

# Wahnapiatae First Nation

## Cannabis Law

No. 2021-01

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



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## Wahnapiatae First Nation Cannabis Law

**WHEREAS** the Anishinaabe have existed in this territory (now held collectively by Wahnapiatae First Nation) with their own laws and legal system since time immemorial;

**AND WHEREAS** Wahnapiatae First Nation have existing, inherent and inalienable rights which include the right of self-determination; the right to promote and control economic development; and the right to preserve Miinogoziiwin, Inaadziwin and Bimaadzwin within the Lands;

**AND WHEREAS** section 35 of the *Constitution Act, 1982* recognizes and affirms the existing aboriginal self-government and treaty rights of the aboriginal peoples of Canada;

**AND WHEREAS** the aforementioned rights of Wahnapiatae First Nation, as Indigenous Peoples, have been recognized and affirmed in international covenants and declarations, including the *International Covenant on Civil and Political Rights*, the *International Covenant on Economic, Social and Cultural Rights* and the *United Nations Declaration on the Rights of Indigenous Peoples*;

**AND WHEREAS** as cultivation, processing, distribution, sale, possession and use of cannabis has a significant impact on socio-economic development, health, safety and peace, and responsibility within the Lands, Wahnapiatae First Nation have the ultimate and exclusive right and jurisdiction to regulate and control Cannabis within Wahnapiatae First Nation Lands recognized in the Robinson-Huron Treaty as "Aboriginal Title" lands;

**AND WHEREAS** other jurisdictions surrounding Wahnapiatae First Nation are creating legislation that directly impacts the well-being of our community, Wahnapiatae First Nation have the obligation to regulate and control Cannabis in a way that protects and preserves the best interests of our community, and promotes the Indigenous right to trade and commerce with other Indigenous groups and Nations;

**AND WHEREAS** Wahnapiatae First Nation have the existing and inherent right of self-determination, which includes the inherent jurisdiction over their Lands, people, and territory;

**AND WHEREAS** the safety of the people in Wahnapiatae First Nation Lands is of paramount importance and there may arise circumstances in which precautions in law are required to protect the safety of the people;

**AND WHEREAS** Council of Wahnapiatae First Nation has deemed it expedient and necessary for the peace, safety and good governance of its members to provide for the observance of law and order on Reserve and for the licencing and regulation of recreational cannabis activity on the Reserve;

**AND WHEREAS** Council of Wahnapiatae First Nation desires to make a Law to provide for the regulation of Cannabis related businesses within Wahnapiatae First Nation;

**AND WHEREAS** Council of Wahnapiatae First Nation will align Wahnapiatae First Nation Cannabis Law with most of the objects of the federal Cannabis Act, specifically to ensure Cannabis is not accessible to minors and that Cannabis activity does not fuel organized criminal activity;

**NOW, THEREFORE** Council of Wahnapiatae First Nation hereby makes the following Law which will be cited as “Wahnapiatae First Nation Cannabis Law”.

## **Purpose**

The purpose of this Law is to establish regulations relating to the sale, production and distribution of Cannabis on Wahnapiatae First Nation that:

1. Protect children and youth and restrict their access to Cannabis, Cannabis by-products, and Cannabis culture;
2. Deter illicit activities in relation to Cannabis through appropriate enforcement, particularly regarding our youth and young adults;
3. Protect the health and safety of Wahnapiatae First Nation and other persons within our Lands;
4. Protect the jurisdictional integrity of the Lands by ensuring mutual respect and cooperation in relation to jurisdiction, economic advancement and enforcement within Wahnapiatae First Nation’s domestic affairs;
5. Facilitate a regulated and controlled Cannabis industry that will promote and enhance socio-economic development, fiscal self-sufficiency and tangible benefits for Wahnapiatae First Nation;
6. Provide for the legal production, processing, distribution, sale, possession and use of quality-controlled Cannabis within and from the Lands;
7. Deter illicit and illegal activities in relation to Cannabis, including but not limited to:
  - i. preventing Cannabis from being diverted into the illicit or illegal market;
  - ii. preventing illicit or illegal Cannabis from entering the source of supply of the legal Cannabis market, through appropriate sanctions and enforcement measures.

## Part 1-General

### Application of Law

1. This Law shall apply on all Lands within the boundaries of Wahnapiatae First Nation and elsewhere through jurisdictional agreements and cooperation with other Nations and governments.
2. This Law does not apply with respect to the sale, distribution, purchase, possession, or consumption of Cannabis for medical purposes in accordance with the *Cannabis Act* (Canada).
3. All applicable federal Cannabis and First Nation Cannabis laws shall apply on the Lands within the boundaries of Wahnapiatae First Nation to the extent that they are not inconsistent with this Cannabis Law and shall be interpreted with the necessary changes to enable Wahnapiatae First Nation to administer, enforce, and apply this Law.

### Prohibition

#### 4. Prohibition

- 4.1 Unless authorized by this Law or the regulations, the cultivation, processing, distribution, sale, possession and use of cannabis within, on and from the Lands is prohibited. For greater certainty, a licence issued by a regulatory authority outside of the Lands has no validity within the Lands unless the licence holder has also been authorized under this Law or the regulations promulgated under this law.
- 4.2 Unless authorized by a licence issued under this Law, all land within the Lands has a zoning restriction which prohibits the commercial production, cultivation, processing, supply and retailing of cannabis, and cannabis related products.

### Definitions

#### 5. Under this Law:

- 5.1 "**Anishinaabe of Wahnapiatae**" means the descendants of Tahgaiwenene's Band, whose traditional territory included Lake Wahnapiatae and who are the heirs and beneficiaries of the 1850 Robinson Huron Treaty;
- 5.2 "**Appropriate Insurance**" will be described in the regulations and will be dependent on the licence, and licencees must prove insurance is in good standing;
- 5.3 "**Approved Agent**" means a person or persons approved by the Council to carry out any of the functions set forth in this Law or the regulations, on behalf of the Council;
- 5.4 "**Authorized Cannabis Retail Store**" means those authorized by Council of Wahnapiatae First Nation and includes those holding a Cannabis Retail Store Licence under this Law;
- 5.5 "**Authorized Commercial Cannabis Production**" means those authorized by Council of Wahnapiatae First Nation and includes those holding a Commercial Cannabis Production Licence under this Law;
- 5.6 "**Cannabis**" means a Cannabis plant or any part or mixture of a Cannabis plant as:
  - 5.6.1 "**Cannabis Plant**" means a plant that belongs to the genus Cannabis;
  - 5.6.2 "**Dried Cannabis**" means any part of a cannabis plant that has been subjected to a drying process, other than seeds;
- 5.7 "**Cannabis accessory**" means a thing, including rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers, that is represented to be used in the consumption of Cannabis;

- 5.8 **“Cannabis Retail Store Licence”** means a licence to operate a commercial facility located within the Lands that is operated by the holder and Authorization, or such other or subsequent licence to sell Cannabis products for recreation use of Cannabis issued by Council of Wahnapiatae First Nation;
- 5.9 **“Council”** means the Chief and Council or “Band Council” of Wahnapiatae First Nation;
- 5.10 **“Distribute”** includes administering, giving, transferring, transporting, sending, selling, trading, delivering, providing or otherwise making available in any manner, whether directly or indirectly, and offering to Distribute or having in possession for distribution (distributor);
- 5.11 **“Lands” includes;**
- 5.11.1 the lands presently under the control and jurisdiction of Wahnapiatae First Nation, including the lands referred to by the government of Canada as Indian Reserve No.11;
  - 5.11.2 any and all lands that may be added to the lands now under the control and jurisdiction of Wahnapiatae First Nation through the negotiation and resolution of land claims;
  - 5.11.3 any and all lands that may be added to the lands now under the control and jurisdiction of Wahnapiatae First Nation as a result of any other means;
  - 5.11.4 lands, which are returned to Wahnapiatae First Nation as lands within the meaning of subsection 91(24) of the *Constitution Act, 1867*;
  - 5.11.5 the water and waterways under the control and jurisdiction of Wahnapiatae First Nation; and
  - 5.11.6 lands that Wahnapiatae First Nation has not relinquished or ceded;
- 5.12 **“Licenced Producer”** means those authorized by Council of Wahnapiatae First Nation and includes those holding a Commercial Cannabis Production Licence under this Law;
- 5.13 **“Mobile structure”** includes trailers, portables, mobile homes, and buildings without permanent foundations;
- 5.14 **“Premises”** means land and structures used for sale of Cannabis;
- 5.15 **“Produce(s)”** means to grow, propagate, cultivate or harvest any Cannabis plant or any other living thing from which Cannabis may be extracted, but for the purposes of this law, does not include any production or cultivation for personal use that complies with external laws;
- 5.16 **“Producer(s)”** means the holder of a valid Production Licence;
- 5.17 **“Public Place”** includes community-maintained roads, streets, parks, or other areas generally accessible to the public, designated and amended in Schedule “A” of this Law;

## Personal use of Cannabis

6. No person under 19 years of age shall possess, consume, attempt to purchase or Distribute Cannabis.
7. No person shall Distribute Cannabis to a person who is under 19 years of age.
8. All persons Distributing Cannabis are required to verify by means of government issued identification that the person receiving the Cannabis is at least 19 years old.
9. No person shall purchase Cannabis except from an Authorized Cannabis Retail Store.
10. No person shall consume Cannabis in a Public Place. (See Schedule "A" for prohibition related to Public Places).
11. A person who has attained age of 19 is permitted to possess Cannabis for his or her personal use provided that:
  - I. the Cannabis has been acquired from an Authorized Cannabis Retail Store that is licenced by Council of Wahnapiatae First Nation, or a provincially licenced cannabis retailer; and
  - II. the total amount possessed at any given time does not exceed the amount authorized in the *Cannabis Act* (Canada); or
  - III. the person possesses cannabis that he or she has grown within his or her own household. Each household may grow no more than four cannabis plants at a time.

## Part 2 - Cannabis Retail

12. No person shall sell Cannabis, Cannabis extracts or Cannabis accessories or products that may contain Cannabis, other than an Authorized Cannabis Retail Store.
13. An Authorized Cannabis Retail Store shall not sell Cannabis or Cannabis products other than Cannabis obtained from a Producer authorized by a licence issued by Council of Wahnapiatae First Nation.
14. No person shall sell Cannabis to a person under 19 years of age.
15. All persons selling Cannabis are required to verify by means of government issued identification the person purchasing it is at least 19 years old.
16. No person shall Distribute Cannabis if they are not licenced to do so, to any unlicensed Cannabis Retail Store, and all Cannabis Retail Store Licences are to be issued by Council of Wahnapiatae First Nation.
17. No person shall permit a Premises of which he or she is an owner, or to which they have a legal interest, to be used in relation to an activity prohibited by this Law.
18. Council of Wahnapiatae 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.
19. No person may sell Cannabis from a mobile or temporary structure or a household dwelling where

people normally reside. Cannabis may only be sold from an Authorized Cannabis Retail Store.

### **Application and Eligibility for Cannabis Retail Store Licence**

20. A person may apply to become an Authorized Cannabis Retail Store and may apply to receive a Cannabis Retail Store Licence if the following circumstances apply:
- i. They are a member of Wahnapiatae First Nation;
  - ii. They have a criminal record and judicial matters check and no charges or convictions related to drug trafficking, drug-related violence, or organized criminal activity;
  - iii. They agree to possess a Wahnapiatae First Nation Business Licence;
  - iv. They are in compliance with all Wahnapiatae First Nation Laws and other generally applicable Laws;
  - v. The proposed location of the Cannabis Retail Store is not in a residential area and can be safely accessed by the public, where traffic will not hinder other activities;
  - vi. They agree to enter into an agreement with Wahnapiatae First Nation in relation to Cannabis retail sales; and,
  - vii. Licencing the Cannabis Retail Store is in the interests of Wahnapiatae First Nation.
21. Applications are determined by Council of Wahnapiatae First Nation and it is only that body that grants licences as a Cannabis Retail Store and it is the owner, the individual or legal entity that is granted a Cannabis Retail Store Licence. The application must include a written expression of interest and the specific location where the person wishes to operate the Cannabis Retail Store. The application must also include a statement on how this specific Cannabis Retail Store will meet the following objectives:
- i. Protect community and citizen health and safety;
  - ii. Protect youth and restrict their access to Cannabis;
  - iii. Prevent illicit activities in relation to Cannabis;
  - iv. Keep appropriate records respecting their business activities in regard to Cannabis;
  - v. Be efficient and effective in collection and remitting a Community Benefit Fee; and,
  - vi. Indemnify the community against any risk and liabilities arising from the operation of the Cannabis Retail Store, which must at least include executing a formal indemnification agreement.
22. An application to be an Authorized Cannabis Retail Store and for a Cannabis Retail Store Licence must include a bond, and the nature and type of bond is to be prescribed by Wahnapiatae First Nation.
23. A Cannabis Retail Store Licence is conditional upon the Authorized Retail Store owner entering into and maintaining compliance with an agreement with Wahnapiatae First Nation that includes a Community Benefit Fee.
24. A Cannabis Retail Store Licence may include terms and conditions as determined by Wahnapiatae First Nation.
25. A Cannabis Retail Store Licence is specific to the owners as individuals and is non-transferable and is specific to the geographic location sought at the time the licence is granted. If a retailer wishes to move location, then an application to amend the existing licence must be sought by the retailer and may be granted by Council of Wahnapiatae First Nation if the new location meets the conditions and requirements for an initial licence.



26. A Cannabis Retail Store Licence will be valid for a maximum of three (3) years, unless extended or renewed and may be suspended, revoked, or cancelled at any time with written reasons.
27. An Authorized Cannabis Retail Store who has its Cannabis Retail Store Licence, or part thereof, suspended, revoked, or cancelled must immediately cease all operations and post a clear closed signage.
28. There is a right of a Cannabis Retail Store Licence holder or applicant to formally request a reconsideration of a decision made by the Council of Wahnapiatae First Nation if the decision-maker has misinterpreted information or, the decision-maker did not have relevant information before them when they made the original decision.

### **Cannabis Retail Store Requirements**

**29. A Cannabis Retail Store must:**

- 29.1 be physically separate from other non-Cannabis related retail space in the building so that individuals under 19 may be restricted from the area and entirely restricted from viewing the operating retail space for Cannabis;
- 29.2 be a permanent commercial building that is fully enclosed physically with walls of a sufficient strength and character so to provide reasonable security against theft that is in accordance with Wahnapiatae First Nation building Codes;
- 29.3 be staffed only by individuals who are of age 19 years or older;
- 29.4 verify the age of all individuals by means of Government issued identification;
- 29.5 have staff that are trained on compliance with federal, provincial, and First Nation Cannabis Laws and other relevant Laws and responsible Cannabis sales. This means certification by Cansale or any other equivalent or subsequent training and certification service that are deemed acceptable to Council of Wahnapiatae First Nation;
- 29.6 not advertise nor promote their products by making reference to the medicinal or Indigenous spirituality or culture of the product;
- 29.7 not sell edibles that could be mistaken as “candy” or confectionary items by children without sufficient precautions such as child-proof packaging;
- 29.8 restrict and limit to sales and promotion of Cannabis products and Cannabis accessories;
- 29.9 prominently display a sign on the Premises indicating that no persons under 19 years of age are permitted to purchase Cannabis on the premises;
- 29.10 prohibit persons under the age of 19 year of age from entering the Premises;
- 29.11 provide the Chief and Executive Director with contact information for a responsible person or persons available to be contacted at any time;
- 29.12 security measures:
  - 29.12.1 Install video cameras that monitor all entrances and exits of both the exterior and interior of the business premises at all times with high resolution cameras;
  - 29.12.2 Retain video camera data for at least 30 days after it is gathered;
  - 29.12.3 Installation of a fire alarm system which includes fire alarms, fire extinguishers, and emergency lighting;
  - 29.12.4 Yearly inspections, or more often if it is a condition of the licence, done by the fire department of Wahnapiatae First Nation;
  - 29.12.5 Safely secure and store any cannabis, products, and other valuables that remain on the premises when the business is not open to the public.

30. A holder of a Cannabis Retail Store Licence must be a party to and maintain in good standing with regard to a Community Benefit Fee agreement with Wahnapiatae First Nation.
31. Maintain a monitored security system appropriate to the quantity of Cannabis products sold and to support the objective set out in section 21 above and any regulations concerning safety and security.

### **Restrictions to a Cannabis Retail Store**

32. A person operating a Cannabis Retail Store must not:
- 32.1 Allow a person under the age of 19 to purchase Cannabis;
  - 32.2 Advertise or promote the use of Cannabis to a person under 19 years of age;
  - 32.3 Operate outside of the permitted open business hours listed in the licence;
  - 32.4 Operate within 150 meters of a recreation center or facility, child-care center or a public park, or establishment that children may frequent without parents or, to which it is not restricted to persons aged 19 years or older; and or Public Place.

### **Retail Packaging**

33. Retail Packaging shall set out the following information:
- 33.1 Cannabis Retail Stores may only sell Cannabis products from other Indigenous nations provided that they are approved as a Distributor through Wahnapiatae First Nation;
  - 33.2 All cannabis products sold must be tested for its CBD and THC potency and inspected for mold;
  - 33.3 The CBD and THC levels in a product must be made available to the consumer;
  - 33.4 Cannabis packaging and labelling must not be designed in order to appeal to children and those under 19 years of age.

### **Advertising**

34. All advertising and packaging must follow the regulation on advertising cannabis products, as amended by Council of Wahnapiatae First Nation from time to time. Most products will be required to have the following warnings:
- 34.1 The standardized Cannabis symbol;
  - 34.2 "Keep away from children";
  - 34.3 "Do not use if pregnant or breastfeeding";
  - 34.4 "This product may have intoxicating and euphoric effects";
  - 34.5 "Cannabis use may impair concentration, coordination, and judgement. Do not operate a vehicle or machinery if you are impaired by Cannabis".

### **Conditions of Cannabis Retail Store Licence**

35. A Cannabis Retail Store Licence shall set out the following information:
- 35.1 the name of the holder of the licence;
  - 35.2 the licence number;
  - 35.3 the address of the site where the activity is authorized and, if applicable, the specific building within the site;
  - 35.4 the authorized activity at the site and, if applicable, the authorized activity that may be conducted at each building within the site;
  - 35.5 any conditions that Council of Wahnapiatae First Nation considers appropriate;
  - 35.6 the effective date of the licence; and
  - 35.7 the date of expiry of the licence;
  - 35.8 Appropriate Insurance.

36. No Cannabis Retail Store Licence holder may enter into an arrangement with another person or entity to Distribute or sell their products without authorization by Council of Wahnapiatae First Nation.
37. Wahnapiatae First Nation may inspect or authorize the inspection of the Cannabis Retail Store and may conduct random product testing during regular business hours to ensure compliance with the licence, this Law, regulations and any agreement the retailer may have with Wahnapiatae First Nation in regards to the retail sales of Cannabis.

### **Part 3 - Commercial Cannabis Production**

38. No person shall Produce Cannabis or Cannabis products for commercial purposes unless authorized by a Commercial Cannabis Production Licence issued by Council of Wahnapiatae First Nation.
39. No person under 19 years of age shall Produce or offer to Produce Cannabis.
40. Council of Wahnapiatae First Nation may make regulations respecting production including authorizing Cannabis production operations, security, quantities, and quality.
41. No person may Produce Cannabis or Cannabis products for commercial purposes in a private dwelling where people normally reside. Commercial Cannabis may only be produced in a commercial Premises identified in a licence issued by Council of Wahnapiatae First Nation.

#### **Application and Eligibility for a Commercial Cannabis Production Licence**

42. A person is eligible to apply for a Commercial Cannabis Production Licence if:
- 42.1 They are a member of Wahnapiatae First Nation;
  - 42.2 They have a criminal record and judicial matters check and the record indicates no charges or convictions for drug trafficking, drug-related violence, or organized criminal activities;
  - 42.3 They agree to possess a Wahnapiatae First Nation Business Licence;
  - 42.4 They are in compliance with all Wahnapiatae First Nation laws and other relevant Laws;
  - 42.5 They enter into an agreement with Council of Wahnapiatae First Nation in regard to Cannabis commercial production;
  - 42.6 Issuing a Commercial Cannabis Production Licence is in the interests of the community.
43. Applications are determined by Council of Wahnapiatae First Nation and it is only that body that grants licences for Commercial Cannabis Production and it is the owner, the individual or legal entity that is granted a Commercial Cannabis Production Licence. The application must include a written expression of interest and the specific location where the person wishes to operate the commercial Cannabis production. The application must also include a statement on how this specific production site will meet the following objectives:
- vii. Protect community and citizen health and safety;
  - viii. Protect youth and restrict their access to Cannabis;
  - ix. Prevent illicit activities in relation to Cannabis;
  - x. Keep appropriate records respecting their business activities in regards to Cannabis;
  - xi. Be efficient and effective in collection and remitting a Community Benefit Fee; and,
  - xii. Indemnify the community against any risk and liabilities arising from the operation of the Commercial Cannabis Production Licence, which must at least include executing a formal indemnification agreement.

44. An application for a Commercial Cannabis Production Licence must include a bond to be prescribed by Council of Wahnapiatae First Nation.
45. A Commercial Cannabis Production Licence is conditional upon the licence holder entering into and maintaining compliance with a Community Benefit Fee agreement with Wahnapiatae First Nation.

#### **Commercial Cannabis Production Licence**

46. A Commercial Cannabis Production Licence may include conditions as determined by Council of Wahnapiatae First Nation.
47. A Commercial Cannabis Production Licence shall be specific to the person, is non-transferable and is specific to the geographic location set out in the licence. If the licence holder wishes to move the location of their operation, then an application to amend the existing licence must be sought from Council and may be granted by Council of Wahnapiatae First Nation if the new location meets the conditions and requirements for an initial Commercial Cannabis Production Licence.
48. A Commercial Cannabis Production Licence will be valid for a maximum three (3) year period unless otherwise extended or renewed, and may be suspended, revoked, or cancelled at any time with written reasons.
49. A holder of a Commercial Cannabis Production Licence must immediately cease all operations if their licence is suspended, revoked, or cancelled.
50. A Commercial Cannabis Production Licence must set out the following information:
  - 50.1 the name of the holder of the licence;
  - 50.2 the address of the site where the activity is authorized and, if applicable, each building within the site;
  - 50.3 the authorized activity at the site and, if applicable, the authorized activity that may be conducted at each building within the site;
  - 50.4 the total maximum area in square feet or meters of the area that may be used for Cannabis production;
  - 50.5 any conditions that Wahnapiatae First Nation considers appropriate;
  - 50.6 the effective date of the licence;
  - 50.7 the date of expiry of the licence;
  - 50.8 Appropriate Insurance.
51. Council of Wahnapiatae First Nation may add other conditions that it deems necessary to the Commercial Cannabis Production Licence. If the licence holder disputes any of these additional conditions that are not in the standard form for the licence, they may request written reasons for the conditions and provide written submissions for why the conditions should be amended or removed. Council of Wahnapiatae First Nation must reply within 30 days of receiving the request.
52. A holder of a Commercial Cannabis Production Licence whose licence authorizes the sale of Cannabis is authorized to sell and Distribute Cannabis to an Authorized Cannabis Retail Store.
53. A holder of a Commercial Cannabis Production Licence may not sell Cannabis to anyone who is not an Authorized Cannabis Retail Store.

## **Commercial Cannabis Distribution Licence**

54. A person who Produces Cannabis or Cannabis products off Wahnapiatae First Nation territory, but who wishes to Distribute Cannabis or Cannabis products to a Authorized Cannabis Retail Store within Wahnapiatae territory, may seek a Commercial Cannabis Distribution Licence, as set out in regulations established by Council of Wahnapiatae First Nation.
55. After an agreement is made with another Nation or government, Council of Wahnapiatae First Nation may licence Cannabis producers and distributors to Distribute to other Nations and communities licenced by those other governments.

## **Record keeping**

56. A holder of a Commercial Cannabis Production Licence must keep written and electronic dated records of all Cannabis produced, harvested, processed, sold, and delivered including:
- i. type of Cannabis;
  - ii. weight;
  - iii. Cannabis transfers and sales;
  - iv. the Authorized Cannabis Retail Store who purchased the Cannabis;
  - v. the address of the Authorized Cannabis Retail Store purchasers; and,
  - vi. the name of the receiver of product.
57. A holder of a Commercial Cannabis Production Licence must report to Council of Wahnapiatae First Nation on a Quarterly Basis:
- i. the quantity of all Cannabis produced and sold;
  - ii. the licence number of the Authorized Cannabis Retail Store(s) who purchased any Cannabis; and,
  - iii. the amount of Cannabis each Authorized Cannabis Retail Store received.
58. The holder of a Commercial Cannabis Production Licence must also hold separate licence for distribution if they are to sell their products to licenced retail stores, and they must hold a separate licence for an Authorized Retail Store, if they are to sell their products at a retail site. This Law requires that each Licencee maintain distinct and separate operations and procedures under each Licence in order to be compliant with the purposes of this Law.

58.1 For existing operations, applicants will be required to make reasonable changes in order to comply with this section, and licence approvals will likely result in conditions being placed on their Licence(s) to ensure that their operations are separately accountable for every condition of every licence that they hold.

## **Quantity**

59. A holder of a Commercial Cannabis Production Licence must not Produce more Cannabis than as set out in their licence.
60. An application may be made to Council of Wahnapiatae First Nation to amend an existing Commercial Cannabis Production Licence to increase the quantity of Cannabis set out in the licence. Council of Wahnapiatae First Nation may make its decision to grant that amendment as if it was a fresh application.

## **Quality and Safety**

61. A holder of a Commercial Cannabis Production Licence 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 Wahnapiatae First Nation legal quality standards for Cannabis production.
62. Cannabis must be produced, packaged, labelled, Distributed, stored, sampled, and tested in accordance with the requirements of Wahnapiatae First Nation as set out in regulations.

## **Production Area**

63. A holder of a Commercial Cannabis Production Licence must only Produce Cannabis within the area and within the limitations set out in the licence.
64. A holder of a Commercial Cannabis Production Licence must not conduct any activity that is authorized by the licence at, or in, a dwelling-house or the land that forms part of a residential home.
65. A holder of a Commercial Cannabis Production Licence must not Produce Cannabis outdoors unless their Commercial Cannabis Production Licence authorizes this activity.
66. Council of Wahnapiatae First Nation or it's Approved Agent may inspect or authorize the inspection of any facility authorized in the production or sale of Cannabis and may conduct random product testing during regular business hours to ensure compliance with the licence, the Law, regulations and any agreement the Licencee may have with Wahnapiatae First Nation in regards to this Law.
67. No person shall Produce Cannabis related products for the purposes of sale other than as authorized by licence issued by this law.
68. Council of Wahnapiatae First Nation may make regulations respecting the production of Cannabis including authorizing Cannabis production operations, packaging, quantities, security, etc.
69. 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 a licence issued by Council of Wahnapiatae First Nation.
70. A holder of a Commercial Cannabis Production Licence must install and maintain an air filtration system that effectively minimizes odour impacts on the neighboring properties.

## **Part 4 – Community Benefit, Enforcement, Offences & Penalties**

### **Community Benefit**

71. The sale of all Cannabis products shall include a Community Benefit Fee. The fee shall be based on the volume of Cannabis sold and the calculation shall be set out in regulations. The fee shall be collected by all retailers and remitted to Wahnapiatae First Nation.
72. There shall be a Community Benefit Fee payable by the Authorized Cannabis Retail Store(s) and Authorized Commercial Cannabis Production(s) to Wahnapiatae First Nation at the time of delivery of Cannabis Products; which will be collected on the volume of all Cannabis for sale.

73. The Community Benefit Fee as established by this Law, will be a rate of five percent of net revenue payable every quarter.
74. Council of Wahnapiatae First Nation shall make regulations respecting the Community Benefit Fee including financial reporting and accountability.

### **Enforcement**

75. Council of Wahnapiatae First Nation or it's Approved Agent shall inspect or authorize the inspection of any facility authorized in the production or sale of Cannabis and may conduct random product testing during regular business hours to ensure compliance with the licence, this Law, regulations and any agreement the licensee may have with Council of Wahnapiatae First Nation in regards to this Law.
76. Council of Wahnapiatae First Nation may appoint an enforcement officer(s) for the purposes of compliance with this Law.
77. The provisions of this Law come into force on the day(s) to be fixed by Council of Wahnapiatae First Nation by Band Council Resolution.
78. Council of Wahnapiatae First Nation may, at any time, conduct or authorize the conduct of checks that are necessary to determine whether a holder of a licence continues to be entitled to hold a licence, if they have breached the terms and conditions of the licence, and if that person poses a risk to community public health or public safety, including the risk of Cannabis being diverted to an illicit market or activity. Such checks may include, but not be limited to, product testing and criminal record checks.
79. If any part of this Law is found by a court of competent jurisdiction to be invalid, it may be severed and will not invalidate the Law in its entirety.
80. Wahnapiatae First Nation has never surrendered or ceded lands presently held as reserve under the Robinson Treaty of 1850 and Council of Wahnapiatae First Nation hold the governing authority, as duly elected, to establish this law and bring it to the community for their observance and respect as Anishinaabe Inakonigaawin.
81. Council of Wahnapiatae First Nation may limit the amount of Cannabis Licence(s) per classification (See Schedule "B" for Classification chart)

### **Offences and Penalty**

82. Every person who contravenes a provision of this Law is guilty of an offense and, on conviction, is liable to forfeiture of any licence they hold or having their application disqualified.
83. 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.
84. Council of Wahnapiatae First Nation may suspend, revoke, or cancel any licence under this Law at any time by written notice containing written reasons.

## Part 5 - Amendments

### Ratification by the Community of Future Amendments

85. This Law will be reviewed by a "Cannabis Advisory Committee" instilled by Council of Wahnapiatae First Nation. The frequency of review and reports will be outlined in a Council of Wahnapiatae First Nation approved terms of reference.
86. This Law may be amended by the following each of the steps in the process outlined below:
- 86.1 The First Nation Band Council passes a resolution proposing an amendment or amendments to the Law.
- 86.2 The proposed Law amendment or amendments are presented to the First Nation membership at a community meeting called for that purpose for consideration and discussion.
- 86.3 Following the community meeting, the Council may authorize a vote on the proposed amendment. This vote will happen within three (3) months after the community meeting referred to in paragraph b) above. If at least twenty-five (25%) percent of Eligible Voters participate and at least fifty plus one (51%) percent of the eligible voters in the referendum approve of the proposed amendment(s), the amendment(s) become effective immediately.
87. All amendments shall be noted on the current Law, along with the date the amendments were made.

THIS LAW IS HEREBY DULY ENACTED by community ratification and approved by Chief and Council, Band Council Resolution WFN BCR 20/21-36 on the 27<sup>th</sup> day of February 2021, at Wahnapiatae First Nation, in the Province of Ontario. *A quorum of council consists of Three (3) members of Council.*

### SIGNATURE OF CHIEF AND COUNCIL

Chief Larry Roque



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Councillor Robert Pitfield



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Councillor Craig Tyson



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Councillor Mary Nichols Russell



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Councillor Ted Roque



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Schedule "A" List of Prohibited Public Places for Cannabis Consumption, Use, or Cannabis Retail Store Advertising



Wahnapitae First Nation - Public Places
Gazebo & Playground
Pow Wow Grounds
Band Office
Education & Recreation Centre
Ball Diamond
Any establishment that children may frequent without parents



Schedule "B" Maximum Amount of Classification



Wahnapitae First Nation Cannabis Classification	
Classification	Total Number
Authorized Retail Store	3
Authorized Commercial Production	3
Authorized Commercial Distribution	3

Schedule "B" Revision History:

Date of Chief and Council Meeting:	Band Council Motion:
November 23, 2021	WFN 21/22-11-148
February 25, 2025	WFN 24/25-02-289

Wahnapitae First Nation  
Chief LR