

**MUSCOWPETUNG FIRST NATION  
CANNABIS ACT**

BEING AN ACT OF THE MUSCOWPETUNG FIRST NATION WITH A PURPOSE OF REGULATING CANNABIS WITHIN AND ON THE RESERVE LANDS OF THE MUSCOWPETUNG FIRST NATION.

**WHEREAS** the Muscowpetung First Nation adhered to Treaty No. 4, 1874 on September 8, 1875;

**AND WHEREAS** the Muscowpetung First Nation has and continues to exercise an inherent aboriginal and treaty right to govern its citizens and lands that is recognized and affirmed by, *inter alia*, Articles 4, 20, 24, 34 and 35 of the *United Nations Declaration on the Rights of Indigenous Peoples* and Section 35 of the *Constitution Act, 1982, Schedule B to the Canada Act 1982 (UK)*, 1982, c 11, and is protected by Treaty No. 4, 1874;

**AND WHEREAS** the Chief and Council of the Muscowpetung First Nation deem it expedient and in the best interests of the First Nation, as an expression and in furtherance of the First Nation's inherent aboriginal and treaty right to self-determination, to make a cannabis act for the purposes of, *inter alia*, preserving the health and safety of its members and preventing any nuisance to its members,

**AND WHEREAS** the Chief and Council of the Muscowpetung First Nation wish to enact this cannabis act pursuant to:

- (a) the First Nation's inherent aboriginal and treaty right to self-determination; and
- (b) Section 81 of the *Indian Act*, to the extent the same is not inconsistent with the First Nation's inherent aboriginal and treaty rights to self-determination;

**AND WHEREAS** it is intended that this cannabis act will serve as a foundational and living document to be adapted to fit the capacity and aspirations of the Muscowpetung First Nation as they evolve over time and to eventually address the governance of all aspects of cannabis production, distribution, sale, possession and use within and on the Muscowpetung Reserve;

**AND WHEREAS** the Elders Council of the Muscowpetung First Nation has reviewed and approved this cannabis act;

**AND WHEREAS** at duly convened meeting of the members of the Muscowpetung First Nation, the majority of members present thereat voted in favour of this cannabis act.

**NOW THEREFORE, THE CHIEF AND COUNCIL OF THE MUSCOWPETUNG FIRST NATION, DULY ASSEMBLED, ENACTS AS FOLLOWS:**

## PART I - TITLE, DEFINITIONS AND INTERPRETATION

### 1. SHORT TITLE

1.01 This Act may be known as the "MFN Cannabis Act".

### 2. DEFINITIONS

2.01 In this Act, unless the context otherwise requires:

- (a) "ACMPR" means the *Access to Cannabis for Medical Purposes Regulations*, SOR/2016-230, as amended, modified or replaced from time to time;
- (b) "Appeal Committee" means the three (3) member committee appointed by the Board under Section 9.09 of this Act;
- (c) "Board" means the three (3) member board appointed by Council under Section 18 of this Act;
- (d) "Cannabis" has the meaning given to it in the Federal Act;
- (e) "Cannabis Store" means any business engaged in the business of displaying, selling or offering Cannabis for sale;
- (f) "Cannabis Plant" means a plant that belongs to the genus Cannabis;
- (g) "Council" means the Council of Muscowpetung First Nation, collectively comprised of the Chief and Councillors, duly elected from time to time in accordance with the *Indian Act* or pursuant to its customary rules in force from time to time;
- (h) "Court" means a court of competent jurisdiction in the Province of Saskatchewan;
- (i) "Dried Cannabis" means Cannabis that has been subjected to any drying process, but does not include seeds;
- (j) "Federal Act" means the *Cannabis Act*, S.C. 2018, c. 16, as amended, modified or replaced from time to time;
- (k) "*Indian Act*" means the *Indian Act*, RSC 1985, c. I-5, as amended, modified or replaced from time to time;
- (l) "Licence" means a licence to develop and operate a Cannabis Store issued pursuant to this Act;
- (m) "Minor" means an individual who has not attained the age of 19 years of age or older;
- (n) "MMAR" means the *Marihuana Medical Access Regulations*, SOR/2001-227, as repealed or replaced from time to time;
- (o) "MMPR" means the *Marihuana for Medical Purposes Regulations*, SOR/2013-119, as repealed or replaced from time to time;

- (p) "**Muscowpetung**" means the Muscowpetung Saulteaux First Nation;
- (q) "**Muscowpetung Reserve**" means the geographic area of the Muscowpetung First Nation Reserve No. 80 and such other lands that are or become reserve lands of Muscowpetung from time to time;
- (r) "**Peace Officer**" means a peace officer, police officer, or any Person appointed by Council by way of a resolution in writing for the purpose of enforcing and carrying out the provisions of this Act;
- (s) "**Person**" means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative; and
- (t) "**Public Premises**" means all or any part of a building, structure or other enclosed area to which members of the public have access as of right or by express or implied invitation.

## PART II – POSSESSION AND CONSUMPTION OF CANNABIS

### 3. POSSESSION

- 3.01 No Person shall possess Cannabis on or within the Muscowpetung Reserve unless authorized under this Act.
- 3.02 An individual that is not a Minor may possess Cannabis on or within the Muscowpetung Reserve in accordance with this Act.
- 3.03 An individual shall not possess more than four (4) Cannabis Plants on or within the Muscowpetung Reserve.
- 3.04 An individual shall not possess Cannabis in a public place or in a vehicle in a public place within or on Muscowpetung Reserve in an amount exceeding the equivalent of thirty (30) grams of Dried Cannabis.
- 3.05 Notwithstanding Section 3.04, a Person who is a common carrier, including any employee or agent thereof, shall be authorized to possess Cannabis in unlimited quantities provided it is transporting or distributing Cannabis in the ordinary course of business and pursuant to a Licence.

### 4. CONSUMPTION

- 4.01 No person shall consume Cannabis within or on the Muscowpetung Reserve unless authorized under this Act.
- 4.02 An individual that is not a Minor may consume Cannabis within or on the Muscowpetung Reserve in accordance with this Act.
- 4.03 An individual shall not consume Cannabis in any public place within or on the Muscowpetung Reserve.
- 4.04 An individual shall not consume Cannabis in a vehicle within or on the Muscowpetung Reserve, unless the vehicle is used as a temporary residence at the time of consumption.

## **5. MEDICAL CANNABIS**

- 5.01 Subject to Section 5.04, an individual who is entitled to possess or use Cannabis pursuant to:
- (a) a medical document issued under the ACMPR;
  - (b) a prescription from a medical professional;
  - (c) a written diagnosis from a medical professional of a medical condition treatable by Cannabis;  
or
  - (d) by the written recommendation of a traditional healer recognized by Council,
- may consume Cannabis in any Public Premises within or on the Muscowpetung Reserve.
- 5.02 An individual referred to in subsection 5.01 must, on demand of a Peace Officer, produce a copy of the person's medical document.
- 5.03 A Minor may possess and consume Cannabis pursuant to a medical document issued under the ACMPR.
- 5.04 An individual referred to in Section 5.01 must not smoke or vape Cannabis:
- (a) in a Public Premises;
  - (b) in, on or within 5 metres of a:
    - (i) school;
    - (ii) playground; or
    - (iii) sports field
- to which the public has access; or
- (c) within 5 metres of an entrance or exit to a Public Premises.

## **6. EVENTS**

- 6.01 The Board may grant a permit to allow for the consumption, including smoking and vaping, of Cannabis in a public place within or on the Muscowpetung First Nation for an event, and may impose such terms and conditions on the permit as it sees fit, in its sole discretion.
- 6.02 An individual may smoke, vape or consume Cannabis in a public place within or on the Muscowpetung Reserve at an event for which a permit has been granted by the Board.
- 6.03 The Board may suspend or revoke a permit issued pursuant to Section 6.01 if it determines that a permit holder or any Person at an event for which a permit has been issued has contravened any federal or provincial laws or this Act.

## **PART III – DISTRIBUTION AND SALE OF CANNABIS**

### **A. LICENSING**

#### **7. REQUIREMENT FOR A LICENCE**

7.01 A Person shall not carry on business as:

(a) a Cannabis Store; or

(b) a common carrier involved in the transportation or distribution of Cannabis;

in each case on the Muscowpetung Reserve unless that Person has a valid and subsisting Licence.

7.02 No Person shall contravene a term or condition of a Licence.

7.03 A Licence may only be issued in accordance with the process set out in this Act.

#### **8. APPLICATION FOR LICENCE**

8.01 Every Person applying for a Licence pursuant to this Act shall include in the application any information required or requested by the Board.

8.02 An application must be made in the form prescribed by the Board from time to time.

8.03 An application for a Licence will not be considered by the Board until the applicant pays the non-refundable annual licence fee set out in Schedule “A” and unless the application is submitted in the form prescribed by the Board under Section 8.02.

8.04 The Board may not issue a Licence and may refuse to renew a Licence if the Board has reasonable and credible grounds to believe that the applicant is not of good character.

8.05 Without limiting the generality of the foregoing, each Person who applies for a Licence, or its duly appointed representative, shall submit a statutory declaration confirming that the Person has or will acquire Cannabis in compliance with Section 13.01.

8.06 A Person shall not provide false or misleading information with regard to any matter in connection with an application.

#### **9. ISSUANCE, REFUSAL, SUSPENSION AND REVOCATION OF A LICENCE**

9.01 Upon receipt of an application for a Licence, the Board may:

(a) issue a Licence with any terms and conditions that it deems necessary, in its sole discretion;

(b) require submission of further information; or

(c) refuse an application.

- 9.02 If the Board issues a Licence under section 9.01, the Licence shall contain the following information:
- (a) the name of the Licence holder;
  - (b) the location of the authorized Cannabis Store; and
  - (c) the terms and conditions, if any, imposed on the issuance of a Licence.
- 9.03 Notwithstanding the foregoing, the Board shall include as a condition to every Licence that the Licence holder will only obtain Cannabis from a producer who is:
- (a) authorized to produce Cannabis under any of the MMAR, MMPR, ACMPR or Federal Act; or
  - (b) a member of the Cannabis Growers of Canada.
- 9.04 The Board may suspend or revoke a Licence if it determines that a Licence holder or the Licence holder's business has contravened any provision of this Act, any applicable Muscowpetung, federal or provincial laws, or if in the Board's opinion there are just and reasonable grounds to suspend or revoke the Licence.
- 9.05 The Board may suspend a Licence for up to ten (10) calendar days, after which it must make a decision to:
- (a) withdraw the suspension and restore the Licence;
  - (b) restore the Licence with different terms or conditions; or
  - (c) revoke the Licence if in the Board's opinion there are just and reasonable grounds to do so.
- 9.06 If the Board refuses an application or suspends or revokes a Licence, it must send written notice of the refusal to the Person that made the application or the Licence holder, with reasons for the refusal, suspension or revocation.
- 9.07 A refusal or revocation of a Licence does not preclude submission of a new application for a Licence by the Person subject to the refusal or revocation.
- 9.08 Within five (5) business days of receipt of the Board's decision under 9.06, the Person that submitted the application or who holds the revoked Licence may file a written notice of appeal of the Board's decision to Council setting out the reasons for the appeal.
- 9.09 Upon receipt of a written notice of appeal pursuant to section 9.08, Council shall:
- (a) establish the Appeal Committee within seven (7) calendar days; and
  - (b) forward a copy of the notice of appeal to the Appeal Committee immediately thereafter.
- 9.10 The Appeal Committee shall hold a hearing within thirty (30) days of receipt of a written appeal filed in accordance with Section 9.08. After reviewing the appeal and hearing evidence at the appeal hearing from the appellant, the Board and anyone else having relevant information, the Appeal Committee may confirm, vary, substitute or cancel the Board's decision. The Appeal

Committee shall issue its decision in writing, firstly, to the Board within fourteen (14) days of the hearing being closed and, secondly, to Council and the appellant within twenty-four (24) hours following the delivery of notice to the Board.

## **10. TERM**

- 10.01 A Licence in respect of a Cannabis Store is valid for a term of one (1) year from the date of issuance specified on the Licence.
- 10.02 A Person may apply for a renewal of a Licence in the manner and form prescribed by Council within three (3) months before the expiration of the Licence term.

## **11. INSPECTIONS**

- 11.01 If the Board reasonably believes that a Person is carrying on business as a Cannabis Store without a valid Licence, that Person shall:
- (a) permit and assist in all inspections requested by the Board; and
  - (b) immediately furnish to the Board all identification, information, or documentation related to the inspection or licencing requirement.
- 11.02 The Board may request an inspection of any Cannabis Store operating pursuant to a valid Licence to ensure that the distribution and sale of Cannabis by the Licence holder complies with this Act. Upon receipt of a request to inspect from the Board, the Licence holder shall:
- (a) permit and assist in all inspections requested by the Board; and
  - (b) immediately furnish to the Board all identification, information or documentation related to the inspection.
- 11.03 A Person shall not provide false or misleading information with regard to any matter in connection with an inspection.

## **12. TRANSFER OF LICENCES**

- 12.01 A Licence is not transferable from one Person to another, from one Person's business to another business, or from one Cannabis Store to another, whether operated by the Licence holder or not.

## **B. CANNABIS STORE REGULATIONS**

### **13. STORAGE AND SALE OF CANNABIS**

- 13.01 All Cannabis offered for sale must be from producers who are:
- (a) authorized to produce Cannabis under any of the MMAR, MMPR, ACMPR or Federal Act; or
  - (b) members of the Cannabis Growers of Canada.
- 13.02 A Cannabis Store may sell Dried Cannabis to an individual who is not a Minor for recreational purposes, provided the amount of Cannabis sold does not exceed thirty (30) grams per sale.

- 13.03 A Licence holder may sell Cannabis in any form for medical purposes to an individual who is not a Minor upon the individual producing:
- (a) a copy of a medical document issued pursuant to the ACMPR;
  - (b) a written prescription from a medical professional;
  - (c) a written diagnosis from a medical professional of a medical condition treatable by Cannabis;  
or
  - (d) a written recommendation of a traditional healer recognized by Council.
- 13.04 A Licence holder shall not sell or distribute Cannabis, either for sale or as a sample, that:
- (a) contains a poisonous or harmful substance; or
  - (b) is otherwise unfit for human consumption.
- 13.05 All Cannabis offered for sale or stored in a Cannabis Store must be stored in food safe packaging and labeled with the following information:
- (a) the strain of Cannabis;
  - (b) the name of the Cannabis producer;
  - (c) the date and location of Cannabis production; and
  - (d) the quantity of Cannabis in grams.
- 13.06 In addition to Cannabis, a Licence holder may sell Cannabis accessories, products ancillary to the consumption or use of Cannabis and retail merchandise.
- 13.07 Consumption or use of Cannabis is not permitted in a Cannabis Store.
- 13.08 Unless authorized by Council by way of a band council resolution, a Cannabis Store must not be located within:
- (a) 300 metres of any other Cannabis Store;
  - (b) 300 metres of a school or school grounds;
  - (c) 150 metres of a residence; or
  - (d) 150 metres of a playground or a sports field.

#### 14. MINORS

- 14.01 No Minor may enter or attend at a Cannabis Store, and no Licence holder may allow a Minor to enter or attend at a Cannabis Store.
- 14.02 A Licence holder shall not employ an individual who is a Minor to perform any services in relation to the operation of a Cannabis Store.



14.03 If an individual who appears to be a Minor requests to purchase Cannabis from a Cannabis Store, the Licence holder or the Licence holder's employee must, before granting the request, demand that the individual provide proof of age.

## **15. RECORD KEEPING**

15.01 A Licence holder shall maintain the following records in respect of each producer who supplies Cannabis to the Cannabis Store:

- (a) the name of the producer;
- (b) the date the Cannabis was received from the producer;
- (c) the date and location of Cannabis production;
- (d) the strain of the Cannabis received from the producer; and
- (e) the quantity of Cannabis received from the producer.

## **16. SECURITY**

16.01 A Licence holder shall maintain security measures necessary to ensure the security of the Cannabis Store and all Cannabis stored therein, including but not limited to locks on all doors, a security system and surveillance video recorders.

16.02 A Licence holder shall notify the police, as well as the Board, in the event that there is any theft of Cannabis from the Cannabis Store.

## **17. ADVERTISING**

17.01 Licence holders may advertise Cannabis for sale provided that an advertisement shall:

- (a) only be visible in locations where Minors are prohibited from entering or attending;
- (b) not be:
  - (i) false;
  - (ii) misleading; or
  - (iii) deceptive; and
- (c) not contain images, symbols or information that may be appealing to Minors.

## **PART IV - ADMINISTRATION AND ENFORCEMENT**

### **18. MUSCOWPETUNG CANNABIS BOARD**

18.01 The Board is hereby established.

18.02 The Board shall consist of three (3) members, to be appointed by Council.

- 18.03 The Board or its designate is responsible for the administration of this Act.
- 18.04 Without restricting any other power, duty or function granted by this Act, the Board may:
- (a) carry out or direct whatever inspections are reasonably required to determine compliance with this Act;
  - (b) with the approval of Council, delegate any of its powers and authorities under this Act to any Muscowpetung employee, contractor, or any organization as it deems appropriate, provided that the Board shall at all times remain accountable to ensure that the power and authorities under this Act are carried out properly; and
  - (c) establish forms for the purposes of this Act.
- 18.05 The Board shall establish and maintain a centralized register for recording and monitoring Licences issued under this Act.

## **19. ENFORCEMENT**

- 19.01 A Person who contravenes any provision of this Act by doing any act or thing which the Person is prohibited from doing, or by failing to do any act or thing the person is required to do is guilty of an offence and liable on summary conviction to a fine of not more than one thousand (\$1,000.00) dollars or to imprisonment for a term of not more than thirty (30) days, or both.
- 19.02 A Person who contravenes any provision in Part III of this Act by doing any act or thing which the Person is prohibited from doing, or by failing to do any act or thing the person is required to do is guilty of an offence and liable on summary conviction to a fine of not more than five thousand (\$5,000.00) dollars or to imprisonment for a term of not more than thirty (30) days, or both.

## **PART V - GENERAL**

### **20. MISCELLANEOUS**

- 20.01 Nothing in this Act relieves a Person from complying with any applicable law, regulation, other by-law or any requirements of any lawful permit, order, consent or other direction.
- 20.02 Where this Act refers to another Act, Regulation or agency, it includes reference to any Act, Regulation or agency that may be substituted therefore.
- 20.03 Every provision of this Act is severable from all other provisions, if any provision of this Act is declared invalid for any reason by a Court, all other provisions of this Act shall remain valid and enforceable.
- 20.04 It is the intention of Council that all offences created by this Act be interpreted to be strict liability offences.
- 20.05 Words and phrases in this Act importing the singular number only shall include the plural and vice versa, and words importing the masculine gender shall include the feminine gender and neuter.

20.06 In the event of any conflict or inconsistency between this Act and any applicable federal or provincial laws or regulations, this Act shall prevail to the extent of such conflict or inconsistency.


**21. PROOF OF LICENCE**

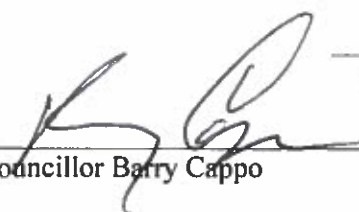
21.01 The onus of proving a Person has a valid and subsisting Licence is on the Person alleging existence of the Licence.


**22. EFFECTIVE DATE**


22.01 This Act comes into force on the date of publication in accordance with section 86 of the *Indian Act* and the customs and traditions of Muscowpetung.

This Act is hereby passed at a duly convened meeting of the Council of the Muscowpetung First Nation this 12 day of November, 2018.

  
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Chief Anthony Cappel

  
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Councillor Barry Cappel

  
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Councillor Thomas Pratt

  
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Councillor Adam Toto

\_\_\_\_\_  
Councillor Melissa Tavita

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Councillor Dwayne Stonechild

**SCHEDULE "A" – FEES**

<b>Business</b>	<b>Fee</b>
Cannabis Store	\$500.00 / per year