale, barter, or supply to anyone in a Mathias Colomb Reserve, or for the purpose of any manufacture of an Intoxicant on a Mathias Colomb Reserve is prohibited.

Exceptions

- 6. No person contravenes this *Intoxicant Law* where the Intoxicant is used or intended to be used solely for the person's own legitimate medical purposes, or the legitimate medical purposes of their dependent child.
- 7. No person contravenes this *Intoxicant Law* where the Intoxicant is used or intended to be used solely for a valid religious purpose that does not involve producing a state of intoxication in any person and occurs in a place of worship.

Enforcement level 1: Searches

8. Every person and item entering a Mathias Colomb Reserve will be subject to a search by an Officer upon entry for the purpose of enforcing this *Intoxicant Law*, and:
 - a. every person entering a Mathias Colomb Reserve may be required by an Officer to truthfully declare the amount of any Intoxicants in their possession.
 - b. every person entering a Mathias Colomb Reserve may be required by an Officer to produce valid receipts showing their own purchase of the Intoxicants in their possession.
9. Every person in possession of an Intoxicant at a point of entry to a Mathias Colomb Reserve who cannot show valid receipts indicating their own purchase of the Intoxicant will be presumed to be assisting another person in importing Intoxicants above the Import Limit in violation of Section 6 of this *Intoxicant Law*, and may be ticketed and charged accordingly, unless the person can provide convincing and verifiable evidence to the contrary.
10. In addition to searches upon entry as set out in Section 8, an Officer may search any person, item or place in a Mathias Colomb Reserve if the Officer has reasonable grounds to believe there may be a violation of this *Intoxicant Law*.
11. All searches pursuant to this *Intoxicant Law* will be conducted in a reasonable manner according to the circumstances.
12. An Officer may seize Intoxicants located anywhere on a Mathias Colomb Reserve where the Officer believes a violation of this *Intoxicant Law* has taken place in relation to those Intoxicants, and may destroy such Intoxicants at the earliest opportunity permitted by law.

Enforcement level 2: Tickets

13. If a person has been found by an Officer to be in violation of any of Sections 3, 4 or 5 of this *Intoxicant Law*, an Officer may issue a ticket to the person specifying a fee in the amount set out in Schedule "B".
 - a. A person who has been issued a ticket will pay the ticket fee to the Mathias Colomb Cree Nation within 30 days.
 - b. The Mathias Colomb Cree Nation will issue a receipt upon payment.

Enforcement level 3: Offences

14. Violation of Section 3 of this *Intoxicant Law* is an offence punishable upon summary conviction by a fine of up to \$1,000 or imprisonment of up to 6 months, or both, will a person who has been issued a ticket in violation of Section 3, and has paid the ticket fee within 30 days of receiving the ticket, has not committed an offence and will not be charged

under this Section 14. For greater certainty, this Section 14 is made pursuant to subsection 85.1(4)(a) of the *Indian Act*.

15. If a person has been issued a ticket for a violation of Sections 4 or 5 of this *Intoxicant Law* and has failed to pay the ticket within 30 days, that person may be charged with an offence under this Section 15 for failure to pay the ticket, and is punishable upon summary conviction by a fine of up to \$1,000.00, up to 30 days of imprisonment, or both. For greater certainty, this Section 15 is made pursuant to subsections 81(1)(c) and (r) of the *Indian Act*.
16. Violation of Section 4 or 5 of this *Intoxicant Law* is an offence punishable upon summary conviction by a fine of up to \$100.00, up to 3 months of imprisonment, or both. A person who was issued a ticket for the violation and paid the ticket fee within 30 days has not committed an offence and will not be charged. For greater certainty, this Section 16 is made pursuant to subsection 85.1(4)(b) of the *Indian Act*.
17. For greater certainty, a person may, if appropriate in the circumstances, be issued a ticket or charged with an offence in relation to both the sale of Intoxicants under Section 3 and possession for the purposes of sale under Section 5.

Other

18. If any part of this *Intoxicant Law* is found to be invalid or unenforceable, the section affected will be read down to eliminate the impugned portion and the remainder of this *Intoxicant Law* will remain in force.

Schedules

19. The Schedules, being the Import Limits, attached as Schedule "A", and the Ticket Fees, attached under Schedule "B" form part of this *Intoxicant Law* and may be amended by resolution of Council.

Repeal

20. All prior intoxicant laws and resolutions of Mathias Colomb Cree Nation including by-laws, if any, are hereby repealed and replaced with this law, including without limitation:
 - a. the resolution passed on August 22, 1974, pertaining to Sections 94 through 97 of the *Indian Act* as it read at that time; and
 - b. the resolution passed on November 4, 1998, pertaining to import limits.

Coming into Force

21. *This Intoxicant Law* comes into force after it is enacted by the Council of Mathias Colomb Cree Nation, on the date it is first published on the Mathias Colomb Cree Nation website,

in the *First Nations Gazette*, or in a newspaper that has general circulation on the Mathias Colomb Reserves, whichever the Council considers appropriate in the circumstances.

SCHEDULE A

IMPORT LIMIT

<i>Maximum Amount</i>		<i>Other criteria</i>
ONE of the following options, either:		Per person of legal drinking age by provincial law, per week
	Up to 48 cans or bottles of beer (e.g. 2 cases), containing a total of no more than 580 fluid ounces	
	Up to 8 bottles of wine, containing a total of no more than 205 fluid ounces	
	Up to 80 fluid ounces of spirits (e.g. 2 large 40-ounce bottles, or 6 small 20-ounce bottles)	
	Combination: Up to 24 cans or bottles of beer (e.g. 1 case), containing a total of no more than 290 fluid ounces, plus <u>either</u> <ul style="list-style-type: none">• up to 40 fluid ounces of spirits (e.g. 1 large 40-ounce bottle or up to 3 small 20-ounce bottles), <u>OR</u>• up to 4 bottles of wine, containing a total of no more than 102 fluid ounces	

SCHEDULE B

TICKET FEES

<i>Violation</i>	<i>Fee Amount</i>
Violation of Section 3, sale, barter, supply, manufacture – 1 st time violation	\$300
Violation of Section 3, sale, barter, supply, manufacture – 2 nd and further violations	\$500
Violation of Section 4, import above limit – equal to or less than 30 ounces above the limit	\$100
Violation of Section 4, import above limit – over 30 ounces above the limit	\$10 per ounce above the import limit
Violation of Section 5, possession for purposes of sale etc.	\$200

THIS INTOXICANT LAW IS HEREBY ENACTED by Council at a duly convened meeting
held on the 15th day of May, 2025.

A quorum of Council consists of 5 members of Council.



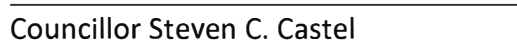
Chief Gordie Bear



Councillor Wanda Bighetty



Councillor Moses Castel Sr.



Councillor Steven C. Castel



Councillor Brenda Dumas



Councillor Alma Hart



Councillor Arlene T. Caribou



Councillor Selena Castel



Councillor Connie Constant



Councillor Travis Dumas



Councillor Kelly Linklater