

Cannabis Control Law for Garden River First Nation

PREAMBLE

This is a law respecting the cultivation and processing, distribution, sale, possession and use of cannabis within and from Garden River First Nation (GRFN).

PART I

1. RECITALS

Whereas the GRFN have an inherent jurisdiction as a collective of Anishinabek peoples through an Anishinabek government now operating within an organization known as the GRFN Council;

Whereas the GRFN Council owes a duty of care first and foremost to its members and also a duty to care for its non-member residents and visitors;

Whereas GRFN Council prioritizes the interests of the members of the community in the way cannabis legalization applies in GRFN;

Whereas Council has rights and obligations to protect the culture and traditions of the Anishinabek Nation of GRFN; and to ensure that the history and traditional values of the community is reflected in its jurisdictional pursuits;

Whereas Council believes it is in the best interest of the community to undertake regulatory control of matters where safety and jurisdiction is imperative to the Garden River nationhood agenda;

Whereas the Council asserts their rights and responsibilities to achieve sovereign wealth and economic well-being.

Therefore, the enactment of this law is a reflection of the will expressed by Anishinabek community members of GRFN and will be executed to address the concerns of both those in favour and those opposed to the legalization of cannabis in GRFN. This law applies to all cannabis related activities on the GRFN reserve lands and its shared Treaty territories; and will remain in effect until repealed, amended or updated by the GRFN Council.

PART II

2. PURPOSES

2.1 The purposes of the Law are to:

- (a) Set legally enforceable cannabis standards that protect the health and safety of the people of GRFN and other persons found within the Territory, and, in particular establish a control regime to protect the health of young persons by closely regulating access and exposure to cannabis, cannabis products and paraphernalia, and the cannabis industry;
- (b) Establish the regulations and policies for a separate authority to authorize and control the cannabis industry in GRFN.

- (c) Prevent interference or unsolicited involvement by external jurisdictions into GRFN domestic and local affairs, unless the GRFN Council consents to coordination or assistance;
- (d) Facilitate regulatory control for the cannabis industry that will accommodate and enhance socio-economic development, fiscal self-sufficiency and tangible benefits for GRFN;
- (e) Provide for the licenced cultivation and processing, distribution, and sale of quality-controlled cannabis within and from GRFN;
- (f) 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 GRFN legal cannabis market;
 - (iii) sanctions and enforcement measures; and
- (g) Balance the diverse and evolving interests of GRFN community members who, on the one hand are opposed to cannabis legalization, with the interests of community members who support the regulated cultivation and processing, distribution and sale of cannabis in GRFN, with GRFN members agreeing that health and safety of the community remains paramount.
- (h) Ensure that GRFN culture, traditions, language and nationhood identity are not inappropriately commercialized or the spirit and intent of Anishinabek identity is mischaracterized, or enforces a negative perception of GRFN cultural identity and heritage.

PART III

3. SHORT TITLE

3.1 This Law may be cited as the "GRFN Cannabis Control Law".

PART IV

4. PARAMOUNTCY OF LAW

4.1 This Law applies to all Cannabis Activities on the Reserve.

4.2 Possession of a licence or other authorization under provincial or federal legislation does not exclude the application of this Law.

4.3 In the event of a conflict between this Law and the terms of a medical cannabis prescription from a licensed medical practitioner, the terms of the prescription shall prevail to the extent of the conflict.

4.4 In the event of a conflict between this Law and provincial or federal laws, this Law shall prevail to the extent of the conflict.

5. JURISDICTION

- 5.1 GRFN has inherent jurisdiction to control the cultivation and processing, distribution, and consumption of Cannabis, and that jurisdiction is confirmed by international law, including the *United Nations Declaration on the Rights of Indigenous Peoples*, section 35 of the *Constitution Act, 1982*, and sections 2, 81, and 83 of the *Indian Act*.

PART VI

6. INTERPRETATION

- 6.1 For the purposes of this Law and the regulations:

“Accountable” means fulfilling of a duty to provide complete and accurate information, subject to the exception where the information is privileged or confidential;

“Approved Agent” means a person or persons approved by the Commission to carry out any of the functions set forth in this Law or the regulations, on behalf of the Commission;

“Arm’s length” means the necessary independence and legitimate procedural fairness is undertaken to make the decisions and take the actions as provided for in this Law;

“cannabis” means a plant that belongs to the genus *Cannabis* and includes:

- (a) any part of a cannabis plant, including the phyto-cannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not, other than a part of the plant referred to below;
- (b) any substance or mixture of substances that contains or has on it any part of such a plant; and
- (c) any substance that is identical to any phyto-cannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained;
- (d) Cannabis includes edibles, oils or other processed products for distribution or retail sale but does not include:
 - (a) a non-viable seed of a cannabis plant
 - (b) a mature stalk, without any lead, flower, seed or branch, of such a plant;
 - (c) fibre derived from a stalk referred to above; and
 - (d) the root or any part of the root of such a plant.

“Commission” means the GRFN Cannabis Control Commission an established a regulatory body for the purpose of regulating, enforcing and administering this Law;

“Conflict of Interest” means a situation in which a person is in a position to derive an individualized (non-collective GRFN) personal benefit from actions or decisions made in their official capacity, causing the person to declare this personal interest;

“consumer” means an individual that purchases cannabis for personal use;

“Council” means the Council of GRFN

“Commissioner” or **“Commission member”** means a member of the GRFN Cannabis Control Commission;

“cultivate” means to grow, propagate, or harvest any cannabis plant or any other living thing from which cannabis may be extracted;

“cultivator” means the holder of a valid Standard Cultivation Licence or small cultivation License from Health Canada and the GRFN Cannabis Control Commission;

“Cultural appropriation” or **“Cultural misappropriation”** means associating cannabis with any ceremony, sacred helpers, or cultural practices that would shock the community of GRFN.

“distribute” or **“distribution”**, in respect of cannabis, means giving, trading, transferring, transporting, sending, delivering, providing or otherwise making available in any manner, whether directly or indirectly, and includes offering to distribute;

“distributor” means the holder of a valid Distribution Permit;

“extraction” means any method used to extract a specific compound from a cannabis plant or oil which may be for medical or recreational purposes, and must be done within a licenced facility by a GRFN licenced producer;

“eligible corporation” for the purposes of this law means only those corporations that are fifty-one (51%) owned by GRFN members or by the GRFN Council;

“family member” means a grandparent, aunt, uncle, spouse, parent, child, grandchild, niece, nephew or sibling;

“illicit cannabis” means any cannabis obtained in any manner not contained within this law or within the legal requirements of a recognized licencing jurisdictions (First Nations, federal or provincial government);

“individual” means a single human being;

“Nursery” means a cannabis production facility where cannabis plants are grown for supplying the licenced cultivation or processing permit holders or sold directly to a distributor;

“permit” means a permit issued by the GRFN Cannabis Control Commission

“permit holder” means a person or entity who has been issued a permit by the GRFN Cannabis Control Commission

“permitted” means an establishment or workplace that is licenced by the GRFN Cannabis Control Commission and may also be termed “licenced” within this Law or regulation;

“person” includes an individual, corporation, partnership, limited liability company and any other business entity recognized under the laws applicable within the Territory;

“possess” in respect of cannabis, means to have cannabis in a person’s personal possession or constructively have possession by knowingly leaving cannabis in the possession of another person or in a place for the use of the person who maintains ownership of the cannabis;

“produce” or “cultivation and processing”, in respect of cannabis, means to acquire or grow it by any method or process, including by

- (a) manufacturing;
- (b) synthesis;
- (c) altering its chemical or physical properties by any means; or
- (d) cultivating, propagating or harvesting it or any living thing from which it may be extracted or otherwise obtained;

“producer” means the holder of a valid Cultivation and Processing Permit;

“public area” means a place that is generally open and accessible to people. Examples in GRFN include public roads, public squares, parks, parking lots, public facilities that are generally open to the public and any community space that is not secured by gates or private/access controlled entrance;

“Retail Store” means those stores authorized by the Commission to sell cannabis to customers, and to carry out permitted sales to other Retail Stores under this law and the regulations.

“sell” means to offer, expose or possess cannabis for the purpose of exchanging it for valuable consideration, which includes but is not limited to: money, goods, or services.

“use”, in respect of cannabis, means to smoke, vape, inhale, ingest, absorb or otherwise consume.

“security clearance” Specified employees of a cultivation, processing, and all /Retail Store permit holders must hold a valid security clearance.

“Territory” means:

- a) the lands presently under the control and jurisdiction of the people of GRFN including the lands referred to by the government of Canada as “Reserve No 14;
- b) any and all lands that may be given reserve status by any means in the future;
- c) the water and waterways under the control and jurisdiction of the people of GRFN;

d) in some cases lands that refer to treaty lands for purposes of inter-Nation trade, could include lands outside of the exclusive control of GRFN but are likely shared or treaty lands where GRFN members have a legal or treaty-based interest;

PART VII

7. APPLICATION

7.1 This Law applies to:

- (a) all activities related to the cultivation and processing, distribution, sale, possession and use of cannabis within, into and from GRFN Territory, and
- (b) all persons and business entities situated, operating as a business within, or found within GRFN.

7.2 All applicable federal Cannabis and First Nation Cannabis laws shall apply on the lands within the boundaries of the First Nation to the extent that they are not inconsistent with this Law, and shall be interpreted with the necessary changes to enable Garden River First Nation to administer, enforce, and apply this law.

PART VIII

8. PERMIT GRANTING CONSIDERATIONS

8.1 Individuals and/or legal business entities (such as corporations, limited partnerships) must submit a business plan illustrating how their proposal complies with the standards set by the Commission. Preference may be given to proposals exceeding such federal standards such as Good Production Practices (GPP) and Good Manufacturing Practices (GMP).

8.2 All business plans for grow operations will include an environmental assessment and mitigation plan explaining how water will be supplied, water usage expectations, and waste water management, including what types of fertilizers, substances or processes will be used in cultivation.

8.3 Applicants must be members of GRFN and all persons involved with the business must be the age of nineteen (19) years of age or older;

8.4 Applicants who are bringing forward joint venture proposals or outside partners will be assessed based on standards set within the GRFN Cannabis Commission and the net benefit to the community in terms of employment, training, market growth, and community revenue sharing;

An administrative application filing fee will be set by the commission, and is payable at the time of submission.

- 8.6 All permit holders must provide proof of valid insurance covering all business risk (theft, fire, civil liability) and specifically, indemnifying the GRFN Council from any liability relating to the permit holder's business.

PART IX

9. PROHIBITION

- 9.1 Unless authorized by this Law, the cultivation and processing, distribution, and sale, of cannabis within and from GRFN is prohibited. For greater certainty, a permit issued by a regulatory authority outside of the Territory for application on GRFN lands has no valid extension or application within GRFN.

PART X

10. COOPERATION

- 10.1 The Cannabis Control Commission will liaise regularly and cooperate with any appropriate agency within or outside the community in the application of this law. Chief and Council may wish to negotiate and approve government to government arrangements with and between First Nations who wish to advance Inter-Nation trade within traditional trading boundaries for cannabis supply or purchasing arrangements.

PART XI

11. HARMONIZATION

- 11.1 This Law is not dependent on the approval of any other governmental body or agency but may serve as the basis for the harmonization of laws and regulations concerning cannabis in other jurisdictions and for co-operation and mutual assistance between the GRFN, the GRFN Cannabis Control Commission, other First Nations and other regulatory and law enforcement agencies.

PART XII

12. PERMITTED ACTIVITIES

- 12.1 Cannabis will not be permitted in any child care facility, including licenced child care provided in a private home, whether the children are present or not, including weekends. Cannabis use is prohibited in band owned buildings or outside workplaces of GRFN.
- 12.2 A person of GRFN who has attained the full age of nineteen (19) is permitted to possess cannabis for his or her personal use, whether for medical or non-medical reasons, provided that:
- (a) the cannabis has been acquired from a licenced Retail Store or from a facility that is licensed by Health Canada or permitted by GRFN Cannabis Control Commission;
 - (b) the total amount possessed at any given time does not exceed the amount prescribed by law.

- 2.2 This Law fully recognizes any permitted use of medical cannabis as licenced by the federal government/Health Canada.
- 2.3 Notwithstanding the foregoing, no person is permitted to smoke or vape cannabis in a public area, including a school zone, church or in any other building or area that is designated by the owner to be a "no smoking" or a "no vaping" zone.
- 2.4 No person is permitted to use, or be under the influence of, cannabis when:
- A) operating motorized vehicles, heavy equipment, firearms, or power tools that may endanger the public
 - B) in a GRFN workplace including a permitted cannabis workplace.

RT XIII

GRFN CANNABIS CONTROL COMMISSION

The Cannabis Control Commission will be organized to be separate and independent from GRFN Council, to oversee the implementation of this law, within six months of the date of the coming into force of this law.

The GRFN Council will appoint individuals to sit as the Cannabis Control Commission for the purpose of regulating, enforcing and administering this Law. For greater certainty, the Commission will not be a policy or law-making body, and will be at arm's length from GRFN Council.

Any member of GRFN is eligible to be appointed to the Commission, as long as they meet all of the following requirements:

- (a) have attained the full age of nineteen (19) years old;
- (c) be resident within the Territory;
- (d) not have an interest in a private entity that has applied for or has been granted a permit;
- (e) not have a family member that has an interest in a private entity that has applied for or has been granted a permit;
- (f) have no criminal conviction for an indictable offence or have received a full pardon for any such conviction;
- (g) The Chief and Council will examine cannabis related charges, offences or convictions within the context of cannabis legalization and will not likely see any pre-2018 offences as a reason to not authorize or permit an individual to be involved in the GRFN Cannabis Control Commission.

PART XIV

14. PERMITS

14.1 The Commission may issue a limited number of permits in the following categories:

- (a) Distribution Permit;
- (b) Small Cultivation Permit;
- (c) Standard Cultivation Permit;
- (d) Processing Permit;
- (e) Retail Store Permit; and
- (f) such other Permit category that the Law may require to meet its objects.

14.2 A permit holder may hold a permit from more than one category of permits as long as each licenced facility is clearly separate from separately permitted facilities which means that Retail Stores must be wholly enclosed and apart from cultivation rooms or facilities.

14.3 Notwithstanding any other provision of this Law, a distribution and processing permit will only be issued to an entity that has a GRFN ownership interest, that is recommended by GRFN Council, on behalf of the community of Garden River,

14.4 A valid cultivation and processing permit will allow the permit holder to produce cannabis for the purpose of distribution by the holder of a Distribution Permit;

14.5 The holder of a cultivation permit must only sell cannabis directly to the holder of a processing permit or a holder of a distribution permit holder as per the terms and conditions on their permit.

14.6 A valid Distribution Permit will allow the permit holder to distribute cannabis for the purpose of sale by the holder of a Retail Store Permit or other provincial or licenced establishments.

14.7 The holder of a Distribution Permit must obtain cannabis only from the holder of a cultivation permit or the holder of a processing permit and must not sell cannabis directly to a consumer.

14.8 A valid Retail Store Permit will allow the permit holder to sell cannabis to a person who has attained the full age of nineteen (19) years of age or older from a Retail Store located within GRFN.

14.9 A valid Small cultivation permit will allow the permit holder to conduct small-scale cultivation within a permitted building, inclusive of cannabis plants and to produce cannabis seeds, cannabis plants, fresh cannabis and dried cannabis for the purposes of sale to the holder of processing permit or a distribution permit.

14.10 A Standard Cultivation permit allows the holder to sell fresh plants, live plants, seeds, or dried flower or cannabis oil to a company with a processor permit or a distribution permit.

A Standard Cultivator cannot manufacture cannabis oil or edibles, which requires a Processor Permit.

14.11 A Processing Permit is required for any facility that is processing cannabis plants or any cannabis product and has the same requirement for physical security as the most cultivation facilities.

14.12 Retail Store Permits allow for the sale of cannabis, cannabis oil, edibles, paraphernalia, and other products specifically listed on their permit. Retail Store permits that allow for the sale of additional process products may require the permit holder to meet additional requirements

14.13 All permit holders must comply with the provisions of this Law and conditions to which the permit may be subject and all other laws, regulations and policies of GRFN and the GRFN Council.

4.14 All permits will be for a fixed term and may be revoked, amended, suspended or extended, by the Commission and the Commission only as the authority within the regulations.

4.15 A permit is not valid unless and until any permit fees or other fees prescribed by Council are paid in full. Eligibility for permit renewal must include confirmation of community contribution paid for the previous licensing period.

4.16 Permit holders will, in recruiting, training and hiring employees, give preference to qualified GRFN members in all job categories, particularly management positions.

4.17 The only persons eligible to apply for a permit are:

(a) an individual person who:

- (i) is a member of GRFN, has attained the full age of nineteen (19) years old
- (ii) who has no criminal conviction for an indictable offence involving fraudulent behavior, organized crime, or trafficking of serious drugs such as opioids or narcotics.

(b) an Elected Council-empowered entity, corporation or partnership that is wholly owned and operated by one or more individuals each of whom:

- (i) is a member of GRFN;
- (ii) has attained the full age of nineteen (19) years old;
- (iii) who has no criminal conviction for an indictable offence

(iv) an Elected Council sanctioned entity, corporation or partnership in which the Council and one or more other business entities share a commercial interest of 51% or more ownership.

- 14.18 Notwithstanding the foregoing section, if the Commission (with consultation from Chief and Council) determines that it is in the best interests of the community, it may issue a permit to an entity that is located outside of GRFN's reserve within the Territory.
- 14.19 No person is eligible to apply for or hold a cultivation, (small or standard) and processing permit unless the cultivation and processing facility has been inspected, certified and licensed by the health and safety authorities designated by the Commission.
- 14.20 The GRFN Council may at any time and in its sole discretion limit the number of permits that are issued in any category in order to ensure that there is the appropriate level of regulatory oversight for the number of permit-holders..

PART XV

15. RETAIL STORE PERMITS

- 15.1 The Commission will not issue or continue a Retail Store Permit to a person who intends to sell cannabis from a Retail Store that is located:
- (a) where the location or proposed location of the Retail Store is in a building or area that is easily accessible by persons under the age of nineteen (19) years and such other buildings or areas as may be defined by the Commission; or
 - (b) where in the sole discretion of the Commission the proposed location of the Retail Store is likely to disturb or endanger the community of Garden River First Nation consistent with the zoning law.
 - (c) A Retail Store for business must be a separate structure and not within a residence, temporary building, or multi-use building.
- 15.2 The holder of a Retail Store Permit must not sell cannabis:
- (a) to a person who has not attained the age of nineteen (19) years;
 - (b) to any person or business who intends to resell that cannabis;
 - (c) to any person, an amount of cannabis that exceeds the amount prescribed by law; and identified as a maximum of 30 grams
 - (d) that is not obtained from the holder of a Cultivation and Processing permit

PART XVI

16. COST OF PERMIT

The Cannabis Control Commission will set the cost of each class of permit under this Law. The decision should balance the internal cost of regulating each permit holder with the desire to have a socially inclusive Cannabis economy that GRFN members may participate in.

- 16.2 The Commission must include Permit fees in its annual budget as a source of revenue, and report its operating costs annually to the GRFN Council at a public meeting.

PART XVII

17. REQUIREMENTS TO BE FOLLOWED BY CULTIVATION PERMIT HOLDERS

- 17.1 Permit holders for small, standard, and nursery cultivation must prevent unauthorized access to the grow site using walls or fences and other prescribed physical barriers along the perimeter of the site and must have secured entry points.
- 17.2 Visual monitoring is required of all cultivation permit holders with recordings kept for one year.
- 17.3 An alarm system or other intrusion detection system is required by all cultivation permit holders.
- 17.4 The Cultivation permit will include standard terms and conditions, and may have supplementary terms and conditions, if such are deemed necessary by the Commissioners. In addition, permit-holders will need to be in compliance with the Regulation and Commissioner's Rules, as applicable to cultivation.

PART XVIII

8. INDOOR AREAS ON SITE WHERE CANNABIS IS PRESENT EXCLUDING GROWING AREAS

- 8.1 Permit holders for standard, small or nursery cultivation, all processing permit holders, distribution permit-holders (if holding inventory on-site), and Retail Store permit holders must have physical barriers restricting access to their site; authorized access being provided only to authorized staff performing job duties (e.g. key cards, keys).
- 8.2 Visual monitoring is required of all standard cultivation, standard processing, and Retail Store permit-holders with recordings kept for one full year.
- 8.3 An alarm system or other intrusion detection system is required by all standard cultivation, standard processing, and Retail Store permit-holders.
- 8.4 The identity of every person entering or leaving the site must be recorded by those holding cultivation, processing, distribution and Retail Store permits for one year.

PART XIX

1. SECURITY CLEARANCE

- 1.1 Specified employees of a standard cultivation, all processing, and all Retail Store permit holder must hold a valid security clearance.

PART XX

20. GOOD CULTIVATION AND PROCESSING PRACTICES

- 20.1 All cultivation and processing permit holders must maintain clean equipment.
- 20.2 Standard, small and nursery cultivation and all processing permit holders are required to sanitize their indoor locations.
- 20.3 All processing permit holders are required to carry out analytical testing (contamination, pesticides, heavy metals, THC, CBD).
- 20.4 All standard cultivation and processing permit holders are required to hire a quality assurance person.

PART XXI

21. REPORTING AND RECORD KEEPING

- 21.1 All permit holders must maintain electronic records and report information that, for example, demonstrate compliance with good cultivation and processing practices and describes product recall activities, cannabis destruction oversight, and adverse effects if experienced by individuals.

PART XXII

22. CANNABIS TRACKING SYSTEM

- 22.1 All permit holders regardless of type, are required to submit regular reporting information with respect to operating levels as indicated on the permit, inventory amount and sales volume as per the cannabis compliance program. Compliance and enforcement activities include compliance promotion, compliance monitoring and enforcement actions prescribed by the regulations and the Commissioner's rules.

PART XXIII

23. STANDARDS AND TESTING

- 23.1 The Commission will establish standards and testing procedures to ensure that all cannabis produced, distributed and sold within GRFN are consistently and reliably good quality and safe. For greater certainty, the Commission will ensure any recommendations made to the Council regarding this law will be consistent with the standards and testing procedures promulgated by other industry regulators such as Health Canada and the AGCO.
- 23.2 The Commission may engage Approved Agents (Canadian Food Inspection Agency (CFIA) which may include representatives of Health Canada, to assist and advise the Commission in relation to:

- (a) the development of appropriate standards to be followed by cultivation and processing facilities and monitor compliance;
- (b) inspections and certifications of cultivation and processing facilities and equipment and materials used by cultivation and processing facilities;
- (c) testing of cannabis produced by cultivation and processing facilities; and the storage and handling of cannabis testing will be conducted by a qualified research facility.

PART XXIV

24. PACKAGING AND LABELING

24.1 It is prohibited for a permit holder to sell cannabis in a package with an unapproved label, and the following are pre-eminent concerns about packaging and labelling:

- i. It is prohibited to market cannabis to youth under the age of 19. If there are reasonable grounds to believe that the package or label could be appealing to persons who have not attained the full age of nineteen (19) years old, the product and package will not be approved.
- ii. No medical benefits of a product should be set out within either a testimonial or endorsement, however displayed or communicated;
- iii. The cannabis lifestyle may not be advertised in a way that will influence children and youth, that includes advertising that sets out a depiction of a person, character or animal, whether real or fictional;
- iv. Cannabis may not be promoted or associated with brand elements that promote cannabis to youth or youth culture, or identity that evokes a positive or negative emotion about or image of, a way of life such as one that includes glamour, recreation, excitement, vitality, risk or daring;
- v. any information that is false, misleading or deceptive or that is likely to create an erroneous impression about the characteristics, value, quantity, composition, strength, concentration, potency, purity, quality, merit, safety, health effects or health risks of the cannabis; or
- vi. that otherwise does not conform to the requirements of comparable requirements promulgated by other regulators.

24.2 The labeling of cannabis packages sold by a permit holder must include:

- (a) the tetrahydrocannabinol (THC) or cannabidiol (CBD) content; the commission will determine the regulations eligibility for THC medical, THC recreational and CBD
- (a) a list of all ingredients, particularly if the cannabis products is edible, in the cannabis product;

(b) a control or batch number to enable tracking of the cultivation and processing date and location of a cannabis product; and

(c) such other information as may be provided in this law.

(d) the stamp/seal of GRFN.

PART XXV

25. COMMUNITY CONTRIBUTIONS

All members of GRFN are expected to give back to the community in whatever capacity they are able; in keeping with this tradition, community contributions will be an expectation of each permit holder.

25.1 Permit holders must remit to the Council a community contribution of 2.3% to 5% of gross cannabis sales at the end of each month, in addition to any permit fees. The commission will set the contribution amount after reviewing the business plan within the Application.

25.2 Lesser community contribution of gross sales will be payable by permit holders other than Retail Store permit holders, unless the permit holder makes sales off reserve. In this instance, the permit holder will be expected to make the higher community contribution on gross cannabis sales at the end of each month payable to the Garden River First Nation.

25.3 Failure to pay the community contribution is a breach of this law and the Commission will deem this failure to pay, as a breach of section 29.1 of this Law.

25.4 Council may, in compliance with its policies, use the community contributions collected under this Law to help fund community initiatives within GRFN, for example, youth or elder projects, programs or initiatives, roads, parks and recreation, post-secondary education, swimming pool, bowling alley, etc. Council will hold the community contribution funds in a separate bank account and seek community input into areas for funding, but retains ultimate discretion in allocating the funds for the community's benefit.

PART XXVI

26. IMPROVEMENT OF LAW

26.1 The Commission will provide recommendations to the Council regarding the content of this law:

- i) within 60 days of the creation of the Commission and appointment of all Commissioners and within 60 days of any amendments to this law,
- ii) within 30 days of any written request of Council,
- iii) as necessary in the opinion of the Commission in their experience in monitoring the application of this law, and
- iv) at least once every calendar year.

26.2 The Commission will provide comment and recommendation to the GRFN Council on the following:

- (a) the creation of new categories for permits that may be issued under this law, which will include but not be limited to: permitted activities, prohibitions and application requirement and procedures;
- (b) the forms to be used and processes to be followed to apply for a permit according to the Commission's authority;
- (c) background and security investigations and credential certifications of owners, directors and key persons associated with applicants and permit holders;
- (d) ensure privacy standards need to be established and met according to Commission's authority;
- (e) background and security investigations and credential verifications of personnel, staff and companies contracted to conduct business with or on behalf of a permit holder;
- (f) the amount of various fees including application, annual and other fees to be charged for permits;
- (g) in consultation with Council, the amount and frequency of Community Contribution payments;
- (h) the days and hours during which a Retail Store may operate; consistent with GRFN commercial policy that will be established in the future;
- (i) the type of cannabis products that a Retail Store may sell;
- (j) the requirements to which the holder of a Small cultivation and standard cultivation permit will be subject, including but not limited to: quality assurance standards, plant count, size of growing area, total cultivation and processing and gross revenue;
- (k) limiting the total number of permits that will be issued;
- (l) the composition, strength, concentration, potency, purity or quality or any other property of cannabis or any class or type of cannabis;
- (m) standards and testing procedures to ensure that all cannabis produced, distributed and sold within the Territory are consistently and reliably high-quality;
- (n) eligibility requirements to apply for or hold a cultivation and processing permit for the purpose of ensuring, among other things, that the cultivation and processing facility has been inspected, certified and licensed by the appropriate health and safety authorities;
- (o) the maintenance of public order, security and the safety of persons working in, and for customers of, Retail Stores;

- (p) processes and systems that producers, distributors and Retail Stores must use to ensure that:
- (i) cannabis is safely handled and stored;
 - (ii) cannabis is not sold to anyone who has not attained the full age of nineteen (19) years;
 - (iii) no person can purchase an amount of cannabis that exceeds the amount prescribed by the Commission for recreational use of cannabis
 - (iv) the Commission can accurately track all cannabis sold by a producer, distributor and Retail Store and the price at which the cannabis is sold;
 - (v) so that Retail Stores distinguish between sales to First Nation and non-First Nation consumers;
 - (vi) the Commission can accurately verify that all community contributions and all point of sale royalties have been charged, collected and remitted as required by this Law;
- (q) the maximum and minimum prices that for which any cannabis product can be sold by a producer, distributor and Retail Store;
- (r) the percentage that will be used to calculate the point of sale royalty required for Retail Stores to non-First Nation consumers;
- (s) the definition of “public area” for the purposes of this Law;
- (t) the definition of “buildings” or “areas” within the regulations;
- (u) advertising and marketing that permit holders may or may not conduct align with existing policy (including billboard signage)
- (v) packaging and labeling requirements according to this Law and the prescribed regulations;
- (w) any other recommendation necessarily required to achieve the purposes of this Law.

PART XXVII

27. LEGAL DEFENCE

- 27.1 The Council may assist in the defence of any permit holder who has been granted a permit under this law and is operating in compliance with this law, if they have been charged under provincial or federal Cannabis legislation; if the Council determines that doing so is in the Community’s best interest and other factors such as: the reasonable chance of success, and the merits of the case.

PART XXVIII

28. REVIEW

- 28.1 Recommendations made by the Commission are not binding on Council.

PART XXIX

29. ENFORCEMENT

- 29.1 Administrative breaches of this law are within the purview of the Commission and are enforceable within the permit-system itself, and the Commission will decide which sanctions apply which may include, but are not limited to, the imposition of a fine and the suspension, amendment or revocation of a permit, and send their recommendation and to communicate remediation measures to the GRFN Council.
- 29.2 Criminal breaches of this law will be investigated by the Anishnabek Police Service; for example, the use, possession, sale, etc. of illicit cannabis. GRFN Council are also responsible for outside enforcement of this law, which may include injunctions in provincial Courts.
- 29.3 All fines, penalties, etc. collected through the breach of this law are payable to Garden River First Nation.

PART XXX

30. AMENDMENT

- 30.1 Any significant changes to this law will be made after obtaining feedback from the community of GRFN, and authorized by GRFN Council.

PART XXXI

31. COMING INTO FORCE

- 31.1 This law comes into force the day it is published on the GRFN Council website.

This law is passed at a duly convened meeting
of Council this _____

day of _____, 2021.

Quorum _____

Member of Council

Member of Council

Member of Council

Member of Council

Member of Council

Member of Council

Member of Council

Member of Council