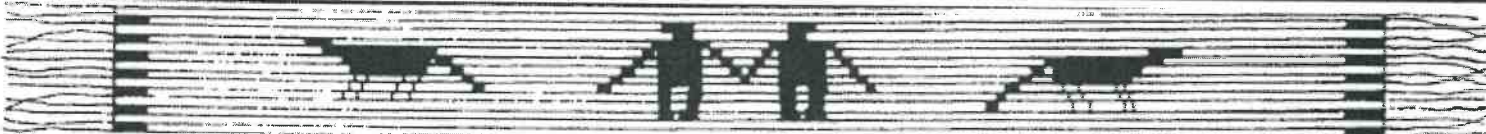


AKWESASNE MOHAWK COUNCIL RESOLUTION

File Reference: _____

MCR #: 2018/2019-#212



THE	MOHAWK COUNCIL OF AKWESASNE	THIS MEETING TOOK PLACE IN THE TERRITORY OF AKWESASNE WITH THE FOLLOWING MEMBERS OF THE AKWESASNE MOHAWK COUNCIL PRESIDING	
AGENCY	SOUTHERN ONTARIO DISTRICT		
PROVINCE	ONTARIO/QUEBEC	RECORDED VOTE	<input checked="" type="checkbox"/> Carried <input type="checkbox"/> Denied
PLACE	Admin. I Building		
DATE	<u>01</u> <u>October</u> <u>2018</u>	Against: <u>0</u>	
	<small>Day Month Year</small>	Abstention: _____	

DO HEREBY RESOLVE:

Moved: Connie Lazore
 Seconded: Tim Thompson

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

AND WHEREAS, the Mohawks of Akwesasne have the aboriginal and treaty rights, and other rights and freedoms that are recognized and affirmed in the Constitution of Canada, which include the inherent right of self-determination and jurisdiction over their lands, peoples and territory;

AND WHEREAS, the Mohawk Council of Akwesasne is the community government within the territory of Akwesasne and has inherent jurisdiction to make laws, regulations and policies to meet the needs and concerns of the Mohawks of Akwesasne;

AND WHEREAS, the Mohawk Council of Akwesasne intends to preserve the cultural, political and economic integrity of the Mohawk territory and community of Akwesasne;

AND WHEREAS, the Mohawk Council of Akwesasne exercises the inherent jurisdiction to regulate economic activities, to preserve and promote the health and welfare of the Mohawks of Akwesasne, and to maintain law and order in the Territory;

AND WHEREAS, the adjacent jurisdictions of Canada, Quebec, and Ontario have recently adopted legislation to legalize and regulate cannabis without prior consultation of the Mohawks of Akwesasne with respect to the impact of legalization;

AND WHEREAS, 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 therefore no longer be a “drug” within the meaning of the Akwesasne Drug Law;

AND WHEREAS, the imminent legalization of cannabis in neighboring jurisdictions without comparable regulation in Akwesasne will expose the Mohawks of Akwesasne to unregulated commercial production, distribution, sale and possession of cannabis in Akwesasne;

AND WHEREAS, unregulated cannabis commerce in Akwesasne carries a serious risk to the health of young persons living in Akwesasne and to the right of members to the peaceable enjoyment of the Territory;

AND WHEREAS, given the unique multijurisdictional character of Akwesasne, unregulated cannabis commerce in Akwesasne carries a serious risk to the right of the Mohawks of Akwesasne to cross the international boundary without interference;

AKWESASNE MOHAWK COUNCIL RESOLUTION

MCR # 2018/2019-#212



THE	MOHAWK COUNCIL OF AKWESASNE	THIS MEETING TOOK PLACE IN THE TERRITORY OF AKWESASNE, WITH THE FOLLOWING MEMBERS OF THE AKWESASNE MOHAWK COUNCIL PRESIDING
AGENCY	SOUTHERN ONTARIO DISTRICT	
PROVINCE	ONTARIO/QUEBEC	RECORDED VOTE
PLACE	Admin. I Building	For: _____
DATE	01 October 2018	Against: _____
	Day Month Year	RESULT
		<input checked="" type="checkbox"/> Carried
		<input type="checkbox"/> Denied

DO HEREBY RESOLVE:

MOVED:

Connie Lazore

SECONDED:

Tim Thompson

AND WHEREAS, the Mohawk Council of Akwesasne conducted a survey of community members between February 16 and April 6, 2018, in order to ascertain the level of support in the community for the legalization of the possession of recreational cannabis, the commercial sale of cannabis in Akwesasne, and the regulation of cannabis commerce by the Mohawk Council of Akwesasne;

AND WHEREAS, as reported to the community at the General Meeting held in Kana:takon on May 24, 2018, the Mohawks of Akwesasne have expressed their approval of the legalization of possession of recreational cannabis and strongly support the enactment of our own laws and regulations to govern the production, distribution, sale, and possession of recreational cannabis in Akwesasne;

AND WHEREAS, the Mohawk Council of Akwesasne intends to initiate the development process for a cannabis control law under the Akwesasne Legislative Enactment Regulation during the 2018-2021 term;

AND THEREFORE BE IT RESOLVED THAT, the Mohawk Council of Akwesasne deems the imminent legalization of cannabis in neighboring jurisdictions to represent a sufficiently serious risk to the rights, interests, and welfare of the Mohawks of Akwesasne that requires immediate interim measures;

FINALLY, BE IT RESOLVED, the attached *Akwesasne Interim Cannabis Regulation* is hereby adopted by Council and shall take effect as stipulated therein.

Page 2 of 2

CARRIED

Grand Chief Yes No Ab

District Chief Yes No Ab

District Chief Yes No Ab

District Chief Yes No Ab

District Chief Yes No Ab

District Chief Yes No Ab

District Chief Yes No Ab

District Chief Yes No Ab

District Chief Yes No Ab

District Chief Yes No Ab

District Chief Yes No Ab

District Chief Yes No Ab

MCR SUBMISSION FORM

Prepared by: Adrienne Jacobs for Grand Chief	Date: September 27, 2019
All MCR Submission Forms, MCRs, and supporting documentation are DUE BY NOON ON THE THURSDAY PRIOR TO THE SPECIAL MEETING where it is anticipated that the MCR will be considered by Council.	
Time Sensitive? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, provide explanation:	
Sponsoring Chief(s): Grand Chief, Abram Benedict	Initials:
Directors are responsible to ensure the Executive Director is aware of the MCR and that a Portfolio Holder is willing to sponsor the MCR at Council's table.	
Copy Distribution: Finance, Human Resources, Executive Services and Communications Unit	<input type="checkbox"/> Finance <input type="checkbox"/> Executive Director <input type="checkbox"/> Human Resources

TITLE: Akwesasne Interim Cannabis Regulation

BACKGROUND:
 The Mohawk Council of Akwesasne exercises the inherent jurisdiction to regulate economic activities, to preserve and promote the health and welfare of the Mohawks of Akwesasne and to maintain law and order in the Territory.

OVERALL IMPACT: (Administrative, Financial, Political, Human Resource Management, Community Development)

COST IMPLICATIONS: None.

REVIEWED BY: (Initial where applicable)

Executive Director	Finance Comptroller	Human Resources	Government Support Manager
Initials: _____	Initials: _____	Initials: _____	Initials: _____

Preamble

WHEREAS:

The Mohawks of Akwesasne have the existing and inherent right of self-determination within their territory.

The Mohawks of Akwesasne have aboriginal and treaty rights, and other rights and freedoms that are recognized and affirmed in the Constitution of Canada.

The Mohawks of Akwesasne have the right to regulate economic activities, to preserve and promote the health and welfare of members, and to maintain law and order in the Territory.

As the community government within the Territory, the Mohawk Council of Akwesasne exercises the inherent jurisdiction to make laws, regulations, and policies to meet the needs and concerns of the Mohawks of Akwesasne.

The adjacent jurisdictions of Canada, Quebec, and Ontario have recently adopted legislation to legalize and regulate cannabis.

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 no longer be a “drug” within the meaning of the *Akwesasne Drug Law*.

The Mohawks of Akwesasne have expressed their approval of the recreational use of cannabis in Akwesasne and strongly support the enactment of our own laws and regulations to govern the production, distribution, sale, and possession of recreational cannabis in Akwesasne.

The Mohawk Council of Akwesasne intends to initiate the development process for a cannabis control law under the *Akwesasne Legislative Enactment Regulation* during the 2018-2021 term.

1 Title

1.1 This regulation shall be known as the *Akwesasne Interim Cannabis Regulation*.

2 Purpose

2.1 The purpose of this regulation is to establish an interim framework for the supervision and regulation of cannabis-related commercial activities in Akwesasne until laws and regulations are enacted under the *Akwesasne Legislative Enactment Regulation*.

2.2 In addition, this regulation serves the following purposes:

- a. to protect the health and welfare of members and non-members within the Territory;
- b. to regulate the legal production, distribution, sale, and possession of cannabis in the territory;
- c. to provide guidance with respect to the enforcement of cannabis-related laws in Akwesasne; and
- d. to prevent the illegal transfer of cannabis from the territory of Akwesasne to neighbouring jurisdictions in which the possession of cannabis is prohibited.

3 Definitions

3.1 The following definitions apply in this regulation:

- a. **“Cannabis”** means a cannabis plant and any part of the cannabis plant regardless of whether that part has been processed or not and, for greater certainty, includes the phytocannabinoids produced by or found in cannabis plants, any substance that is identical to the phytocannabinoids produced by, or found in, cannabis plants regardless of how the substance was obtained, and any substance or mixture of substances that contains or has on it any part of a cannabis plant.
- b. **“Distribute”** includes administering, giving, transferring, transporting, sending, delivering, providing, or otherwise making available in any manner, whether directly or indirectly, and offering to distribute.
- c. **“Dried cannabis”** means any part of a cannabis plant that has been subjected to a drying process, other than seeds.
- d. **“Dwelling”** means the building or structure that is occupied by one or more persons as a permanent or temporary residence and includes the immediately contiguous land that is attributable to it, including a yard, garden or any similar land, and any building or structure on that immediately contiguous land.
- e. **“Illicit cannabis”** means cannabis that is or was produced, distributed, or sold by a person outside of the Territory who is or was prohibited from doing so under laws of general application or by a person on the Territory who is or was prohibited from doing so under this Regulation.
- f. **“Interim Cannabis Licence”** means a licence issued and approved by a Mohawk Council Resolution under this Regulation.
- g. **“Member”** means a person whose name appears or who is entitled to have their name appear on the Akwesasne Membership Roll.

- h. **“Produce”** in respect of cannabis means to obtain it by any method or process, including by manufacturing, synthesis, altering its chemical or physical properties by any means, or cultivating, propagating or harvesting it or any living thing from which it may be extracted or otherwise obtained.
- i. **“Public place”** means any place that is normally open to members of the public or is open to public view, or to which the public has access as of right or by invitation, express or implied, including any motor vehicle, temporary facilities and structures located in a public place.
- j. **“Regulation”** means the Akwesasne Interim Cannabis Regulation except as otherwise specified.
- k. **“Sell”** includes offer for sale, expose for sale and have in possession for sale.
- l. **“Territory”** means the lands and waters under the jurisdiction of the Mohawk Council of Akwesasne, but does not include lands north of the St. Lawrence River or any lands in the State of New York.

3.2 For the purposes of this Regulation,

- a. a person has possession of cannabis when he has it in his personal possession or knowingly has it in the actual possession or custody of another person, or has it in any place, whether or not that place belongs to or is occupied by him, for the use or benefit of himself or of another person;
- b. when one of two or more persons, with the knowledge and consent of the rest, has cannabis in his custody or possession, it shall be deemed to be in the custody and possession of each and all of them.

3.3 For the purposes of this Regulation, dried cannabis is a class of cannabis and the equivalent weight of different classes of cannabis shall be determined in accordance with the following table:

Dried cannabis	1 g
Fresh cannabis	5 g
Solids containing cannabis	15 g
Non-solids containing cannabis	70 g
Cannabis solid concentrates	0.25 g
Cannabis non-solid concentrates	0.25 g
Cannabis plant seeds	1 seed

4 **Application**

- 4.1 This Regulation applies throughout the Territory to all persons in the Territory, whether or not they are Members.

5 **Prohibitions**

- 5.1 Except as prescribed by a licenced medical practitioner, no person under the age of 18 shall consume or otherwise use or handle cannabis in Akwesasne and no person shall knowingly facilitate the consumption of cannabis by persons under the age of 18.
- 5.2 Except as permitted under an Interim Cannabis Licence, no person shall possess, in a public place within the Territory,
- a. one or more classes of cannabis the total amount of which is more than 30 g of dried cannabis or its equivalent;
 - b. cannabis plants that are budding or flowering;
 - c. more than four cannabis plants.
- 5.3 No person shall cultivate, propagate or harvest more than four cannabis plants at any one time in their dwelling.
- 5.4 Except as permitted under an Interim Cannabis Licence, no person shall distribute cannabis of any of the classes identified in section 4.3 in an amount exceeding 30 g of dried cannabis or its equivalent.
- 5.5 Except as permitted under an Interim Cannabis Licence, no person shall sell cannabis of any class in the Territory.
- 5.6 No person shall transport cannabis
- a. From any part of the Territory to or through a neighbouring jurisdiction in which the possession of cannabis is prohibited;
 - b. To any part of the Territory from or through a neighbouring jurisdiction in which the possession of cannabis is prohibited.
- 5.7 No person shall transport illicit cannabis to, from or through the Territory.
- 5.8 No person shall use cannabis, or be under the influence of cannabis, when operating a motor vehicle or watercraft within the Territory.

- 5.9 No person shall use cannabis in any public place under the control or supervision of the Mohawk Council of Akwesasne or any other public place that is designated as a “no smoking” area.

6 Authorizations

- 6.1 Members who are 18 years of age or older are authorized to possess cannabis for personal use within the Territory.
- 6.2 Members who are 18 years of age or older may transport cannabis that is obtained from a licensed dispensary outside the Territory to a residence located on Kawehno:ke when entering the Territory on the North Channel Bridge.
- 6.3 Members who are 18 years of age or older may transport cannabis that is obtained from a licensed dispensary outside the Territory to a residence located in Kawehno:ke, Kanatakon, or Tsi-Snaihne when travelling by watercraft on an approved transportation route.

7 Interim Licencing

- 7.1 One or more individuals, referred to in this part as “Applicants,” may apply to the Mohawk Council of Akwesasne for a licence to produce, distribute, or sell cannabis at specified locations within the Territory.
- 7.2 To be eligible to apply for a licence, applicants must meet the criteria set out in this section.
- a. In the case of an Applicant who intends to carry on business as a sole proprietor, the Applicant must be 18 years of age or older, must be a Member, and must be in good standing with the Mohawk Council of Akwesasne.
 - b. In the case of two or more Applicants who intend to carry on business as a partnership, each partner must be identified in the application, must be 18 years of age or older, must be a Member, and must be in good standing with the Mohawk Council of Awkesasne.
 - c. In the case of an Applicant that is a corporation, the Applicant must be represented for the purposes of the application by one or more shareholders who own all of the issued shares of the corporation. Each shareholder must be identified in the application, must be 18 years of age or older, must be a Member, and must be in good standing with the Mohawk Council of Akwesasne.
- 7.3 Every Applicant must submit a business plan to the Mohawk Council of Akwesasne which includes the following information:

- a. The business entity that is applying for the licence;
 - b. Identification of each individual with an ownership interest in the business entity including the individual's full name, date of birth, and relation to the business entity;
 - c. Identification of all individuals who will have managerial responsibility for the operations of the business entity and a description of their intended functions;
 - d. A detailed description of the proposed operations of the business entity in respect to the production, distribution, or sale of cannabis including identification of the location of each operation of the business.
- 7.4 A non-refundable application fee of \$2,000 must be received by the Mohawk Council of Akwesasne with the business plan.
- 7.5 During the review of the business plan, an Applicant must provide such further information as required by the Mohawk Council of Akwesasne to assess the application.
- 7.6 The Mohawk Council of Akwesasne may require a site inspection of each proposed location of operation identified in the business plan under review.
- 7.7 Prior to the issuance of an Interim Cannabis Licence, Applicants must enter into a licence agreement with the Mohawk Council of Akwesasne setting out terms and conditions applicable to the cannabis-related business operations of the Applicant including a reasonable contribution to be paid to the Mohawk Council of Akwesasne during the term of the licence. The contribution shall not exceed the amount that would be collected as an excise duty on the sale of cannabis in a neighbouring jurisdiction.
- 7.8 The Grand Chief is hereby authorized to sign a licence agreement on behalf of the Mohawk Council of Akwesasne. The licence agreement shall take effect upon the issuance of an Interim Cannabis Licence.
- 7.9 The Interim Cannabis Licence will authorize the Applicant or Applicants to conduct cannabis-related business operations at specified locations in Akwesasne and shall incorporate the terms and conditions set out in the licence agreement.
- 7.10 The Interim Cannabis Licence shall be valid for one year from its issuance and shall be automatically renewed as long as the Applicant complies with the terms of the licence.
- 7.11 An Interim Cannabis Licence may be suspended or revoked by the MCA if the licensee fails to comply with the terms and conditions of the licence.

8 **Transition**

- 8.1 An Interim Cannabis Licence will not be renewed after the enactment of a cannabis law.
- 8.2 The Mohawk Council of Akwesasne may reduce the term of any Interim Cannabis Licence on 30 days notice to facilitate the transition to licensing requirements under a cannabis law enacted under the Akwesasne Legislative Enactment Regulation.
- 8.3 The Mohawk Council of Akwesasne may reduce the amount of any contribution payable by a licensee in anticipation of the coming into force of a cannabis law.

9 **Enforcement**

- 9.1 Any activity that breaches a prohibition set out in section 5 of this Regulation will be investigated by the Akwesasne Mohawk Police Service who may initiate proceedings in a court of competent jurisdiction.
- 9.2 Any activity that breaches the terms and conditions of an Interim Cannabis Licence will be investigated by an enforcement officer appointed by the Mohawk Council of Akwesasne and may result in proceedings in the Akwesasne Court.

10 **Coming into Force**

- 10.1 This regulation shall come into force when cannabis ceases to be a “drug” within the meaning of the *Akwesasne Drug Law*.

11 **Expiry**

- 11.1 This regulation shall expire on a date to be fixed in a cannabis law under the *Akwesasne Legislative Enactment Regulation* or, prior to that, on a date fixed by a Mohawk Council Resolution.