

**The Mohawks of the Bay of Quinte *Cannabis Control Regulation***

Date: DRAFT FOR CONSIDERATION

Enacted by First Nation through Resolution MCR #000 on March 31, 2019

**PREAMBLE**

WHEREAS, the Mohawks of the Bay of Quinte have the existing and inherent right of self-determination, which includes the inherent jurisdiction over their lands, people and territory;

AND WHEREAS this is a First Nation Regulation respecting the cultivation, processing, extraction/production, distribution, sale, possession, and use of cannabis within and from the lands and territory governed by the Mohawks of the Bay of Quinte;

AND WHEREAS the Territory, also known as Tyendinaga reserve lands, has been set aside for the use and benefit of the Mohawks of the Bay of Quinte;

AND WHEREAS the Chief and Council of the Mohawks of the Bay of Quinte, a government selected in free and fair elections held regularly to represent the members of the First Nation, has deemed it expedient and necessary for the peace, safety and good governance of its members to provide for the observance of law and order on Reserve and for the licencing and regulation of recreational cannabis activity on the Reserve;

AND WHEREAS the safety of the people in the Mohawks of the Bay of Quinte territory is of paramount importance and there may arise circumstances in which precautions to protect the safety of the people on Reserve justify the limitation of the rights of individual members.

AND WHEREAS the Council of the Mohawks of the Bay of Quinte is empowered to make by-laws pursuant to section 81(1)(a), (b), (c), (g), (p), (p.1), (q) and (r) of the Indian Act, R.S.C., 1985, c.I-5;

AND WHEREAS section 81 of the Indian Act, R.S.C., 1985, c.I-5 makes violation of a by-law punishable by a fine or imprisonment, or both;

AND WHEREAS the Mohawks of the Bay of Quinte wishes to respond to its security and public order concerns using the Traditional Knowledge of its people;

AND WHEREAS several forums were held on the issue of cannabis and “urgent concerns” about several medical cannabis dispensaries in the community, and the Mohawks of the Bay of Quinte has created this *Cannabis Control Regulation* in response through balancing of the interests, rights and concerns of the community;

NOW THEREFORE, it is hereby enacted pursuant to the Mohawks of the Bay of Quinte’s inherent jurisdiction and for greater certainty, section 81(1) of the Indian Act, R.S.C., 1985, c.I-5.

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## SECTION I

### 1.0. SHORT TITLE

- 1.1 This Regulation may be cited as the “Cannabis Control Regulation”.

## SECTION II

### 2.0 JURISDICTION

- 2.1 The Mohawks of the Bay of Quinte, hereinafter “the First Nation”, as the part of the Mohawk Nation and the Haudenosaunee Confederacy, and respecting the principles contained within the Constitution of the Nation, and principles of our Confederacy and legal order, and with the commitment that we have always been Sovereign peoples.
- 2.2 The First Nation have consistently and historically exercised ultimate and exclusive jurisdiction over the lands they presently govern.
- 2.3 The First Nation have existing, inherent, and inalienable rights which include the right of self-determination; the right to promote and control economic development; and the right to preserve peace, order, and good government within the lands they presently govern.
- 2.4 The First Nation holds section 35 rights, recognized and affirmed in the *Constitution Act, 1982* and other federal and provincial legislation.
- 2.5 The collective jurisdiction of the First Nation has been recognized and affirmed in the *United Nations Declaration on the Rights of Indigenous Peoples* and other international covenants and declarations, including those self-determining rights universally affirmed in 1976.
- 2.6 As cultivation, extraction, production, processing, distribution, sale, possession and use of cannabis has a significant impact on socio-economic development, health, safety and peace, order and good government with the lands governed by the First Nation, the First Nation has the ultimate and rightful jurisdiction to regulate and control cannabis within their First Nation territory.
- 2.7 Given the foregoing, the First Nation is creating a law and regulations that directly impacts the well-being of the community, the First Nation has the obligation to regulate and control cannabis in a way that protects and preserves the best interests of the community.
- 2.8 The First Nation, as a governing body, with lands under their care and control, has the power and authority to enact this Regulation on behalf of the First Nation peoples.

2.9 Upon the coming into force of the *Cannabis Act*, SC 2018, c.16 on October 17, 2018, cannabis will no longer be listed in Schedule 2 of the *Controlled Drugs and Substances Act*, SC 1996, c.19, as amended, and will be regulated by a federal and provincial regulatory regime that has largely ignored the First Nation's jurisdiction, interests, rights and publicly shared concerns.

### **3.0 APPLICATION**

3.1 This Regulation applies to:

- (a) federally licensed producers, being cultivation, extraction and processing licence holders for recreational and medical cannabis, that are situated or found within the First Nation lands and territory.
- (b) all activities related to the distribution, sale, possession, and use of cannabis within, into and from the Territory; and
- (b) all persons and business entities situated or found within the First Nation lands and territory.

3.2 This Regulation and the regulations may apply to specific territory purchased by the First Nation to the extent that it is authorized in whole or in part by resolution of the First Nation.

3.3 Laws of general application will continue to apply to the extent that they are consistent within this Regulatory framework.

### **4.0 PROHIBITION**

4.1 Unless authorized by this Regulatory framework, the cultivation, extraction, processing, production, distribution, sale, possession, and use of recreational cannabis within and from the land or territory is prohibited. For greater certainty, a license issued by a provincial or other regulatory authority outside of the First Nation's lands and Territory has no validity within the lands and Territory unless the license holder has also been authorized under this Regulation.

### **5.0 GOVERNANCE**

5.1 To ensure the purposes of this Regulation are fully realized, the First Nation Cannabis Control Board will liaise regularly and cooperate with the Cannabis Health and Safety Committee and any other appropriate agency within or outside of the First Nation lands and Territory.

## **6.0 COOPERATION**

- 6.1 This Regulation may serve as the basis for the cooperative framework of laws and regulations concerning cannabis in other jurisdictions and for capacity development and mutual assistance between the First Nation Cannabis Control Board and other First Nations and other regulatory and law enforcement agencies. However, this Regulatory framework is not dependent on the approval of, or cooperation from, any other governmental body or agency.
- 6.2 For greater certainty, the foregoing section 6.1 is not intended to, and does not in fact, affect, compromise, or diminish the authority of internal agencies, such as the First Nation Cannabis Control Board, the Tyendinaga Police Services and any other regulatory or law enforcement agency empowered under First Nation jurisdiction.

## **7.0 PURPOSES**

- 7.1 The purposes of this Regulation are to:
- (a) protect the health and safety of the First Nation citizens and other persons resident within, or visiting, or doing business within the First Nation lands and Territory and, in particular to protect the health of young persons by restricting their access and exposure to cannabis and cannabis by-products;
  - (b) protect the jurisdictional integrity of the First Nation lands and Territory by ensuring mutual respect and cooperation and relation to jurisdiction, economic advancement and enforcement of the 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 First Nation;
  - (d) provide for the legal cultivation, processing, extraction, production, distribution, sale, possession, and use of quality-controlled cannabis within and from the First Nations lands and Territory;
  - (e) deter illicit and illegal activities in relation to cannabis, including but not limited to:
    - (i) preventing cannabis from being diverted into the illicit or illegal market;
    - (ii) preventing illicit or illegal cannabis from entering the source of supply of the legal cannabis market;

through appropriate sanctions and enforcement measures; and

- (f) balance the interests of First Nation community members who, on the one hand, are opposed to legal cannabis in the Territory with the interests of the community members who support the regulated cultivation, processing, distribution, sale, possession, and use of cannabis in the First Nations lands and Territory.

## 8.0 DEFINITIONS

8.1 For the purposes of this Regulation:

“Accountable” means having a duty to provide complete and accurate information, provided the information is not subject to privilege or confidentiality;

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

“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 Regulation;

“Board” means the First Nation Cannabis Control Board;

“cannabis” has the same meaning as in subsection 2 (1) of *the Cannabis Act* (Canada);

“Committee” means the Cannabis Health and Safety Committee;

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

“Council” means the First Nation Chief and Council;

“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 Micro-cultivation License from Health Canada;

“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;

“dispensary” is a licence to operate a medical cannabis retail store in MBQ;

“distributor” means the holder of a valid Distribution Licence from the First Nation;

“extraction and/or production” means the type of licence for the creation of cannabis edibles.

“family members” means a spouse, parent, child, or sibling;

“First Nation” “First Nations lands” “or Territory” means:

- (a) the lands presently under the control and jurisdiction of the First Nation, including the lands referred to by the government as “Tyendinaga Mohawk Reserve”;
- (b) any and all lands that may be added to the lands now under the control and jurisdiction of the First Nation through the negotiations and resolution of claims or grievances;
- (c) any and all lands that may be added to the lands now under the control and jurisdiction of the First Nation as a result of any other means.

“individual” means a single human being;

“license” means a license issued by the Board;

“licence holder” means the holder of a valid licence from Canada or the First Nation or both;

“licensed retailer” means a commercial facility located within the First Nation lands or Territory that is operated by the holder of a Retail License;

“First Nation member” means an Indigenous member of the community or Nation;

“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 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, or the use of the person or of another person;

“prescribed legal age” means the age of nineteen (19) years of age;

“process” in respect of cannabis, means the production, packaging, and labelling of cannabis products;

“processor” means the holder of a valid Standard Processing License or Micro-processing License from Canada or the First Nation or both;

“recognized authority” is defined by the Board in a Board regulation;

“regulation” means any regulation enacted by the Board under this Law;

“restricted public area” means the buildings and areas defined by the regulations;

“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;

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

### SECTION III

#### 9.0 PERMITTED ACTIVITIES

- 9.1 Subject to section 24(3) a person who has attained the prescribed legal age is permitted to possess cannabis for their personal use provided that:
- (a) the cannabis has been acquired from a licensed retailer or from a facility that is licensed by Health Canada; and
  - (b) the total amount possessed at any given time does not exceed limits found in *the Cannabis Act (Canada)*.
- 9.2 Notwithstanding the foregoing, where a person is a medical patient and holds a valid prescription from a licensed medical practitioner, the terms of the prescription will supersede this Law and its regulations, but solely for the purposes of the person’s medical treatment.
- 9.3 Notwithstanding the foregoing, no person is permitted to smoke or vape cannabis in a restricted public area, including a school zone or in any building or area that is designated by the owner to be a “no smoking” or “no vaping” zone.
- 9.4 No person is permitted to use, or be under the influence of cannabis when operating a motor vehicle or a boat and offenders may be charged and prosecuted under the applicable law of general application.



## SECTION IV

### 10.0 FIRST NATION CANNABIS CONTROL BOARD

10.1 The First Nation has established a regulatory body to be known as the First Nation Cannabis Control Board for the purpose of regulating, enforcing and administering this Regulation. For greater certainty, the Board will not be a policy-making body.

### 11.0 GENERAL MANDATE

11.1 The Board will administer this Regulation in the best interests of the First Nation and in accordance with the highest principles of health, safety, security, honesty, and integrity.

### 12.0 DUTIES AND RESPONSIBILITIES

12.1 In addition to any other duties and responsibilities that may be provided to it in this Regulation, the Board will:

- (a) issue, suspend, and revoke the licenses provided in this Regulation;
- (b) regulate, monitor, investigate and inspect all the premises and activities of the licence holders;

make any decision and take any actions as is necessary to fulfill the purposes of this Regulation.

12.2 The Board may enter into an agreement on price and point of sale taxation arrangements with the Ontario Cannabis Store and the Ministry of Finance regarding cannabis delivered to a purchaser or retailer on a reserve.

12.3 The Board may recommend that Chief and Council amend any agreements between the Council and the Province of Ontario or, otherwise authorize such agreements and arrangements made with the Board.

### 13.0 STRUCTURE OF THE BOARD

13.1 The Board will be accountable to the Council at semi-annual meetings, but will operate regularly at an arm's length to the Council;

13.2 The Board will be comprised of FIVE (5) members selected and appointed by Council;

13.3 To be eligible to be appointed to the Board, a person must

- (a) be a member of the First Nation;
  - (b) Is nineteen (19) years old or older;
  - (c) Is resident within the Territory or within a short driveable distance of the Territory;
  - (d) not have any interest in a private entity that has applied for or has been granted a license in this Regulatory framework;
  - (e) not have a family member who resides with the Board member that has any interest in a private entity that has applied for or has been granted a licence; and
  - (f) have no criminal convictions for an indictable offence or have received a full pardon for any such conviction.
- 13.4 Subject to early termination in accordance with this Regulation, a Board member's term of office will not be less than two (2) years and not more than three (3) years. Wherever possible, Council will stagger Board member's appointments to ensure continuity and consistency.
- 13.5 Upon expiry of a Board member's term of office, 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 a member may serve.
- 13.6 Council will 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.
- 13.7 The Board will employ the support staff and will retain the professional assistance that it is required to fulfill its mandate.
- 13.8 Board members and staff will undertake all necessary training to enable them to fulfill their respective mandates more effectively and efficiently.
- 13.9 The Board will, by majority vote, appoint one of its members as Chairperson. The Chairperson will preside over meetings of this Board and will ensure that the Board follows the principles and procedures provided in this Regulation.
- 13.10 Council may, for reasonable cause remove a Board member from office prior to the expiry of their term of office.
- 13.11 A Board member may resign from office prior to the expiry of their 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.

- 13.12 In the event a Board member is removed, resigns or is unable to continue performing their duties for any reason, Council will appoint a new Board member within thirty (30) days or such other period of time that is necessary to ensure the Board always has three (3) appointed members.
- 13.13 Council will provide the Board an annual budget, the amount of which will be adequate to ensure that the Board can satisfy their duties and responsibilities at an arm's length basis, under this Regulation.
- 13.14 Licensing fees and other amounts collected by the Board will be submitted to the Council and will be used to offset the Board's annual budget.
- 13.15 Members of the Board may be remunerated for the time required to provide the services associated with their offices, as determined by the Council.
- 13.16 The Board will obtain, implement and maintain such software, systems, networks and databases as the Board may require to fulfill their mandate.

#### **14.0 BOARD MEETINGS**

- 14.1 For the purposes of conducting a meeting and making decisions a quorum of not less than (3) Board members must be present.
- 14.2 To be considered binding and enforceable, decisions of the Board must be approved by a vote of at least two (3) Board members.
- 14.3 The Board will meet at the call of the Chairperson or a majority of its members but in any event, will meet at least once every thirty (30) days.
- 14.4 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 by telephone or other electronic means.
- 14.5 Notice of a Board meeting, with particulars of the agenda, will be provided to all Board members, not less than five (5) days prior to the date of the meeting. The Board may in its sole discretion waive this requirement for any particular meeting.
- 14.6 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.
- 14.7 The Board may adopt such by-laws and policies as it deems appropriate for internal functions and procedures.

## **15.0 CANNABIS HEALTH & SAFETY COMMITTEE**

- 15.1 This Regulation establishes a standing committee to be known as the Cannabis Health & Safety Committee.
- 15.2 The Committee's members will be confirmed by Council and will include one (1) represented selected by each of the following organizations:
- (a) Council;
  - (b) The Health Centre;
  - (c) The Social Services Department;
  - (d) The Youth/Recreation Committee; and
  - (e) any other appropriate agency or organization within the Territory.
- 15.3 The Committee is responsible for the following, on a continuing basis:
- (a) monitoring the impacts of this Regulation on the health and safety of the First Nation;
  - (b) making recommendations to Council or the Board for amendments to the Regulatory framework that the Committee believes will be appropriate to minimize the harm or danger of cannabis use within the Territory.
- 15.4 Council will provide the Committee with such funding and resources as is requires for the Committee to fulfill their mandate.

## **SECTION IV**

### **16.0 LICENCES**

- 16.1 No person may conduct any commercial activity within the recreational cannabis sector on lands or within the Territory of the First Nation unless licensed under this Regulatory framework or a license by a recognized authority within the Territory.
- 16.2 The Board may issue a restricted number of licences in the following categories:
- (a) Standard Cultivation Licence;
  - (b) Micro-cultivation Licence;
  - (c) Standard Processing Licence;

- (d) Micro-processing Licence;
  - (e) Extraction and production licence specific to cannabis edibles;
  - (f) Distribution Licence;
  - (g) Retail Licence; and
  - (h) such other licence category that the Board may create through regulation.
- 16.3 A licence holder may hold a licence from more than one category.
- 16.4 Notwithstanding any other provision of this Regulatory framework, a Distribution licence will only be issued to an entity in which Council, or an entity created by Council on behalf of the First Nation has an ownership interest to ensure a community-wide benefit.
- 16.5 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.
- 16.6 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 the Territory 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.
- 16.7 The holder of a Standard Cultivation Licence, a Micro-cultivation Licence, a Standard Processing, a Micro-processing Licence or a Distribution Licence must not sell cannabis directly to a consumer.
- 16.8 A valid Distribution Licence will permit the licence holder to distribute cannabis within the Territory for the purpose of sale by the holder of a Retail Licence.
- 16.9 To effect distribution of cannabis outside of the Territory, 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.
- 16.10 The holder of a Distribution Licence must obtain cannabis only from the holder of a Standard Cultivation, or a Micro-cultivation Licence, or a Standard Processing Licence, or a Micro-processing Licence.

- 16.11 A valid Retail Licence will permit the licence holder to sell recreational cannabis to a person who has attained the age of nineteen (19) years or older.
- 16.12 All licence holders must comply with the provisions of this Law, the Board regulations, any conditions to which the licence may be subject and all other laws, regulations, and policies that are applicable within the Territory including but not limited to, the smoking by-law adopted by Council.
- 16.13 All licences will be for a fixed term and may be revoked, amended, suspended or extended as the Board in its sole discretion deems appropriate.
- 16.14 A licence is not valid unless and until any licensing fees and MBQ Community Contributions prescribed by the Board have been paid in full.
- 16.15 Licence holders will in recruiting, training and hiring employees, give preference to qualified members of the First Nation in all job categories, particularly management positions.
- 16.16 Each licence holder, will fit within one of three categories, and will meet the following eligibility requirements:
- (a) a natural person who:
    - (i) is a member of the Mohawks of the Bay of Quinte;
    - (ii) has attained the full age of nineteen (19) years of age;
    - (iii) is a resident within the Territory; and
    - (iv) who has no criminal conviction for an indictable offence, or 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 who:
    - (i) is a member of the Mohawks of the Bay of Quinte;
    - (ii) has attained the full age of nineteen (19) years of age;
    - (iii) is a resident within the Territory; andhas 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 business entities share a commercial interest.

16.17 Notwithstanding the foregoing section, if the Board determines that it is appropriate from a regulatory perspective to do so, it may issue a Licence to an entity that is located outside the Territory, as long as the Board is satisfied there is a benefit to the Community or the First Nation for doing so.

16.18 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 licenced by the health and safety authorities designated by the Board, which may include Health Canada officials.

16.19 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.

## **17.0 RETAIL LICENCES**

17.1 The Board will not issue or continue a Retail Licence to a person who intends to sell recreational 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 19 years old and such other buildings or areas as may be defined by the regulations, or
- (b) where in the sole discretion of the Board the proposed location of the retail store is likely to disturb or endanger the community or the First Nation.

17.2 The holder of a recreational Retail Licence must not sell, barter, give, or exchange:

- (a) cannabis to a person who has not attained the full age of 19 years of age or older;
- (b) cannabis to any person who is not a consumer;
- (c) to any person, an amount of cannabis that exceeds the amount prescribed by the regulations; and
- (d) cannabis that is not obtained from the holder of a Distribution Licence.

## SECTION IV

### 18.0 STANDARDS AND TESTING

- 18.1 The Board will enact regulations to establish standards and testing procedures to ensure that all cannabis cultivated, processed, distributed, and sold within the Territory are consistently and reliably high-quality. For greater certainty, the board will ensure its regulations are consistent with the standards and testing procedures promulgated by Health Canada.
- 18.2 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 are 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 Regulation; and
  - (d) the storage and handling of cannabis.

### 19.0 PACKAGING AND LABELING

- 19.1 It is prohibited for a licence holder to sell cannabis in a package or with a label that does not conform to the requirements of comparable requirements in Health Canada or the Province of Ontario regulations or Law.
- 19.2 The labeling of cannabis packages sold by a licence holder must include:
- (a) the tetrahydrocannabinol (“THC”) or cannabidiol (“CBD”) content;
  - (b) a list of all ingredients, particularly if the cannabis products are edible, in the cannabis product;
  - (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 provided in the regulations.



## **20.0 PRICE CONTROLS**

20.1 To preserve the economic viability of the cannabis market in the Territory, the Board will establish pricing policy for which any cannabis product can be sold:

- (a) by a distributor to a retail store; and
- (c) by a distributor to a medical cannabis dispensary.

## **21.0 Licencing Fees**

21.1 Unless the Council determines that the licence is for the purpose of operating a socio-economic project, all licencing fees shall be the method of substantially paying for the cost of regulating and controlling cannabis in the Territory.

21.2 A licence is not valid unless fees have been paid in full.

21.3 Any excess revenue will be utilized for health and safety programming in MBQ Territory.

[Highlighted sections will be enforceable in the future]

## **SECTION VII**

## **22.0 BOARD REGULATIONS**

22.1 The Board may enact such regulations it considers necessary to implement the provisions of this Law, including regulations respecting:

- (a) the creation of new categories for licences that may be issued under the regulations, which will include but not be limited to permitted activities, prohibitions and application requirements and procedures;
- (b) the forms to be used and processes to be followed to apply for a licence;
- (c) 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, annual and other licence fees to be charged for licences;
- (f) the days and hours during which a retail store may operate;

- (g) the type of cannabis products that a retail store may sell;
- (h) the requirements to which the holder of a Micro-cultivation Licence will be subject, including but not limited to quality assurance standards, plant count, size of growing area, total production and gross revenue;
- (i) limited the total number of licences that will be issued;
- (j) in consultation with Council, modifying the prescribed legal age that will apply for all purposes of this Regulation;
- (k) establish the maximum amount of cannabis that a retail store 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 the Territory are consistently and reliably high-quality;
- (n) eligibility requirements to apply for or hold a Standard Cultivation Licence, Micro-cultivation Licence, Standard Production Licence, and Micro-processing Licence for the purpose of ensuring, among other things, that the facility to be used by the licence holder has been inspected, certified and licenced by the appropriate health and safety authorities;
- (o) procedures for addressing accusations that a licence holder has breached the provisions of this Regulatory framework and, if a finding of culpability is made, sanctions that may include suspending or revoking the licence and the impositions of fines up to One Hundred Thousand (\$100,000.00) Dollars per breach;
- (p) the maintenance of public order, security and safety of persons working in, and for customers of, retail stores;
- (q) processes and systems that cultivators, processors, distributors and retailers 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 of age or older;

- (iii) no person can purchase an amount of cannabis that exceeds the amount prescribed by the regulations from a retail store or a combination of all retail stores in the Territory;
- (iv) the Board can accurately track all cannabis sold by a cultivator, processor, distributor, and retail store or a combination of all retail stores at which the cannabis is sold;
- (v) retail stores distinguish between sales to First Nation members and other customers/consumers;
- (r) the maximum and minimum prices that for which any cannabis product can be sold by a distributor;
- (s) the definition of “restricted public area” for the purposes of this Regulation;
- (t) the definition of buildings or areas as the phrase used in paragraph 17.1(a) of this Regulation;
- (u) advertising and marketing that the licence holders may or may not conduct;
- (v) packaging and labeling requirements; and
- (w) any other regulation necessarily required to achieve the purposes of this Regulation.

## **SECTION VIII**

### **23.0 REVIEW**

- 23.1 A decision by the Board may be reviewed by the Council within this Cannabis Control Regulation. An Ad Hoc Review Committee will be established by the Council in the future once revenues are created through the operation of this Regulation. The Review Committee will be established through the Chief and Council’s authority.

## **24.0 ENFORCEMENT**

- 24.1 A breach of this Regulatory framework, if the breach is regulatory in nature, will be addressed by the Board in accordance with the procedures established by the regulations and, if a finding of culpability is made, will be sanctioned in accordance with the provisions of the regulations, which sanctions may include, but are not limited to, the imposition of a fine and the suspension, amendment or revocation of a licence.
- 24.2 A breach of this Regulatory framework, if the breach is criminal in nature, will be investigated by the Tyendinaga Police Services, and, where appropriate, criminal proceedings will be initiated and adjudicated in a court of competent jurisdiction.
- 25.3 Notwithstanding subsection 9.1 of this Regulation, any person under the prescribed legal age who is found to be in possession of small quantities of cannabis or using cannabis within the Territory will not be subjected to criminal proceedings under this Regulation or any other applicable law, but will be provided the opportunity to attend a class or program established by the Cannabis Health & Safety Committee, for the purpose of educating young persons about the risk associated with cannabis use.

## **SECTION IX**

### **26.0 Severability**

- 26.1 Should a court determine that a provision of this Regulation is invalid for any reason, the provision shall be severed from the Regulation and the validity of the rest of the Regulation shall not be affected. The First Nation shall replace the severed provision with another provision, if necessary, in order to maintain the intent of this Regulation.

### **27.0 Coming into Force**

- 27.1 This Regulation comes into force immediately upon publication on The Mohawks of the Bay of Quinte's official internet site.

### **28.0 Amendment**

- 28.1 This Regulation may be amended in accordance with the procedure identified in the Community Decision Making Process, as amended from time to time.