

April 10, 2019



## Draft NFN Cannabis Law Enclosed

Whereas under section 11.5 of its Gichi-Naaknigewin Nipissing First Nation has the power to make laws on the rights and freedom of its Debendaagziwaad and the privileges of Endaawaad;

Whereas under section 6.1 (a) of the Nipissing First Nation Land Code, Nipissing First Nation may make land laws for the development, conservation, protection, management, use and possession of Nipissing First Nation land;

**Nipissing First Nation proposes to enact its Cannabis Law on Tuesday, June 18, 2019.**

In accordance with the Nipissing First Nation Land Law Consultation, Voting and Enactment Process, the enclosed **Draft NFN Cannabis Law** has been mailed to all NFN member households to allow Debendaagziwaad at least 60 consecutive days prior to the proposed enactment of the NFN Cannabis Law to review the draft law and provide comments and requests for revisions to our lawyer.

### Community Consultation Meetings

Community Consultation Meetings are scheduled review the draft NFN Cannabis Law in detail on:

**Monday, April 15<sup>th</sup>**

6:30pm – 8:30pm

NFN Complex Gym, Garden Village

**Thursday, April 18<sup>th</sup>**

6:30pm – 8:30pm

Nbisiing School Gym, Duchesnay

Our lawyer will present the draft law, answer questions and receive feedback from Debendaagziwaad about proposed additions or amendments to the Draft NFN Cannabis Law.

**Comments and requests for revisions to the draft NFN Cannabis Law will be accepted until Friday, May 10, 2019, and should be directed to:**

Fred Bellefeuille, Barrister & Solicitor  
PO Box 711, North Bay ON P1B 8J8  
Email: [Fred\\_Bellefeuille@msn.com](mailto:Fred_Bellefeuille@msn.com)  
Phone: 705-845-1605



**Cannabis Law No. DRAFT #4**

BEING a law concerning the use, sale, production and cultivation of cannabis.

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## **Nipissing First Nation Cannabis Law**

Whereas under section 11.5 of its Gichi-Naaknigewin Nipissing First Nation has the power to make laws on the rights and freedom of its Debendaagziwaad and the privileges of Endaawaad;

Whereas under section 6.1 (a) of the Nipissing First Nation Land Code, Nipissing First Nation may make land laws for the development, conservation, protection, management, use and possession of Nipissing First Nation land;

**THEREFORE, pursuant to its inherent, Aboriginal and Treaty rights recognized and affirmed by section 35 of the Canadian Constitution and its Gichi-Naaknigewin, Nipissing First Nation hereby enacts this cannabis law.**

### **1. Purpose:**

This Nipissing First Nation cannabis law is developed for the purposes of improving the health, safety and well-being of our community and citizens and to support and manage community and economic development.

### **Part 1 – General**

#### **Application of Law:**

2. This law shall apply on all Lands within the boundaries of Nipissing First Nation.
3. This law does not apply with respect to the sale, distribution, purchase, possession, consumption, of cannabis for medical purposes in accordance with the Cannabis regulations of Canada.
4. All applicable federal Cannabis and Ontario Cannabis laws shall apply on the Lands within the boundaries of Nipissing First Nation to the extent that they are not inconsistent with this Cannabis law.

#### **5. Definitions:**

- a) “Authorized Cannabis Retailer” means those authorized by Nipissing First Nation and includes those holding retail store authorization under this law or the *Cannabis Licence Act, 2018* when acting in accordance with the authorization;
- b) “Cannabis” means a cannabis plant or any part or mixture of a cannabis plant;
- c) “Distribute” includes administering, giving, transferring, transporting, sending, delivering, providing or otherwise making available in any manner, whether directly or indirectly, and offering to distribute or having in possession for distribution;

- d) “Lands” includes all Nipissing First Nation reserve lands, conditionally surrendered, designated, lands held in fee simple and leased lands.
- e) “Mobile structure” includes trailers, portables, mobile homes, and buildings without cement foundations.
- f) “Premises” means land and structures used for sale of cannabis.
- g) “Public Place” includes roads, streets, parks, or other areas generally accessible to the public.

### **Personal**

- 6. No person under 21 years of age shall possess, consume, attempt to purchase or distribute Cannabis.
- 7. No person shall distribute or sell Cannabis to a person who is or appears to be under 25 years of age unless the person selling or distributing the Cannabis, as the case may be, has required the person receiving it to provide identification showing his or her age, and is satisfied that they are at least 21 years old.
- 8. No person shall purchase Cannabis except from an Authorized Cannabis Retailer.
- 9. No person shall consume Cannabis in a Public Place.

### **Part 2 - Commercial Retail**

- 10. No person shall sell Cannabis, Cannabis extracts or Cannabis accessories or products that may contain Cannabis, other than an Authorized Cannabis Retailer.
- 11. An Authorized Cannabis Retailer shall not sell Cannabis or Cannabis products other than Cannabis obtained from a producer authorized by permit issued by Nipissing First Nation.
- 12. No person shall sell or distribute Cannabis to a person under 21 years of age.
- 13. No person shall distribute Cannabis that is sold, or is intended to be sold, other than by an Authorized Cannabis Retailer.
- 14. No person shall permit a premises of which he or she is a landlord to be used in relation to an activity prohibited by this law.
- 15. Nipissing First Nation may make regulations respecting retail sales of Cannabis and Cannabis accessories, including authorizing cannabis retail operations, location, security, bonding, advertising, display and promotion of cannabis;
- 16. No person may sell Cannabis from a mobile or temporary structure, or a household dwelling where people normally reside. Commercial Cannabis must be sold exclusively from the Authorized Cannabis Retailer’s Cannabis retail store.

## **Application and eligibility for Cannabis Retail Store Permit**

**17.** An Authorized Commercial Retailer may be granted a Cannabis Retail Store Permit if the following circumstances apply:

- a) They are a member of Nipissing First Nation;
- b) They have clear criminal record check;
- c) They agree to possess a Nipissing First Nation business license;
- d) They are in compliance with all Nipissing First Nation laws and by-laws;
- e) The proposed location of the Cannabis Retail Store is not in a residential area, and can be safely accessed by the public.
- f) They agree to enter into an agreement with Nipissing First Nation in regards to Cannabis retail sales.
- g) Authorizing the Cannabis retail store to them is in the interests of the community;

**18.** In an application, the Authorized Commercial Retailer must include a written expression of interest including which geographic area(s) the person wishes to locate a Cannabis retail store and how the Cannabis retail store will work towards the following objectives:

- a. Protecting community and citizen health and safety.
- b. Protecting youth and restricting their access to Cannabis.
- c. Preventing illicit activities in relation to Cannabis.
- d. Keeping appropriate records respecting their business activities in regards to Cannabis.
- e. Efficient and effective administration of a community health and benefit fee.

**19.** An application to be an Authorized Commercial Retailer must include a bond to be prescribed by the Nipissing First Nation.

**20.** A Cannabis retail store permit is conditional upon the Authorized Commercial Retailer entering into and maintaining compliance with an agreement with Nipissing First Nation that includes a community health and benefit fee.

- 21.** A Cannabis retail store permit may include conditions as determined by Nipissing First Nation.
- 22.** A Cannabis retail store permit is specific to the person and is non-transferable and is specific to the geographic location.
- 23.** A Cannabis retail store permit will be valid for a maximum of three (3) year periods, unless extended by renewal, and may be suspended, revoked or cancelled at any time with written reasons.
- 23.** An Authorized Cannabis Retailer who has its Cannabis retail store permit or part thereof suspended, revoked or cancelled must immediately cease all operations and post clear closed signage.

### **Cannabis retail store requirements**

**24.** A Cannabis retail store must:

- (a) be physically separate from other non-cannabis related retail space in the building so that individuals under 21 may be restricted from the area and restricted from viewing the retail space for cannabis;
- (b) be a permanent commercial grade building and fully enclosed by physically with walls;
- (b) be staffed with individuals over the age of 21;
- (c) verify identification of individuals who appear to be under the age of 25 to verify that they are at least 21 years of age;
- (d) have staff that are trained on compliance with federal, provincial and First Nation Cannabis laws and responsible Cannabis sales;
- (e) not advertise nor promote their products by making reference to the medicinal or indigenous spirituality or culture;
- (f) not sell edibles that could be mistaken as not containing Cannabis by children;
- (g) restrict and limit to sales and promotion of Cannabis products and cannabis accessories.

**25.** A cannabis retail store permit must not allow persons under the age of 21 from entering into their cannabis retail store.

**26.** A holder of a retail store permit must be a signatory and maintain in good standing a community health and benefit fee agreement with the First Nation.

27. Maintain a security system appropriate to the quantity of Cannabis products sold and to support the objective set out in section 18 above and any regulations concerning safety and security.

### **Conditions of Cannabis Retail Store permit**

28. A Cannabis retail store permit must set out the following information:
- (a) the name of the holder of the permit;
  - (b) the permit number;
  - (c) the address of the site where the activity is authorized and, if applicable, of each building within the site;
  - (d) the authorized activity at the site and, if applicable, the authorized activity that may be conducted at each building within the site;
  - (e) any conditions that the Nipissing First Nation considers appropriate;
  - (f) the effective date of the licence; and
  - (g) the date of expiry of the licence.
29. No Cannabis retail store permit holder may enter into an arrangement with another person or entity to distribute, finance or sell their products.
30. Nipissing First Nation may inspect or authorize the inspection of the retail store space during regular business hours to ensure compliance with their permit, this law, any regulations and any agreement with Nipissing First Nation in regards to the retail sales of Cannabis.

### **Part 3 - Commercial Cultivation and Production**

31. No person shall cultivate Cannabis for commercial purposes other than those authorized by permit issued by Nipissing First Nation.
32. No person shall produce Cannabis and cannabis products for commercial purposes other than those authorized by permit issued by Nipissing First Nation.
33. No person under 21 years of age shall cultivate, propagate, harvest, produce or offer to cultivate, propagate or harvest Cannabis.
34. Nipissing First Nation may make regulations respecting cultivation and production including authorizing Cannabis cultivation operations, security, quantities, and quality.
35. No person may cultivate Cannabis or produce Cannabis products for commercial purposes in a private dwelling where people normally reside. Commercial Cannabis must be cultivated and produced exclusively on commercial premises identified in a permit issued by Nipissing First Nation.



## **Application**

**35.** A person is eligible to apply for a commercial Cannabis cultivation or production permit if the following circumstances apply:

- a) They are a member of Nipissing First Nation;
- b) They have clear criminal record check;
- c) They possess a Nipissing First Nation business license;
- d) They are in compliance with all Nipissing First Nation laws and by-laws;
- e) They will enter into an agreement with Nipissing First Nation in regards to Cannabis commercial cultivation or production.
- f) Issuing a commercial Cannabis cultivation or production permit is in the interests of the community;

**36.** An application for a commercial Cannabis cultivation or production permit must include a written expression of interest including which geographic area(s) the person wishes to locate a Cannabis cultivation or production activity and how the commercial Cannabis cultivation or production activity will work towards the following objectives:

- a. Protecting community and citizen health and safety.
- b. Protecting youth and restricting their access to Cannabis.
- c. Preventing illicit activities in relation to cannabis.
- d. Keeping appropriate records respecting their business activities in regards to Cannabis.
- d. Effective and efficient administration of a community health and benefit fee.

**37.** An application for a commercial Cannabis cultivation or production permit must include a bond to be prescribed by the Nipissing First Nation.

**38.** A commercial cannabis cultivation or production permit is conditional upon the permit holder entering into and maintaining compliance with a community health and benefit fee agreement with Nipissing First Nation.

## **Commercial Cannabis Cultivation Permit**

- 39.** A commercial Cannabis cultivation or production permit may include conditions as determined by Nipissing First Nation.
- 40.** A commercial Cannabis cultivation or production permit is specific to the person and is non-transferable and is specific to the geographic location set out in the permit.
- 41.** A commercial Cannabis cultivation or production permit will be valid for a three (3) year period unless otherwise extended or renewed, and may be suspended, revoked or cancelled at any time with written reasons.
- 42.** A holder of a commercial Cannabis cultivation or production permit must immediately cease all operations if their permit is suspended, revoked or cancelled
- 43.** A commercial Cannabis cultivation or production permit must set out the following information:
- (a) the name of the holder of the permit;
  - (b) the permit number;
  - (c) the address of the site where the activity is authorized and, if applicable, of each building within the site;
  - (d) the authorized activity at the site and, if applicable, the authorized activity that may be conducted at each building within the site;
  - (e) the total area in square feet or meters of the area of Cannabis cultivation or production;
  - (e) any conditions that the Nipissing First Nation considers appropriate;
  - (f) the effective date of the permit; and
  - (g) the date of expiry of the permit.
- 44.** Nipissing First Nation may add other conditions that it deems necessary to the commercial Cannabis cultivation or production permit.
- 45.** A holder of a commercial Cannabis cultivation or production permit whose permit authorizes the sale of cannabis is authorized to sell and distribute cannabis to an Authorized Cannabis Retailer.
- 46.** A holder of a commercial Cannabis cultivation permit may not sell cannabis to anyone who is not an Authorized Cannabis Retailer.

## **Record keeping**

- 47.** A holder of a commercial Cannabis cultivation or production permit must keep written and electronic records of all Cannabis cultivated, harvested, processed, sold, and delivered including:

- a) type of Cannabis;
- b) Weight;
- c) authorized cannabis retailer purchaser;
- d) address of authorized Cannabis retailer purchaser;
- e) name of the receiver of product;
- d) date;

**48.** A holder of a commercial Cannabis cultivation or production permit must report quantity of Cannabis sold and the permit number of the Authorized Cannabis Retailer permit holder to the Nipissing First Nation on a quarterly basis.

**49.** A holder of a commercial Cannabis cultivation or production permit must not also be an Authorized Cannabis Retailer.

### **Quantity**

**50.** A holder of a commercial Cannabis cultivation or production permit must not cultivate or produce more Cannabis than as set out in their permit.

**51.** An application may be made to amend the permit to increase the quantity of Cannabis set out in the permit.

### **Quality and Safety**

**52.** A holder of a commercial Cannabis cultivation or production permit must retain the services of a qualified individual as a quality assurance person who has the training, experience and technical knowledge related to the requirements under Canada's legal quality standards for cannabis cultivation and production.

**53.** Cannabis must be cultivated, produced, packaged, labelled, distributed, stored, sampled and tested in accordance with standard operating procedures that are designed to ensure that those activities are conducted in accordance with the requirements of Federal law.

### **Cultivation Area**

**54.** A holder of a commercial Cannabis cultivation or production permit must only cultivate or produce Cannabis within the area and to the extent set out in the permit.

**56.** A holder of a commercial Cannabis cultivation permit must not conduct any activity that is authorized by the permit at a dwelling-house.

**57.** A holder of a commercial Cannabis cultivation or production permit must not cultivate, harvest or produce cannabis outdoors.

**58.** The First Nation may, at any time, conduct or authorize the conduct of checks that are necessary to determine whether a holder of a permit poses a risk to public health or public safety, including the risk of Cannabis being diverted to an illicit market or activity. Such checks include criminal record checks.

**59.** No person shall produce Cannabis related product for the purposes of sale other than as authorized by permit issued by Nipissing First Nation.

**60.** Nipissing First Nation may make regulations respecting the production of cannabis including authorizing cannabis production operations, packaging, quantities, security, etc.

**61.** No person may produce cannabis for commercial purposes in a private dwelling where people normally reside. Commercial cannabis must be produced exclusively on commercial premises as authorized by permit issued by Nipissing First Nation.

### **Community Benefit**

**62.** All Cannabis products shall include a community health and benefit fee.

**63.** There shall be imposed, and collected on the volume of all Cannabis for sale, a community health and benefit fee payable by the authorized cannabis retailer to Nipissing First Nation at the time of delivery of Cannabis products.

**64.** The Nipissing First Nation shall set the rate of the community health and benefit fee on an annual basis by resolution of Chief and Council.

**65.** Nipissing First Nation may make regulations respecting the community health and benefit fee including financial reporting and accountability.

### **Offences and Penalty**

**66.** Every person who contravenes a section in Part 1 of this law is guilty of an offense and shall be required to participate in one or more First Nation approved youth education or prevention programs, subject to any conditions.

**67.** Every person who contravenes a provision of this law is guilty of an offense and on conviction is liable to a fine of:

- a) Not more than \$10,000 for each day of contravention of a section in Part 2 or 3 of this law exclusive of costs;
- b) Forfeiture of any operating bond.

**68.** If a charge is laid against a person for a contravention of any section of this law, and an enforcement officer has reasonable grounds to believe that a premises was used in

the alleged contravention, the enforcement officer may cause the premises to be closed immediately and any persons on the premises to be removed.

**69.** Nipissing First Nation may appoint an enforcement officer(s) for the purposes of compliance with this law.

**Signature of Council:**

**THIS LAW IS HEREBY** enacted at a duly convened meeting of the Council of Nipissing First Nation this 18<sup>th</sup> day of June 2019

Voting in favor of this law are the following members of the Council:

\_\_\_\_\_  
Chief Scott McLeod

\_\_\_\_\_  
Deputy Chief Muriel Sawyer

\_\_\_\_\_  
Councillor Corey Goulais

\_\_\_\_\_  
Councillor June Commanda

\_\_\_\_\_  
Councillor Rick Stevens

\_\_\_\_\_  
Councillor Brian Couchie

\_\_\_\_\_  
Councillor Mike Sawyer

\_\_\_\_\_  
Councillor Jane Commanda

Being the majority of those of the Council of the Nipissing First Nation present at the aforesaid meeting of the Council.

The quorum of the Council is five members. Number of the Council present at the meeting: \_\_\_\_\_.

SCHEDULE "A"



## AUTHORIZED CANNABIS RETAILER PERMIT

\_\_\_\_\_ is hereby authorized by Nipissing First Nation to operate a retail establishment located at \_\_\_\_\_ for the retail sales of cannabis related products while operating in compliance with the laws of the First Nation, Ontario and Canada for the operating period of \_\_\_\_\_.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Nipissing First Nation

\_\_\_\_\_  
Date



## AUTHORIZED CANNABIS CULTIVATION PERMIT

\_\_\_\_\_ is hereby authorized by Nipissing First Nation to operate a cultivation facility located at \_\_\_\_\_ for the cultivation of cannabis while operating in compliance with the laws of the First Nation, Ontario and Canada for the operating period of \_\_\_\_\_.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Nipissing First Nation

\_\_\_\_\_  
Date



## AUTHORIZED CANNABIS PRODUCTION PERMIT

\_\_\_\_\_ is hereby authorized by Nipissing First Nation to operate a production facility located at \_\_\_\_\_ for the production of cannabis related products while operating in compliance with the laws of the First Nation, Ontario and Canada for the operating period of \_\_\_\_\_.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Nipissing First Nation

\_\_\_\_\_  
Date