

Notice to the Debendaagziwaad (citizens)

Official NFN Position on Cannabis Production & Sales

March 28, 2018 (GARDEN VILLAGE, ON) – We have received a number of inquiries and business proposals related to the pending legalization of cannabis (marijuana) by the federal government.

Since there is currently no legal framework related to cannabis production and/or sales, these activities remain illegal and licensing requests will not be brought forward to Nipissing First Nation’s Council.

On March 20th, Chief and Council passed a motion prohibiting the issuance of any business licenses for any activities related to the production and/or sales of cannabis. This is not a permanent ban, but a temporary measure until Canada and Ontario pass laws, *and* until we have consulted with Debendaagziwaad (citizens) about how our nation should proceed under the new legislation.

Current Status – Cannabis is still illegal

At this time, possessing and selling cannabis for non-medicinal purposes is still illegal everywhere in Canada. Current laws remain in force until new legislation and rules are in place.

There are serious public health and safety risks associated with cannabis use that must be addressed before we can even consider allowing the production and/or sales of cannabis on our lands.

We also need more information about how Ontario and Canada intend to control distribution and regulate enforcement in order to determine whether we need to establish our own laws and regulations, and how they might complement federal and provincial laws.

Learn more about the current status of cannabis laws in Canada, and the work being done to legalize and regulate it: <https://www.canada.ca/en/services/policing/justice/legalization-regulation-marijuana.html>

Next Steps

Nipissing First Nation’s Chief and Council and senior management believe that two important activities must take place before even contemplating the possibility of allowing cannabis cultivation, consumption and/or retail operations, including dispensaries, on our lands:

1. Consult the Debendaagziwaad (NFN citizens) on how they feel about the sale of cannabis in the communities within NFN’s territory, keeping in mind that NFN has never allowed the sale of alcohol on our lands with the exception of special occasion permits.
2. Obtain legal certainty as to how any NFN law might complement federal and provincial laws as they are developed.

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There are several elements that are specific to First Nations such as funding and governance, trafficking of illegal cannabis and the illicit market, resources and technical barriers to the enforcement of First Nations laws and bylaws in respect to cannabis, and overall anticipated increased challenges associated with cannabis legalization. There is no indication that First Nation police services currently have the tools and training they need to appropriately enforce the new legal framework for recreational cannabis.

Background

Our Chief Executive Officer attended the Anishinabek Nation Information Session on cannabis legalization in Sudbury on March 6 and 7, 2018, which included presentations made by federal and provincial officials.

It is clear that there is much work to be done by Ontario and Canada to develop a workable legal and enforcement framework for cannabis sales and production. The governments also need to ensure accurate interpretations and applications of the new law when it comes into effect and to fully address:

- public health and safety concerns, including the effects on the mental development of youth, and concerns about use and abuse of cannabis,
- the broad illicit market (growers/dealers) that support criminal organizations,
- the burden on the justice system and associated social impacts

It is also clear that governments have not given serious consideration to the numerous potential impacts that the legalization of cannabis will have within First Nation communities. Many nations are already experiencing the rise of cannabis dispensaries that purport to exercise an indigenous right to sell cannabis. Some attempt to justify this by claiming that cannabis is a traditional medicine.

Our key concerns with the process are public health and safety, the lack of proper engagement undertaken to date, and the lack of clarity on how cannabis will be regulated and enforced in First Nations communities, especially when legal enforcement in many communities is already underfunded.

We are also concerned that the retail model for Ontario does not appear to provide opportunities for First Nations to participate, and that Ontario has expressed willingness to share revenues with municipalities but it is not clear if this will include First Nation communities.

There are many other considerations, including: illegitimate business opportunities, taxation, the lack of First Nation specific licenses within medical production regulations, and the fact that there are already dispensaries operating on other reserves and communities, yet there is no enforcement and it is still unclear how provincial legislation will impact these activities.

We will keep Debendaagziwaad informed of our discussions and opportunities for input in the process.

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