

MILLBROOK FIRST NATION CANNABIS CONTROL LAW

[Enacted by Millbrook First Nation BCR # XX , XX 2023]

PREAMBLE

WHEREAS the Mi'kmaq of Nova Scotia hold Aboriginal title, Aboriginal rights and treaty rights over our territory of Mi'kma'ki. This is our land, over which we have authority in accordance with our own values and governing principles. We have never ceded rights or title to Mi'kma'ki;

AND WHEREAS the Mi'kmaq of Millbrook First Nation have existing, inherent and inalienable rights which include the right of self-determination and the right to self-government within Millbrook Lands;

AND WHEREAS Mi'kmaq people recognize we are all connected and entwined together by the supportive strands of relationships—with one another and with the Earth—and we should always be inspired to place emphasis on the well-being of the collective. The within law has been developed in keeping with the Mi'kmaq Sacred Teachings; Love, Honesty, Humility, Respect, Truth, Patience and Wisdom.

AND WHEREAS the Mi'kmaq of Millbrook First Nation have and continue to exercise inherent Aboriginal and treaty rights to govern our own citizens and lands, with said rights being recognized and affirmed by, *inter alia*, the United Nations Declaration on the Rights of Indigenous Peoples and section 35 of the *Constitution Act, 1982*;

AND WHEREAS it is, and has always been, our responsibility to provide for and preserve our Nation, to protect our language, culture and rights, and to ensure health, sustainability and prosperity for our present and future generations;

AND WHEREAS in 2018, the Canadian government passed the *Cannabis Act*, S.C. 2018, c. 16., and the Province of Nova Scotia passed Bill 108, *Cannabis Control Act*, 1st Sess, 63rd Leg, Nova Scotia, 2018. Neither level of government involved the Mi'kmaq in their law-making or regulatory processes. Further, the federal government ignored Indigenous rights by extending licencing privileges only to the provinces, leaving out the Indigenous governments of the Mi'kmaq;

AND WHEREAS our inherent right of self-government includes the right for our Nation to make decisions as to the use of our lands, and to have effective political structures for making those decisions. It extends to all matters of governance that are essential to the preservation of the identity and autonomy of our Nation in a complex and changing world, and it is for us to regulate commercial activities on Millbrook Lands in a way that facilitates overall well-being and an appropriate standard of living for our Members;

AND WHEREAS the Nova Scotia Mi'kmaq Chiefs in 2019 proclaimed the Mi'kmaq Cannabis Regime governing cannabis production, distribution, sale, possession and use;

AND WHEREAS the Chief and Council of the Millbrook First Nation, in consultation with the Membership of Millbrook First Nation, have deemed it expedient and in the best interests of the First Nation, as an expression and in furtherance of the First Nation's inherent right to self-determination, to enact a Cannabis Control Law for the purposes described herein;

AND WHEREAS the Chief and Council of the Millbrook First Nation wish to enact this Cannabis Control Law pursuant to the First Nation's inherent right to self-determination;

AND WHEREAS it is intended that this Cannabis Control Law will serve as a foundational and living document to be adapted to fit the capacity and aspirations of the Millbrook 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 Millbrook Lands;

AND WHEREAS the Members of Millbrook First Nation have expressed their approval of the regulation of cannabis in Millbrook First Nation and strongly support the enactment of our own laws and regulations to govern the production, distribution, sale, possession, and consumption of cannabis in Millbrook First Nation.

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

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1. The Board, in consultation with Council and Licence Holders, has determined that the formula for calculating Mandatory Community Contributions under Article 14 of the Law shall be as follows:
 - (a) Licence Holders must remit to the Board pursuant to Article 14.1 of the Law:
 - (i) 0.5% gross revenue total cannabis revenue in Year 1 payable annually;
 - (ii) 1% total cannabis revenue gross revenue in Year 2 payable annually;
 - (iii) 1.5% total cannabis revenue gross revenue in Year 3 payable annually;
 - (iv) 2% total cannabis revenue gross revenue in Year 4 payable annually; and
 - (v) 2.5% total cannabis revenue gross revenue in Year 5 and on, payable annually.
2. The formula for calculating Mandatory Community Contributions set out in this Regulation shall be reviewed by the Board, in consultation with Council and Licence Holders, at least on an annual basis, and may be amended by the Board as necessary.
3. The Board shall have the authority to audit, or have audited by a third party of its choosing, the Licence Holder's financial documents to ensure the assessment of the mandatory community contribution.

Cannabis Meeting (Online - Teams)

April 19th, 2023

Attendees: Craig, Theresa, Brooklyn, Mary, Shante, Margie, Colin, Gerald, Shelly, Scott

Regrets: Mike

- Theresa - Opening prayer.
- Craig - separate regulations from laws. Scott provided update on discussion surrounding combining laws and regulations. Committee wanted law that was pared down. Community contribution homework for how band can facilitate sale of cannabis. Not like cigarette quota, but more like Membertou's model. Scott reached out to them. Their ratification passed the band wholesale model. Bear in mind there is distrust in Millbrook - council and community. Unanimous that they did not want council in charge of the regime. Shelly provided explanation of Millbrook's tobacco quota system and how it provides program coverage.
- Shante - it allows the control board to set prices that allow for both band and dispensaries good profit margins. you don't even need a royalty per se if the band sets prices and gets some profit through wholesaling process. Way law is set up is similar to Kahnawakes law which is aligned with Health Canada. Where we don't have capacity to test ourselves, should we partner with HC and build capacity. What was process for partnering with HC.
- Scott - law creates market bubble that allows for cannabis to be sold at HC standard, under Canadian law, using their standards. There is an absence of our own testing and standards. Has to be HC equivalent. If not, RCMP will enforce laws out of our laws options.
- Shelly - how are Kahnawake police appointed? Through their own law and training. They don't carry guns. Work in conjunction with QC police. Tribal police does more ground level policing. More serious issues are handled by QC police.
- This laws fills void of provincial law, not federal.
- Margie - Testing. We are missing out on business opportunity to testing for HC standards. Invest in lab to open doors to better cannabis products.
- Scott - immediate concern of law should be focused on dispensaries and zoning issues. There are big picture things too like productions and distribution as big money sources. The law addresses all aspects and we can get there eventually.
- Craig - when board is set up, they would decide, when they set the laws, things should fall into place. If cannabis board has to be 'clean' and above reproach, then the selection committee has to be held to the same standard.
- Shante - be more specific with the regulations. Scott, not everything has to be present in the first vote. An have a law vote and a regulation vote. Shouldn't have to go to referendum all the time. Uncertainty may affect outcome of the vote.
- Theresa - After May 3rd.
- Theresa accepted minutes.

PART 1: TITLE & INTERPRETATION

1. SHORT TITLE

- 1.1 This Law may be cited as the “Millbrook First Nation Cannabis Control Law”.

2. INTERPRETATION

- 2.1 The following definitions apply for the purposes of this Law and any Regulations enacted pursuant to this Law:

- (a) “**Accountable**” means having a duty to provide complete and accurate information, provided the information is not subject to privilege or confidentiality;
- (b) “**ACMPR**” means, collectively, the Access to Cannabis for Medical Purposes Regulations, SOR/2016-230, as amended, modified or replaced from time to time, and includes predecessor regulations such as Marihuana Medical Access Regulations, SOR/2001 -227 and the Marihuana for Medical Purposes Regulations, SOR/2013-119;
- (c) “**Appeal Committee**” means the three (3) member committee appointed by Council under Section 26.2 of this Law;
- (d) “**Approved Agent**” means a person or persons approved by the Board to carry out any of the functions set forth in this Law or the regulations, on behalf of the Board;
- (e) “**Board Selection Committee**” means a five (5) member committee comprised of the following five (5) sitting directors at the time the committee is struck: i) Economic Development, ii) Community Health and Public Safety, iii) Housing, iv) Education, and v) Finance. In addition, the Committee will also include one (1) community elder as selected by the Committee.
- (f) “**Board**” means the Millbrook First Nation Cannabis Control Board;
- (g) “**Cannabis**” has the meaning given to it in the *Cannabis Act*, S.C. 2018, c. 16, as amended, modified or replaced from time to time;
- (h) “**Cultivate**” means to grow, propagate or harvest any cannabis plant or any other living thing from which cannabis may be extracted;
- (i) “**Cultivator**” means the holder of a valid Standard Cultivation Licence or Micro-Cultivation Licence;
- (j) “**Committee**” means the Cannabis Health and Safety Committee;
- (k) “**Community Initiatives**” means initiatives or programs that are designed to directly benefit Millbrook First Nation Members with their personal, social, emotional and

spiritual well-being, and include but are not limited to drug prevention and education initiatives, youth engagement initiatives and Mi'kmaq cultural initiatives.

- (l) **“Consumer”** means an Individual that purchases Cannabis for personal use;
- (m) **“Council”** means the Council of Millbrook 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;
- (n) **“Dispensary”** or **“Dispensaries”** means a commercial facility or facilities located within Millbrook Lands that are operated by the holder of a Dispensary Licence;
- (o) **“Distribute”** or **“Distribution”**, in respect of Cannabis, means giving, transferring, transporting, sending, delivering, providing or otherwise making available in any manner, whether directly or indirectly, and includes offering to distribute;
- (p) **“Distributor”** means the holder of a valid Distribution Licence;
- (q) **“Family Member”** means a spouse, parent, child or sibling;
- (r) **“First Nation”** means the Millbrook First Nation, being a “band” within the meaning of the *Indian Act*;
- (s) **“Illicit Cannabis”** means Cannabis that is or was Cultivated, produced, sold or distributed by a Person who is not authorized to do so under this Act or any other Recognized Act;
- (t) **“Indian Act”** means the *Indian Act*, R.S.C. 1985, c. I-5, as amended, modified or replaced from time to time;
- (u) **“Law”** means the Millbrook First Nation Cannabis Control Law;
- (v) **“Licence”** means a licence issued by the Board under this Law;
- (w) **“Licence Holder”** means the holder of a valid Licence;
- (x) **“Medical Document”** means a
 - (i) medical document issued under the ACMPR;
 - (ii) written prescription from a medical professional; or
 - (iii) written diagnosis from a medical professional of a medical condition treatable by Cannabis
- (y) **“Mi'kmaq”** means an Indigenous Individual belonging to the greater Mi'kmaq Nation;

(z) **"Millbrook First Nation"** means the Millbrook First Nation, being a "band" within the meaning of the *Indian Act*;

(aa) **"Millbrook First Nation Member"** or **"Member"** when used in the singular, means an Individual registered on the Indian Registry as a member of the community of Millbrook First Nation and when used in the plural means all persons making up the community of Millbrook First Nation;

(bb) **"Millbrook First Nation Lands"** or **"Millbrook Lands"** means:

(i) the lands presently under the control and jurisdiction of Millbrook First Nation, including the following lands referred to by the government of Canada as Reserves/Settlements/Villages:

<u>NO.</u>	<u>NAME:</u>
06057	BEAVER LAKE 17
06058	COLE HARBOUR 30
06059	MILLBROOK 27
06060	SHEET HARBOUR 36
06061	TRURO 27A
06062	TRURO 27B
06063	TRURO 27C
10199	TUFTS COVE INDIAN RESERVE

(ii) any and all lands that may be added to the lands now under the control and jurisdiction of Millbrook First Nation through the negotiation and resolution of land grievances and or outstanding claims;

(iii) any and all lands that may be added to the lands now under the control and jurisdiction of Millbrook First Nation as a result of any other means;

(iv) lands which are returned to Millbrook First Nation as lands within the meaning of subsection 91(24) of the Constitution Act, 1867;

(v) the water and waterways under the control and jurisdiction of the Millbrook First Nation.

(cc) **"Motor Vehicle"** includes any form of motorized transport, including motorcycles and all-terrain vehicles (ATVs).

(dd) **"Nation"** means the Millbrook First Nation;

(ee) **"Natural Person"** or **"Individual"** means a person that is an individual human being;

(ff) **"Peace Officer"** means a police officer, police constable or other person employed for the preservation and maintenance of the public peace, and any other Person appointed by Council by way of a resolution in writing for the purpose of enforcing and carrying out

the provisions of this Law;

- (gg) **“Person”** includes a natural person, corporation, partnership, limited liability company and any other business entity recognized under the laws applicable within Millbrook Lands;
- (hh) **“Possess”** or **“Possession”**, in respect of Cannabis, means to have Cannabis in a person’s personal possession or knowingly have Cannabis in the actual possession or custody of another person, or has Cannabis in any place, whether or not that place belongs to or is occupied by the person, for the use of the person or of another person;
- (ii) **“Prescribed Legal Age”** means the full age of nineteen (19) years, or such other age as is provided in the Regulations;
- (jj) **“Process”** or **“Processing”** in respect of Cannabis, means the production, packaging and labelling of Cannabis products;
- (kk) **“Processor”** means the holder of a valid Standard Processing Licence or Micro-Processing Licence;
- (ll) **“Public Place”** means, with respect to Millbrook Lands:
 - (i) all or any part of a place, building, structure, or other enclosed area to which the public has or is permitted to have access;
 - (ii) a park, playground, sports field, or other place of public resort or amusement;
 - (iii) a highway, road, street, lane, or thoroughfare;
 - (iv) any unoccupied land or building;
 - (v) in relation to a Person who enters land or an occupied building without the consent of the occupant, the land or building so entered;
 - (vi) a vehicle while it is at, in, or on any place, building, thoroughfare or land that by virtue of this definition is a public place; or
 - (vii) any other place prescribed by the Regulations.
- (mm) **“Recognized Act”** means any law, act, regulation or custom of a governmental authority, including a First Nation, that is recognized by the First Nation in accordance with the Regulations;
- (nn) **“Regulations”** means any regulation enacted by the Board under this Law.
- (oo) **“Sell”** or **“Sale”** means to transfer ownership in exchange for money or something of value and includes offer for sale, expose for sale and have in possession for sale;

- (pp) “Use”, in respect of Cannabis, means to smoke, vape, inhale, ingest, eat, absorb or otherwise consume.

PART 2: JURISDICTION, PURPOSE & APPLICATION

3. JURISDICTION

- 3.1 The Mi'kmaq of Millbrook First Nation, as part of the greater Mi'kmaq Nation, are and have always been sovereign peoples. The Mi'kmaq have consistently and historically exercised ultimate and exclusive jurisdiction over their territory.
- 3.2 The Mi'kmaq 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 self-government within Millbrook Lands.
- 3.3 The rights of the Mi'kmaq have been recognized and affirmed in the domestic laws of Canada, including in the *Constitution Act, 1982* and other federal and provincial legislation.
- 3.4 The rights of the Mi'kmaq, 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*.
- 3.5 As cultivation, processing, distribution, sale, possession and use of Cannabis has a significant impact on socio-economic development, health and safety and good governance within Millbrook Lands, the Mi'kmaq people of Millbrook First Nation have the ultimate and exclusive right and jurisdiction to regulate and control Cannabis within Millbrook Lands.
- 3.6 Given that other governments/jurisdictions surrounding Millbrook First Nation are creating legislation that directly impacts our community's interests, Millbrook First Nation has the obligation to regulate and control Cannabis in a way that protects and preserves the best interests of our community.

- 3.7 Millbrook First Nation, as a governing body in and for Millbrook Lands, has the inherent power and authority to enact this Law, and does so enact this Law, pursuant to the First Nation's inherent rights to self-determination and self-government.

4. PURPOSE

- 4.1 The purposes of this Law are to:

- (a) protect the health and safety of the Mi'kmaq people of Millbrook First Nation and other Persons found within Millbrook Lands and, in particular, to protect the health, safety and wellbeing of young Persons by restricting their access and exposure to Cannabis and Cannabis by-products;
- (b) protect the jurisdictional integrity of Millbrook Lands by ensuring mutual respect and cooperation in relation to jurisdiction, economic advancement and enforcement of Millbrook First Nation's domestic affairs;
- (c) facilitate a regulated and controlled Cannabis industry that will promote and enhance socio-economic development, fiscal self-sufficiency and tangible benefits for the Mi'kmaq people of Millbrook First Nation;
- (d) provide for the legal Cultivation, Processing, Distribution, Sale, Possession and Use of quality-controlled Cannabis within and from Millbrook Lands;
- (e) through appropriate sanctions and enforcement measures, 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 markets;
 - (ii) preventing illicit or illegal Cannabis from entering the source of supply of the legal Cannabis markets; and
- (f) balance the interests of Millbrook First Nation community members who may be opposed to legal Cannabis in Millbrook Lands with the interests of

community members who support the regulated Cultivation, Processing, Distribution, Sale, Possession and Use of Cannabis in Millbrook Lands.

5. COOPERATION

5.1 To ensure the purposes of this Law and the Regulations are fully realized, the Millbrook First Nation Cannabis Control Board shall liaise regularly and cooperate with the Cannabis Health and Safety Committee and any other appropriate body or agency.

6. APPLICATION

6.1 This Law applies to:

- (a) all activities related to the Cultivation, Processing, Distribution, Sale, Possession and Use of Cannabis within, into and from Millbrook Lands; and
- (b) all Persons and business entities situated or found within Millbrook Lands.

PART 3: HARMONIZATION AND CONFLICT OF LAWS

7. HARMONIZATION

7.1 This Law 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 Millbrook First Nation Cannabis Control Board and other First Nations and other regulatory and law enforcement agencies. However, this Law and the Regulations are not dependent on the approval of, or cooperation from, any other governmental body or agency.

7.2 For greater certainty, the foregoing Article 7.1 is not intended to, and does not in fact, affect, compromise or diminish the authority of internal agencies, such as the Millbrook First Nation Cannabis Control Board, and any other regulatory or law enforcement agency empowered under Millbrook First Nation authority or agreement.

7.3 The requirement in Article 21.10 of this Law to hold an equivalent licence issued by Health Canada shall remain in force until such time as Millbrook First Nation establishes

a public health agency that has a capacity and standards sufficiently comparable to Health Canada regarding the issuance of Cannabis-related licences in compliance with the criminal laws of general application.

8. CONFLICT OF LAWS

- 8.1 In the event of any conflict or inconsistency between this Law and its Regulations and any of the First Nation's other laws, including bylaws, and any federal laws, provincial laws, or permits, guidelines, orders, consents or other directions, this Law shall prevail to the extent of such conflict or inconsistency.
- 8.2 Laws of general application shall continue to apply to the extent they are not inconsistent with this Law or the Regulations.

PART 4: POSSESSION AND CONSUMPTION OF CANNABIS

9. POSSESSION & CONSUMPTION

- 9.1 A Person who has attained the Prescribed Legal Age is permitted to Possess Cannabis on Millbrook Lands for his or her personal Use provided that:
- (a) the Cannabis is not Illicit Cannabis, and has been acquired from a Dispensary or from a facility that is licensed under this Law or that is licensed by Health Canada; and
 - (b) the total amount Possessed at any given time does not exceed the amount prescribed by the Regulations.
- 9.2 Notwithstanding Article 9.1
- (a) 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 valid Licence issued under this Law;

(b) an Individual who Possesses a Medical Document, including an Individual who has not attained the Prescribed Legal Age, may Possess Cannabis in any quantity prescribed by such document.

9.3 An Individual referred to in Article 9.2(b) shall, on demand of a Peace Officer, produce a copy of that Individual's Medical Document.

10. PROHIBITIONS

10.1 Unless authorized by this Law or the Regulations, the Cultivation, Processing, Distribution, Sale, Possession and Use of Cannabis within and from Millbrook Lands is prohibited. For greater certainty, a licence issued by a regulatory authority outside of Millbrook Lands has no validity within Millbrook Lands unless the Licence Holder has also been authorized under this Law or the Regulations.

10.2 No Person is permitted to Use, consume, or be under the influence of Cannabis when operating a Motor Vehicle and offenders may be charged and prosecuted under the applicable penal or criminal laws of general application.

10.3 An Individual shall not consume Cannabis in a Motor Vehicle within or on Millbrook Lands unless the Motor Vehicle is genuinely and actually occupied and used as a private residence at the time of consumption.

10.4 An Individual shall not Possess, Cultivate, Process, Sell or Distribute any Cannabis that they know or ought to know is Illicit Cannabis.

10.5 An Individual shall not consume Cannabis in any Public Place.

10.6 Notwithstanding Article 10.5, an Individual may consume Cannabis in any Public Place that is authorized by the Board pursuant to the Regulations.

PART 5: STANDARDS, TESTING & PRICING

11. STANDARDS AND TESTING

11.1 The Board shall enact Regulations to establish standards and testing procedures to ensure

that all Cannabis cultivated, processed, distributed, and sold within Millbrook Lands is consistently and reliably high-quality. For greater certainty, the Board shall ensure its Regulations are consistent with the standards and testing procedures established by Health Canada.

11.2 The Board may engage Approved Agents, which may include representatives of Health Canada, to assist and advise the Board in relation to:

- (a) the preparation of appropriate standards to be followed by facilities that intended to be used for the purpose of cultivating or Processing Cannabis;
- (b) inspections and certifications of facilities, equipment and materials used by facilities for the purpose of cultivating or Processing Cannabis;
- (c) testing of Cannabis Cultivated or Processed by facilities licensed under this Law and the Regulations; and
- (d) the storage and handling of Cannabis.

12. PACKAGING AND LABELING

12.1 It is prohibited for a Licence Holder to Sell Cannabis in a package or with a label that does not conform to the requirements established by Health Canada, as the same may be amended from time to time.

12.2 Notwithstanding Article 12.1, the labeling of Cannabis packages sold by a Licence Holder must include:

- (a) the tetrahydrocannabinol (“THC”) and/or cannabidiol (“CBD”) content;
- (b) a list of all ingredients in the Cannabis product, particularly if the Cannabis products are edible;
- (c) a control or batch number to enable tracking of the Processing completion date and location of a Cannabis product; and
- (d) such other information as may be required by the Regulations.

13. PRICE CONTROLS

13.1 To preserve the economic viability of the Cannabis market on Millbrook Lands, the Board shall establish minimum and maximum prices for which any Cannabis product can be sold:

(a) by a Cultivator and Processor to a Distributor or a Dispensary;

(b) by a Distributor to a Dispensary; and

(c) by a Dispensary to a Consumer.

13.2 The amounts of the prices established by the Board for Cannabis products:

(a) are in the Board's sole discretion but shall take into consideration the market prices of Cannabis being sold off of Millbrook Lands;

(b) may be varied from time to time;

(c) shall be communicated to each Licence Holder.

14. WHOLESALE DISTRIBUTION OF CANNABIS

14.1 Each License Holder may select a band-authorized wholesaler as the supplier of Cannabis for sale within Millbrook Lands. The band-authorized wholesaler must deliver the Cannabis to a License Holder at their dispensary located within Millbrook Lands.

PART 6: CANNABIS CONTROL BOARD

15. MILLBROOK FIRST NATION CANNABIS CONTROL BOARD

15.1 There is hereby established a regulatory body to be known as the Millbrook First Nation Cannabis Control Board for the purpose of regulating, enforcing and administering this Law. For greater certainty, the Board shall not be a public policy-making body.

16. GENERAL MANDATE

- 16.1 The Board shall administer this Law in the best interests of the Members of Millbrook First Nation and in accordance with the highest principles of health, safety, security, honesty and integrity.

17. DUTIES AND RESPONSIBILITIES

- 17.1 In addition to any other duties and responsibilities that may be provided to it in this Law, the Board shall:

- (a) issue, suspend and revoke the Licences provided for in this Law and the Regulations;
- (b) regulate, monitor and inspect all the premises and activities of Licence Holders; and
- (c) enact such Regulations it considers necessary, make any decision and take any action as is necessary to fulfill the purposes of this Law.

18. STRUCTURE OF THE BOARD

- 18.1 The Board shall be Accountable to but will function at arm's length from the Council.
- 18.2 The Board shall be composed of five (5) members selected and appointed by the Board Selection Committee from a list of eligible persons who have applied for the position.
- 18.3 To be eligible to be selected and appointed to the Board, a person must:
- (a) be a Natural Person;
 - (b) be a member of Millbrook First Nation;
 - (c) have attained the full age of twenty-one (21) years old;
 - (d) not be a current member of Council;
 - (e) not be a current member of the Cannabis Health and Safety Committee;
 - (f) not be a member of the Board Selection Committee;

(g) not have an interest in a private entity that has applied for or has been granted a Licence;

(h) not have a Family Member that has an interest in a private entity that has applied for or has been granted a Licence; and

(i) have no criminal conviction for an indictable offence or have received a full pardon for any such conviction.

- 18.4 Subject to early termination in accordance with this Law, a Board member's term of office shall be not less than two (2) years and not more than (3) years. Wherever possible, the Board Selection Committee shall stagger Board members' appointments to ensure continuity and consistency.
- 18.5 Upon expiry of a Board member's term of office, and subject to the other provisions of this Law, the member is eligible to be re-appointed for another term of office. There is no limitation on the number of consecutive terms of office that a Board member may serve.
- 18.6 The Board Selection Committee shall ensure that persons to be appointed as Board members are mature, responsible and, wherever possible, have experience with regulatory matters or participating on boards or commissions.
- 18.7 The Board may employ support staff and may retain any professional assistance that is required to fulfill its mandate.
- 18.8 Board members and staff shall undertake all necessary training to enable them to fulfill their respective mandates more effectively and efficiently.
- 18.9 The Board shall, by majority vote, appoint one of its members as Chairperson. The Chairperson shall preside over meetings of the Board and shall ensure the Board follows the principles and procedures provided in this Law and the Regulations.
- 18.10 The Board Selection Committee may, for reasonable cause, remove a Board member from office prior to the expiry of his or her term of office.
- 18.11 A Board member may resign from office prior to the expiry of his or her term of office by

giving written notice to the Board and to the Council at least sixty (60) days' prior to the date on which the resignation is to be effective.

18.12 In the event a Board member is removed, resigns or is unable to continue performing his or her duties for any reason, the Board Selection Committee shall appoint a new Board member within thirty (30) days or such other period of time that is necessary to ensure the Board has three (3) appointed members.

18.13 Council shall provide the Board with an annual budget, the amount of which shall be adequate to ensure the Board can satisfy its duties and responsibilities under this Law.

18.14 Licensing fees and other amounts collected by the Board shall be submitted to Council and shall be used to offset the Board's annual budget.

18.15 Notwithstanding Article 18.14, any mandatory community contributions collected by the Board in accordance with Article 14.1 shall not be used to offset the Board's annual budget, and shall only be used by Council in accordance with Article 14.3.

18.16 Members of the Board may be remunerated for the time required to provide the services associated with their offices, as determined by Board Selection Committee.

18.17 The Board shall obtain, implement and maintain such software, systems, networks and databases as the Board may require to fulfill its mandate.

19. BOARD MEETINGS

19.1 For the purpose of conducting a meeting and making decisions, a quorum of not less than three (3) Board members must be present.

19.2 In order to be binding and enforceable, decisions of the Board must be approved by a vote of at least three (3) Board members.

19.3 The Board shall meet at the call of the Chairperson or a majority of its members but in any event, shall meet at least once every thirty (30) days.

19.4 Whenever possible, Board members will participate in Board meetings in person.

However, with the permission of the other Board members, a Board member may participate in a meeting via telephone or other electronic means.

- 19.5 Notice of a Board meeting, with particulars of the agenda, shall be provided to all Board members not less than five (5) calendar days prior to date of the meeting. The Board may in its sole discretion, and on consensus, waive this requirement for any particular meeting.
- 19.6 Board meetings or portions of Board meetings may, at the sole discretion of the Chairperson, be open to the public or may be conducted *in camera*.
- 19.7 The Board may adopt such operational policies as it deems appropriate for internal functions and procedures.

PART 7: CANNABIS HEALTH & SAFETY COMMITTEE

20. CANNABIS HEALTH & SAFETY COMMITTEE

- 20.1 There is established a standing committee to be known as the Cannabis Health and Safety Committee.
- 20.2 The Committee's members shall be confirmed by the Board Selection Committee and shall include one (1) representative selected by each of the following organizations who meets the general eligibility criteria of Board members described at Articles 18.3(a) to (d) and 18.3(g) to (i):
- (a) Millbrook First Nation Chief and Council;
 - (b) Millbrook First Nation Community Health Services Department;
 - (c) Millbrook First Nation Education Department;
 - (d) Millbrook First Nation R.C.M.P. detachment; and
 - (e) any other appropriate agency.

- 20.3 The Committee shall also include an Elder or Elders of Millbrook First Nation who meet

the eligibility criteria of Articles 18.3(a) to (d) and 18.3(g) to (i), and who shall be selected by a vote held by the existing Committee.

20.4 The Committee shall on a continuing basis:

- (a) monitor the impacts of this Law and the Regulations on the health and safety of Millbrook First Nation community members;
- (b) make recommendations to Council or the Board for amendments to the Law or the Regulations that the Committee finds appropriate to minimize the harms of Cannabis Use within Millbrook Lands.

20.5 Council shall provide the Committee such funding and resources as is required for the Committee to fulfill its mandate.

PART 8: LICENSING

21. LICENCES

21.1 No Person may conduct any commercial Cannabis activity within or from Millbrook Lands without holding an appropriate Licence issued under this Law.

21.2 The Board may, on application, issue, renew or amend Licences in the following categories:

- (a) Standard Cultivation Licence;
- (b) Micro-Cultivation Licence;
- (c) Standard Processing Licence;
- (d) Micro-Processing Licence;
- (e) Distribution Licence;
- (f) Dispensary Licence; and
- (g) such other Licence category that the Board may create by Regulation.

- 21.3 A Licence Holder may hold a Licence from more than one category, whether simultaneously or not.
- 21.4 The Board shall establish and maintain a centralized register for recording and monitoring Licences issued under this Law.
- 21.5 All Licences are valid for a period of one (1) year from the date of issuance, and may be revoked, amended, suspended or extended as the Board in its sole discretion deems appropriate.
- 21.6 A Licence must set out the following information:
- (a) the name of the holder of the Licence;
 - (b) the Licence number;
 - (c) the civic address or legal land description of the site where the activity is authorized and, if applicable, each building within the site;
 - (d) the authorized activity at the site and, if applicable, the authorized activity that may be conducted at each building within the site;
 - (e) any conditions that the Board considers appropriate;
 - (f) the effective date of the Licence; and
 - (g) the date of expiry of the Licence.
- 21.7 Licences are non-transferable. For greater certainty, a Licence may not be transferred from one Person to another Person, from one Person's business to another Person's business, or from one Person's business to another business that is owned and/or operated by that same Licence Holder.
- 21.8 A valid Standard Cultivation and Micro-Cultivation Licence will permit the Licence Holder to Cultivate Cannabis and Sell the Cannabis to the holder of a valid Standard Processing Licence or Micro-Processing Licence.
- 21.9 A valid Micro-Cultivation Licence will permit the Licence Holder to conduct small-scale Cultivation of Cannabis plants and to produce Cannabis seeds, Cannabis plants, fresh Cannabis and dried Cannabis for the purposes of Sale to the holder of a Standard Cultivation Licence, a Standard Processing Licence, a Micro-Processing Licence or for export off Millbrook Lands to a Processor or retailer who holds a valid licence issued by

a regulatory authority in the jurisdiction in which the product is being sold.

- 21.10 The holder of a Standard Cultivation Licence, a Micro-Cultivation Licence, a Standard Processing Licence, a Micro-Processing Licence or a Distribution Licence must not Sell Cannabis directly to a Consumer, and must hold an equivalent licence issued by Health Canada subject to Article 7.3.
- 21.11 A valid Distribution Licence will permit the Licence Holder to Distribute Cannabis within Millbrook Lands for the purpose of Sale by the holder of a Dispensary Licence.
- 21.12 To effect Distribution of Cannabis outside Millbrook Lands, the holder of a Distribution Licence may also be required to obtain a licence from a regulatory authority in the jurisdiction in which the Cannabis is being Distributed.
- 21.13 The holder of a Distribution Licence must obtain Cannabis only from the holder of a Standard Cultivation, a Micro-Cultivation Licence, a Standard Processing or a Micro-Processing Licence.
- 21.14 A valid Dispensary Licence will permit the Licence Holder to Sell Cannabis from a Dispensary located within Millbrook Lands to a Person who has attained the Prescribed Legal Age.
- 21.15 All Licence Holders must comply with the provisions of this Law, the Regulations, any conditions to which the Licence may be subject and all other laws, regulations and policies that are applicable within Millbrook Lands.
- 21.16 A Licence is not valid unless and until any and all licensing and other fees, and Mandatory Community Contributions, prescribed by the Board have been paid in full.
- 21.17 Licence holders shall in recruiting, training and hiring employees, give preference to qualified Millbrook First Nation members in all job categories, and particularly for management positions.
- 21.18 Subject to the requirements for each Licence category, the only persons eligible to apply for a Licence are:

(a) a natural person who:

- (i) is member of Millbrook First Nation;
- (ii) has attained the full age of twenty-one (21) years old;
- (iii) who has no criminal conviction for an indictable offence or who has received a full pardon for any such conviction.

(b) a band-empowered entity, corporation or partnership that is wholly owned and operated by one or more natural persons each of who:

- (i) is a member of Millbrook First Nation;
- (ii) has attained the full age of twenty-one (21) years old;
- (iii) who has no criminal conviction for an indictable offence or has received a full pardon for any such conviction;

(c) a band-empowered entity, corporation or partnership in which the Council and one or more other business entities share a commercial interest.

21.19 It shall be a condition of every Licence that the Licence holder shall have no direct, indirect, past or present affiliation or association with any criminal organization of any kind, the sufficiency of evidence of such affiliation or association to be determined by the Board in its sole discretion.

21.20 Notwithstanding Article 22.18, if the Board determines that it is appropriate from a regulatory perspective to do so, it may issue a Standard Cultivation Licence and a Standard Processing Licence to an entity that is located outside Millbrook Lands, as long as the Board is satisfied there is a benefit to Millbrook First Nation for doing so.

21.21 No Person is eligible to apply for or hold a Standard Cultivation Licence, a Micro-Cultivation Licence, a Standard Processing or a Micro-Processing Licence, unless the facility from which operations are intended to be conducted has been inspected, certified and licensed by the health and safety authorities designated by the Board, which may

include Health Canada officials.

21.22 In consultation with the Health and Safety Committee, the Board may at any time and in its sole discretion limit the number of Licences that are issued in any category.

21.23 A Licence Holder shall immediately notify the police, as well as the Board, in the event that there is any theft of Cannabis from the premises connected to the Licence Holder's Licence.

22. DISPENSARY LICENCES

22.1 The Board shall not issue or continue a Dispensary Licence to a Person who intends to Sell Cannabis from a Dispensary that is located:

- (a) where the location or proposed location of the Dispensary is in a building or area that is easily accessible by Persons under the Prescribed Legal Age and such other buildings or areas as may be defined in the Regulations; or
- (b) where, in the sole discretion of the Board, the proposed location of the Dispensary is likely to disturb or endanger members of Millbrook First Nation.

22.2 The holder of a Dispensary Licence must not Sell, barter, give or exchange:

- (a) Illicit Cannabis;
- (b) Cannabis to a Person who has not attained the Prescribed Legal Age;
- (c) Cannabis to any Person who is not a Consumer;
- (d) to any Person, an amount of Cannabis that exceeds the amount prescribed by the Regulations;
- (e) Cannabis that is not obtained from the holder of a Distribution Licence or that is not licensed by Health Canada.

PART 9: LICENCE APPLICATIONS

23. LICENCE APPLICATIONS

23.1 An application for a Licence, its renewal or amendment must be filed with the Board in

the form and manner prescribed by the Board and set out the information required by the Board, including any financial, background or contextual information that the Board, in its sole discretion, deems necessary to review and evaluate the application.

- 23.2 The Board may refuse to consider an application if any information required under Article 23.1 is not provided.
- 23.3 Upon receipt of an application for a Licence, the Board may:
- (a) issue a Licence pursuant to Article 21.2;
 - (b) require the applicant(s) to submit further information; or
 - (c) refuse the application.
- 23.4 The Board may refuse to issue, renew or amend a Licence if:
- (a) The Board is of the view that the issuance, renewal or amendment of the Licence is likely to create a risk to public health or public safety, including the risk of Cannabis being diverted to an illicit market or activity;
 - (b) there are reasonable grounds to believe that false or misleading information or false or falsified documents were submitted in, or in support of, the application;
 - (c) the Board has evidence that it considers credible and reliable that the applicant is not of good character; or
 - (d) the Board is of the opinion that it is in the public interest to do so.
- 23.5 The Board shall refuse to issue, renew or amend a Licence if the Board learns of any direct, indirect, past or present affiliation or association with any criminal organization of any kind, the sufficiency of evidence of such affiliation or association to be determined at the Board's sole discretion.
- 23.6 If the Board refuses an application, it must send written notice of the refusal to the applicant with reasons for such refusal within sixty (60) days of the Board's decision.
- 23.7 A refusal of an application by the Board does not preclude submission of a new application for a Licence by the Person subject to the refusal.

24. SUSPENSION OR REVOCATION OF A LICENCE

- 24.1 The Board may suspend or revoke a Licence if it determines that a Licence holder or the Licence holder's business, including its employees or agents, have contravened any provision of this Law or of another Recognized Act, any applicable First Nation by-laws, federal laws, provincial laws, or applicable permits, guidelines, orders, consents or other directions, or if in the Board's opinion there are just and reasonable grounds to suspend or revoke the Licence.
- 24.2 If the Board suspends or revokes a Licence, it must send written notice of the suspension or revocation to the Licence holder with reasons for such suspension or revocation within sixty (60) days of the Board's decision.
- 24.3 A revocation of a Licence by the Board does not preclude submission of a new application for a Licence by the Person subject to the revocation.

PART 11: APPEALS

25. APPEALS

- 25.1 Within fifteen (15) calendar days of receipt of the Board's decision under section 24.6 or 25.2, the Person that submitted the application or who holds the suspended or revoked Licence may file a written notice of appeal of the Board's decision with Council setting out the reasons for the appeal.
- 25.2 Any and all appeals of decisions made by the Board shall be heard and determined by an independent, three (3) person Appeal Committee which shall be appointed by Council on an *ad hoc* basis from a list of eligible persons who have applied for the position. In order to be eligible to be appointed to the Appeal Committee, a person must:
- (a) Meet the general eligibility criteria for Board members as prescribed by Article 18.3 and 18.6; and
 - (b) Not be currently sitting as a member of the Board, as a member of the Cannabis Health and Safety Committee, or on Council.
- 25.3 Upon receipt of a written notice of appeal pursuant to Article 25.1, Council shall:
- (a) Establish an Appeal Committee within seven (7) calendar days; and

(b) Forward a copy of the written notice of appeal to the Appeal Committee immediately thereafter.

- 25.4 The Appeal Committee shall hold a hearing within thirty (30) calendar days of the establishment of the Appeal Committee under Article 25.3.
- 25.5 After reviewing the appeal and hearing evidence at the appeal hearing from the appellant, the Board, and/or anyone else who, in the Appeal Committee's sole discretion, may have relevant information, the Appeal Committee shall confirm, vary, substitute, or overturn the Board's decision.
- 25.6 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 its written decision to the Board.
- 25.7 All decisions of the Appeal Committee are final.
- 25.8 Members of the Appeal Committee may be remunerated for the time required to provide the services associated with their offices, as determined by Council.

PART 12: ENFORCEMENT

26. ENFORCEMENT

- 26.1 A breach of this Law or the Regulations, if the breach is regulatory in nature, shall be addressed by the Board in accordance with the procedures established by the Regulations and, if a finding of culpability is made, shall be sanctioned in accordance with the provisions of the Regulations, which sanctions may include, but are not limited to, the imposition of a fine or fines, and/or the suspension, amendment or revocation of a Licence.
- 26.2 Any breach of this Law or the Regulations which is criminal in nature shall be subject to rules of general application whereby criminal proceedings may be initiated and adjudicated in a court of competent jurisdiction.

PART 13: REGULATIONS

27. REGULATIONS

27.1 The Board may enact such Regulations it considers necessary to implement the provisions of this Law, including but not limited to Regulations respecting:

- (a) the creation of new categories of Licences that may be issued under the Regulations, which shall 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 Licence and to file appeals of Board decisions;
- (c) background and security investigations and credential verifications of owners, directors and key Persons associated with applicants and Licence Holders;
- (d) background and security investigations and credential verifications of personnel, staff and companies contracted to conduct business with or on behalf of a Licence Holder;
- (e) the amount of application fees, annual licensing fees and any other fees to be charged in relation to Licences and Licence applications;
- (f) in consultation with Council, the amount and frequency of Mandatory Community Contribution payments;
- (g) the days and hours during which a Dispensary may operate;
- (h) the type of Cannabis products that a Dispensary may Sell;
- (i) the requirements to which the holder of a Micro-Cultivation Licence shall be subject, including but not limited to: quality assurance standards, plant count, size of growing area, total production and gross revenue;
- (j) limiting the total number of Licences that shall be issued in any or all categories;
- (k) establish the maximum amount of Cannabis that a Dispensary can Sell to a

Consumer within a specified period of time;

- (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 Cultivated, Processed, Distributed and sold within Millbrook Lands are consistently and reliably high-quality;
- (n) eligibility requirements to apply for or hold a Standard Cultivation Licence, Micro-Cultivation Licence, Standard Processing Licence, and Micro-Processing Licence for the purpose of ensuring, among other things, that all facilities to be used by Licence Holders have been inspected, certified and licensed by the appropriate health and safety authorities;
- (o) procedures for addressing accusations that a Licence Holder has breached the provisions of this Law or the Regulations and, if a finding of culpability is made, sanctions that may include suspending or revoking the Licence and the imposition of fines of up to One Hundred Thousand (\$100,000.00) Dollars per breach;
- (p) the maintenance of public order, security and the safety of persons working in, and for customers of, Dispensaries;
- (q) processes and systems that Cultivators, Processors, Distributors and Dispensaries must use to ensure that:
 - (i) Cannabis is safely handled and stored;
 - (ii) Cannabis is not sold to anyone who has not attained the Prescribed Legal Age;
 - (iii) no Person can purchase an amount of Cannabis that exceeds the amount prescribed by the Regulations from a Dispensary or a combination of all Dispensaries on Millbrook Lands;

- (iv) the Board can accurately track all Cannabis sold by a Cultivator, Processor, Distributor and Dispensary and the price at which the Cannabis is sold;
- (v) Dispensaries distinguish between Sales to Millbrook First Nation members and non- Millbrook First Nation Consumers;
- (vi) the Board can accurately verify that all mandatory community contributions and all point-of-sale fees have been charged, collected and remitted as required by the Law;
- (r) the maximum and minimum prices for which any Cannabis product can be sold by a Cultivator, Processor, Distributor and/or Dispensary;
- (s) advertising and marketing that Licence Holders may or may not conduct;
- (t) packaging and labeling requirements; and
- (u) any other Regulation necessarily required to achieve the purposes of this Law.

PART 14: MISCELLANEOUS

28. MISCELLANEOUS

- 28.1 Nothing in this Act relieves a Person from complying with any applicable law, regulation, by-law, or any requirements of any lawful permit, guideline, order, consent or other direction.
- 28.2 Where this Act refers to another act, regulation, or agency, it includes reference to any act, regulation, or agency that may be substituted therefore.
- 28.3 Every provision of this Law is severable from all other provisions, and if any provision of this Law is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Law shall remain valid and enforceable.
- 28.4 This Act is not intended to abrogate or derogate from any Aboriginal, treaty or other

rights or freedoms that pertain now or in the future to the First Nation or its Members.

28.5 This Act is not intended to abrogate the fiduciary relationship between Canada, the First Nation, and its Members.

28.6 This Act is not intended to affect the eligibility of the First Nation or any Member to receive services or participate in such public or Indigenous-based programs as may be established from time to time to the extent that the First Nation has not assumed responsibility for such services or programs hereunder.

28.7 This Law comes into force on the day it is enacted by resolution at a duly convened meeting of the Council of the Millbrook First Nation.

28.8 This Law may be amended by resolution at a duly convened meeting of the Council of the Millbrook First Nation.

DRAFT

The Millbrook First Nation Cannabis Control Act is hereby passed by Chief and Council of the Millbrook First Nation at a duly convened meeting held this _____ day of the month of _____, in the year 2023.

Chief Robert (Bob)
Gloade