



Akwesasne Cannabis Law

Final Draft for Phase IV – Enactment of Law

As approved by: MCR 2022/2023 - #004

Dated: April 17, 2023

Initialed & Dated by Director Justice: _____

Contents

PREAMBLE & PURPOSE 3

PART I - TITLE, INTERPRETATION, AND APPLICATION..... 3

 Section 1.0 – Title..... 3

 Section 2.0 - Definitions..... 4

 Section 3.0 – Interpretation 5

 Section 4.0 - Application..... 7

PART II – PROHIBITIONS, AUTHORIZATIONS AND OFFENCES..... 7

 Section 5.0 - Prohibitions 7

 Section 6.0 – Authorizations 8

 Section 7.0 - Offences 9

PART III - CANNABIS COMMERCE 11

 Section 8.0 – Commercial Activities Relating to Cannabis 11

 Section 9.0 – Authority to Issue Licenses and Permits 11

 Section 10.0 – Eligibility for Leneses 11

 Section 11.0 – License Applications 12

 Section 12.0 – License Terms and Conditions 12

 Section 13.0 – Amendment of Licenses 12

 Section 14.0 – Permits 13

 Section 15.0 – Suspension and Revocation..... 14

 Section 16.0 - Administration..... 15

PART IV - GOVERNANCE AND POLICY 17

 Section 17.0 – Regulations 17

 Section 18.0 – Delegation and Mandate..... 17

 Section 19.0 - Directives 17

 Section 20.0 – Administrative Agreement 18

 Section 21.0 Law Review 18

 Section 21.0 – Employers..... 18

PART V - TRANSITIONAL MEASURES 18

 Section 23.0 – Administrative 18

 Section 24.0 Amendments..... 18

 Section 25.0 Law Enactment 19

 Section 26.0 Appeals 19

PREAMBLE

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

AND WHEREAS, 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 within the territory of Akwesasne;

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

AND WHEREAS, The *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) recognizes the rights of Indigenous Peoples, including the right to self-determination and to freely pursue their economic, social, and cultural development;

THEREFORE BE IT RESOLVED, that the Mohawks of Akwesasne enact this Cannabis Law.

PURPOSE

The purpose of this Law is to regulate the possession and use of Cannabis on lands under the jurisdiction of the Mohawk Council of Akwesasne for the protection of the community and to establish a fair and transparent framework for the regulation of commercial activities related to Cannabis in Akwesasne.

In particular, this Law serves the following purposes:

- a) To protect the health and welfare of Members and non-Members in Akwesasne;
- b) To regulate the production, distribution, sale, and possession of Cannabis in Akwesasne;
- c) To provide for community governance of all Cannabis activities in Akwesasne; and
- d) To provide a basis for the harmonization of the regulation of Cannabis in Akwesasne with neighboring jurisdictions.

Part I – TITLE, INTERPRETATION, and APPLICATION

Section 1.0 Title

This Law may be referred to as the “Akwesasne Cannabis Law.”

Section 2.0 Definitions

2.1 In this Law:

“**Administrator**” means the person appointed by Council with the responsibility for the administration and/or enforcement of this Law.

“**Akwesasne Interim Cannabis Regulation**” means the regulation adopted by the Mohawk Council of Akwesasne on October 1st, 2018, by Resolution 2018-2019 - #212;

“**Akwesasne Lands**” means the lands, resources, and waters over which the Mohawk Council of Akwesasne has jurisdiction, and for greater certainty includes:

- a) Kawehnoke (Cornwall Island)
- b) Kanatakon (St. Regis Village);
- c) Tsi Snaihne (Chenail/Snye);
- d) Enskatsikakwenote (St. Regis Island)
- e) Any future additions to Akwesasne Lands; and
- f) Any submerged lands, islands, rivers, marshes, waterways, riverbeds, and weed beds in, under and adjacent to Akwesasne Lands that are part of Akwesasne by operation of law;

“**Akwesasne Law**” means a law or code enacted by the Mohawks of Akwesasne;

“**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 regardless of how the substance was obtained, and any substance or mixture of substances that contains or has any part of a Cannabis plant;

“**Compliance Officer**” means an officer appointed by the Administrator and any person, or member of a class of persons with responsibility for the enforcement of this Law;

“**Court**” means the Akwesasne Tekaiia'torehthà:ke (Akwesasne Court);

“**Council**” means the Mohawk Council of Akwesasne as duly elected pursuant to the Akwesasne Election Law;

“**Distribute**” means administering, giving, transferring, transporting, sending, delivering, providing, or otherwise making available in any manner, whether directly or indirectly, and offering to distribute;

“**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 attributed to it, including a yard, or any similar land, and any building or structure that is on immediate neighboring land;

“**Enforcement Officer**” means an officer of the Akwesasne Mohawk Police Service and any person, or member of a class of persons, with responsibility for the enforcement of this or any other Akwesasne Law as set out in a Resolution;

“**Jurisdiction**” means having authority to make and enforce laws within the territory of Akwesasne;

“**License**” means a document issued under this law;

“**License Agreement**” means

“**License Holder**” means a physical person that has applied for and received one or more Licenses;

“**Member**” means a person who is enrolled on the Akwesasne Membership Roll under the *Akwesasne Membership Code*, but does not include probationary Members;

“**Permit**” means a document that allows recipient to perform an activity in accordance to this Law;

“**Permit Holder**” means a physical person, sole proprietorship, corporation, partnership, association, or other legal entity, from outside of the community, that has applied for and received at least one Permit;

“**Produce**” means make or manufacture from components or raw materials;

“**Production**” means the act of making or manufacturing from components or raw materials, or the process of being so manufactured; the harvesting or refinement of something natural;

“**Public Place**” means any place to which the public has access as of right or by invitation express or implied, or in any place open to public view, or any place identified as a public place by Regulation;

“**Resolution**” means a Mohawk Council Resolution (MCR) formally adopted by Council pursuant to its governing authority;

“**Regulation**” means the rules made by Resolution for the purpose of setting out procedures and administrative matters for the Law;

“**Sell**” means offer for sale, expose for sale, and have in possession for sale.

Section 3.0 Interpretation

3.1 This Law is enacted in the exercise of the inherent right of self-government of the Mohawks of Akwesasne as recognized and affirmed by the *United Nations Declaration on the Rights of Indigenous Peoples*.

3.2 In this Law:

- a) Headings and sub-headings are for convenience only and do not form part of this Law and in no way define, limit, alter, or enlarge the scope or meaning of any provision;
- b) Words in the singular include the plural, and words in the plural include the singular;
- c) Unless otherwise clear from the context, whenever the masculine is used, it will include the feminine and the use of the feminine includes the masculine;

- d) The word “shall” is to be understood as compulsory and the word “may” is to be understood as permissive;
- e) Unless the context indicates otherwise, “including” means “including, but not limited to”, and “includes” means “includes, but is not limited to”;
- f) Reference to an Akwesasne Law, Charter, Regulation or Policy includes any successor, amendment or replacement of the Akwesasne Law, Charter, Regulation or Policy;
- g) A “person,” in addition to a physical person, includes a corporation, partnership, agency, government or any agent, employee, successor or legal representative of such person to whom the context can apply according to the law;
- h) A reference to the Akwesasne Court, or a Board, Commission, Body, or Tribunal in this Law includes any successor body established by Akwesasne Law or Resolution carrying out all or some of the functions; and
- i) A reference in an Akwesasne Law, Charter or Regulation to a Mohawk Justice or a Justice of the Akwesasne Tekaiia'torehthà:ke (Akwesasne Court) includes a Ratiianerenhserakweniéhstha (Justice) and where context requires Teshatiia'toréhtha (Appeal Justice).

3.3 Words in this law referring to an officer, by name of office or otherwise, also apply to any person designated by the Council to act in the officer's place or to any person assigned or delegated to act in the officer's place under this law.

3.4 **Calculation of Time-** When calculating the number of days for the purposes of establishing a deadline, the following guidelines shall be used:

- a) Unless otherwise provided, Saturdays, Sundays, federal holidays, provincial holidays, Council designated holidays, or the day of an event are not included in the calculation of number of days for completing an act or meeting a deadline;
- b) If Council administration offices are closed on a day when a time limit expires, the act may be done on the next day the office is open; and
- c) If there is no deadline identified, and unless otherwise provided in an Akwesasne Law or Regulation, the deadline for completion of acts is ten (10) business days.

3.5 **Age of Majority-** Unless otherwise provided in an Akwesasne Law or Regulation, the age of majority is eighteen (18) years old.

3.6 **Immunity from liability-** No action or proceeding for damages shall be instituted against a Ratiianerenhserakweniéhstha (Justice), Teshatiia'toréhtha (Appeal Justice), Raontiwenakarátats (Prosecutor), Tsionkwéta Teshakowennákhwa (Duty Counsel), Court Clerk, Mohawk language interpreter, Enforcement Officer, Compliance Officer, Akwesasne Mohawk Police Service Officer, or any person working as an employee or contractor with Council for any act done in good faith in the administration of that person's duties under this Law.

3.7 For the purposes of this Law, dried Cannabis is a class of Cannabis and the equivalent weight of different classes of Cannabis shall be determined in accordance with the ratios set out in the following table:

Dried Cannabis	1 g = 1 gram equivalent
Fresh Cannabis	5 g = 1 gram equivalent
Solids containing Cannabis	15 g = 1 gram equivalent
Non-solids containing Cannabis	70 g = 1 gram equivalent
Cannabis solid concentrates	0.25 g = 1 gram equivalent
Cannabis non-solid concentrates	0.25 g = 1 gram equivalent
Cannabis Plant Seed	1 seed

Section 4.0 – Application

4.1 This Law applies to all persons within Akwesasne Lands and all activities relating to the production, sale, distribution, and possession of Cannabis within Akwesasne Lands.

4.2 The laws of Canada regulating the possession of Cannabis shall be applicable within Akwesasne Lands to the extent that they are not inconsistent with this Law and Regulations enacted under this Law.

4.3 The laws of general application of Ontario and Quebec regulating commercial Cannabis activities shall not apply within Akwesasne Lands, except to the extent that they are made applicable by a Regulation adopted under this Law.

4.4 If any part of this Law is for any reason held invalid by a decision of the Akwesasne Court, the invalid section or subsection shall be severed from and not affect the application of the remaining provisions of this Law.

PART II – PROHIBITIONS, AUTHORIZATIONS, and OFFENCES

Section 5.0 – Prohibitions

5.1 Except as permitted under a License or Permit, no person shall possess, in a Public Place within Akwesasne Lands:

- a) One or more classes of Cannabis in which the total amount as determined in accordance with subsection 3.7 is equivalent to more than 30 grams of dried Cannabis;
- b) One or more Cannabis plants that are budding or flowering; and

- c) More than four (4) Cannabis plants that are not budding or flowering.

5.2 For greater certainty:

- 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; and
- 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.

5.3 No person shall purchase Cannabis within Akwesasne Lands from a person, business or entity that does not hold a License or Permit authorizing the sale of Cannabis.

5.4 No person shall cultivate, propagate or harvest more than four (4) Cannabis plants at any one time in their Dwelling.

5.5 No person shall transport Cannabis:

- a) From any location within Akwesasne Lands to or through a neighboring jurisdiction in which the possession of Cannabis is prohibited; or
- b) To any location within Akwesasne Lands from or through a neighboring jurisdiction in which the possession of Cannabis is prohibited.

5.6 Except as prescribed by a licensed medical practitioner, no person:

- a) under the age of 18 shall consume or otherwise use or handle Cannabis; or
- b) shall knowingly facilitate the consumption, use or handling of Cannabis by persons under the age of 18.

5.7 No person shall supply Cannabis to a person under 18 years of age.

5.8 No person shall obstruct, hinder, or interfere with the performance by an Enforcement Officer of their duties or mislead them by concealment or false declarations or refuse to disclose information to which an Enforcement Officer is entitled under this Law.

5.9 No person shall consume Cannabis in any form, in any amount, by any method in a Public Place.

Section 6.0 - Authorizations

6.1 Except where prohibited by this Law, persons who are 18 years of age or older are authorized to possess Cannabis for personal use within Akwesasne Lands.

6.2 Persons who are 18 years of age or older may transport Cannabis that is lawfully obtained from a licensed dispensary situated outside Akwesasne Lands to a residence located on Kawehno:ke by means of the North Channel Bridge.

6.3 Persons who are 18 years or older may transport Cannabis that is obtained from a licensed dispensary situated outside Akwesasne Lands to a residence located in Kawehno:ke, Kanatakon, or Tsi-Snaihne, when travelling by watercraft on a transportation route that does not cross the International Boundary.

Section 7.0 - Offences

7.1 Every person who contravenes one or more prohibitions set out in section 5 of this Law commits an offence within the meaning of paragraph 5.3 (a) of the *Akwesasne Tekaiia'torehthà:ke Kaianerénhsera* (Akwesasne Court Law).

7.2 An Enforcement Officer who believes on reasonable grounds that a person has committed an offence may initiate a proceeding in the Akwesasne Court by means of

- a) a ticket, served on the alleged offender within thirty (30) days after the day on which the offence is believed to have been committed; and/or
- b) a summons if warranted by the circumstances or gravity of the offence, served on the alleged offender within one hundred and eighty (180) calendar days following the day on which the offence is believed to have been committed.

7.3 The alleged offender, once served with a ticket or summons, shall be known as the defendant.

7.4 A defendant who is convicted of an offence under this Law is liable to one or more of the following:

- a) A monetary penalty including a fine, costs and surcharges, in an amount not exceeding the amount established by Regulation;
- b) The forfeiture of the Cannabis that gave rise to the offence;
- c) Remedial measures established by Regulation; and
- d) Remedies as provided under the *Akwesasne Tekaiia'torehthà:ke Kaianerénhsera* (Akwesasne Court Law).

7.5 Where the defendant is a person under the age of 18 years old at the time of the offence, the Enforcement Officer shall serve a notice containing details about the ticket or summons on the parent or guardian of the defendant.

7.6 If the Enforcement Officer commences a proceeding in the Akwesasne Court by means of a summons, the summons shall provide:

- a) A description of the offence with which the defendant is charged and the time and place of its alleged commission;
- b) A statement signed by the Enforcement Officer that the Enforcement Officer has reasonable grounds to believe that the defendant committed the offense, and
- c) The date and time on which the defendant must appear before the Akwesasne Court.

7.7 The defendant shall appear before the Akwesasne Court at the appointed date and shall thereafter be dealt with by the Court in accordance with the *Akwesasne Tekaiia'torehthà:ke Kaianerenhsera* (Akwesasne Court Law) and applicable Regulations.

7.8 If the Enforcement Officer commences a proceeding in the Akwesasne Court by means of a ticket, the ticket shall consist of a summons portion and an information portion.

7.9 The summons portions and the ticket must be identical and shall include:

- a) A description of the offence and the time and place of its alleged commission;
- b) A statement, signed by the Enforcement Officer who completes the ticket; that the Enforcement Officer has reasonable grounds to believe that the defendant committed the offence; and
- c) An amount to be paid for the offence.

7.10 An Enforcement Officer shall serve the defendant with the summons portion of the ticket and shall file the information portion of the ticket with the Court Clerk, as soon as, feasible after the summons portion has been served.

7.11 A defendant who does not wish to dispute the charge set out in the ticket may, in the manner indicated on the ticket, pay the penalty set out in the ticket and all applicable costs and surcharges fixed by Regulation.

7.12 By failing to enter a plea within the time limit indicated on the ticket, the defendant shall be deemed to not dispute the charge.

7.13 Where a defendant is deemed to not dispute the charge, a (Ratiianerenhserakwenienhstha) Justice shall examine the information portion of the ticket and shall,

- a) Where the information portion is complete and regular on its face, enter a conviction in the defendant's absence and without a hearing, impose the maximum fine for the offense and all applicable costs and surcharges fixed by Regulation, and declare the forfeiture of any Cannabis that was seized by the Enforcement Officer in connection with the offence; or
- b) Where the information portion of the ticket is not complete and regular on its face, quash the ticket and order the return of any Cannabis seized in connection with the offense.

7.14 The Court Clerk shall notify the defendant of a conviction and shall provide the defendant with instructions regarding the payment of the fine, costs and surcharges imposed by the Akwesasne Court.

7.15 A fine, including costs and surcharges, imposed by the Akwesasne Court that remains unpaid after the allotted period for payment shall be registered against the defendant as a debt owed to the Mohawks of Akwesasne, to be collected by the Mohawk Council of Akwesasne.

7.16 Cannabis that is declared forfeit shall be destroyed by an Enforcement Officer.

PART III - CANNABIS COMMERCE

Section 8.0 – Commercial Activities Relating to Cannabis

8.1 No person shall possess, produce sell, or distribute Cannabis for commercial purposes within Akwesasne Lands except as authorized under a License or a Permit.

8.2 For greater certainty, subsection 8.1 shall apply to every person, business or entity undertaking commercial activities related to Cannabis within Akwesasne Lands, including persons, business or entities operating under the authority of a License or Permit issued by the government of Canada or a province of Canada.

8.3 Council may, by the authority of the Regulation, establish standards applicable to all activities related to the possession, production, sale, and distribution of Cannabis within Akwesasne Lands including standards in respect to the packaging, labelling, marketing, and testing of Cannabis, and the use of community utilities and resources in the cultivation or processing of Cannabis and the manufacture of Cannabis products and by-products.

Section 9.0 - Authority to Issue Licenses and Permits

9.1 The Council shall have sole authority to grant and revoke Licenses and Permits in accordance with this part and may delegate its authority to an Administrator who shall carry out acts on Council's behalf under this law. No Council member can be identified as the Administrator.

9.2 For the purpose of exercising the power to grant Licenses and Permits, Council may, by regulation:

- a) Establish classes of License;
- b) Establish classes of Permit;
- c) Establish the maximum number of Licenses that may be issued in any class; and
- d) Establish conditions and procedures for the renewal of Licenses and Permits.

9.3 The Council will require a person to enter into a License Agreement with Council or its delegate as a precondition for the granting of a License and may establish mandatory terms and conditions in a License Agreement in accordance with section 12.

Section 10.0 – Eligibility for a License

10.1 In order to be eligible for a License, a person must:

- a) Be a Member;
- b) Be at least 18 years of age; and
- c) Be in good financial standing consistent with the Good Standing Policy of the Mohawk Council of Akwesasne.

10.2 Council may establish further License Eligibility requirements by Regulation.

10.3 Corporations, trusts, and other business or entities that are not physical persons are not eligible for a License.

Section 11.0 - License Applications

11.1 For the purpose of exercising the power to grant Licenses, Council may, by Regulation:

- a) Establish classes for application;
- b) Establish application forms;
- c) Establish conditions that must be met before or during the consideration of a License application for each class application, including the payment of application fees; and
- d) Establish procedures for the review, consideration and disposal of applications, including those submitted subsequent to an applicant's first application.;
- e) Establish minimum and maximum fines and other penalties for license holders who violate the terms and conditions of their license.

11.2 As recommended by the Administrator, Council may, in its discretion, accept for review and consideration, an application for a License that does not fall within a class established under paragraph 9.2 (a) or an established class of application under paragraph 11.1 (a).

Section 12.0 - License Terms and Conditions

12.1 The prohibitions set out in section 5 shall be deemed to be incorporated as mandatory terms and conditions of every License.

12.2 Council may, by Regulation, establish additional mandatory terms and conditions for each class of License, including:

- a) The payment of annual License fees; and
- b) The collection of a social contribution payable by each License Holder in proportion to the License Holder's authorized activities.

12.3 The Council may negotiate the non-mandatory terms and conditions of a License with one or more applicants.

12.4 License Holders in the same class of License shall be subject to reasonably uniform License terms and conditions with due considerations to the particular business model of each License Holder.

12.5 Each License shall incorporate the following terms and conditions:

- a) The initial term of the License and the conditions for its renewal;
- b) The annual License fee;
- c) The activities authorized by the License;
- d) The premises on which authorized activities may occur;
- e) Accounting and reporting requirements;
- f) The calculation and remittance of a social contribution; and
- g) All mandatory terms and conditions established under subsection 12.2

Section 13.0 - Amendment of Licenses

13.1 The Council may, in accordance with this Law and any applicable Regulations, amend the terms and conditions of a License if the amendment is necessary to protect community health and safety or to prevent Cannabis from being diverted to an illicit market or activity.

13.2 If the Council intends to amend a License under subsection 13.1, the Administrator shall notify the License Holder in writing, providing the reasons for the proposed amendment and giving the License Holder an opportunity to be heard.

13.3 A License Holder may, in accordance with this Law and any applicable Regulations, apply to amend those terms and conditions of a License that are not mandatory. The Administrator may, by the authority of the Regulation, establish procedures and time limits for the review and disposal of such applications.

Section 14.0 - Permits

14.1 The Administrator may, by the authority of the Regulations, appoint one of its officers, employees, contractors, or agents as Administrator with the mandate to administer the provisions of this Part and to act as the representative of Council in all matters relating to the activities of License Holders and Permit Holders. A member of Council cannot be appointed as the Administrator. The Executive Director shall be the oversight of the Administrator except as set out in this Law.

14.2 Permits may be granted by the Administrator, acting as the representative of Council. Permits may be granted and revoked to applicants engaged in Cannabis-related commercial activities who wish to undertake one or more activities subjected to this part within Akwesasne Lands, including:

- a) The wholesale supply and delivery of Cannabis to License Holders;
- b) The wholesale purchase of Cannabis from a License Holder; and
- c) The provision of services to License Holders.

Eligibility for Permits

14.3 In order to be eligible for a Permit, an applicant must:

- a) Be a physical person:
 - i. Be at least 18 years of age; and
 - ii. Be ineligible for a License;
 - iii. be engaged in activities that, if performed within Akwesasne Lands, would be subject to this part; and
 - iv. be registered with the Department of Economic Development, as a duly constituted business [as identified in Regulations](#) offering regulated Cannabis-related goods and services.

14.4 Council may, by Regulation:

- a) Establish classes of application for Permits;
- b) Establish applicants forms;
- c) Establish conditions that must be met before or during the consideration of a Permit application for each class of application, including the payment of application fees;
- d) Establish procedures for the review, consideration and disposal of applications, including those submitted subsequent to an applicant's first application;
- e) Establish mandatory terms and conditions for each class of Permit, including the payment of fees and contributions;
- f) Provide for the renewal, amendment, suspension, and revocation of Permits; and
- g) Provide for the enforcement of the terms and conditions of any Permit, by any person authorized under this Law;
- h) Establish minimum and maximum fines and other penalties for permit holders who violate the terms and conditions of the permit as outline in the Regulations.

14.5 The prohibitions set out in section 5 shall be deemed to be incorporated as mandatory terms and conditions of every Permit.

14.6 The Administrator may adopt policies, approved by Council, consistent with this Law and its Regulations, with respect to the following:

- a) The registration of business entities;
- b) The payment of any applicable fees and contributions;
- c) The submission of applications and supporting documents;
- d) The transmission of information respecting transactions between a Permit Holder and a License Holder; and
- e) Any other matter relating to the administration of permits issued under this Law.

Section 15.0 – Suspension and Revocation

15.1 The Council, by the authority of the Regulation, may suspend one or more Licenses or Permits, at any time and without notice if, it is necessary for the protection of the community or to respond to an activity prohibited by section 5. A Compliance Officer shall deliver a written notice of suspension to the affected License Holders and Permit Holders without delay. The Administrator will deal with the suspension or revocation in accordance with this section 15.0 & 15.1 or a directive under subsection 19.1, or both.

Suspension of a License

15.2 The Administrator may suspend a License if one or more of the following grounds are met:

- a) The Administrator has reason to believe that the License Holder is contravening the terms and conditions of the License;
- b) The Administrator has reason to believe that the License Holder does not have effective control of the business activities authorized under the License;
- c) The Administrator has reason to believe that the License Holder no longer meets the eligibility requirements set out in section 10; or

- d) The License Holder is in arrears of any fees and contributions due under the terms of the License.

15.3 The suspension shall take effect upon the delivery by a Compliance Officer of a written notice of suspension setting out the reasons for the suspension.

15.4 The License Holder shall have the opportunity within ten (10) business days of delivery of the notice of suspension to provide the Administrator with reasons why the License Holder believes that the suspension is unfounded.

15.5 After providing the Licensee with an opportunity to make representations, the Administrator shall, within thirty (30) days from the delivery of the notice of suspension, taking into account the submission of the License Holder, if any,

- a) Reinstatement of the License and inform the License Holder of the reinstatement; or
- b) Maintain the suspension until the License Holder has had a reasonable opportunity to resolve any outstanding grounds for suspension under subsection 15.2.

15.6 The Council, by the authority of the Regulation, may adopt an alternative course of action, including the maintenance of a suspension on such terms and conditions that are permitted under this Law and its Regulations.

Suspension of a Permit

15.7 The Administrator may suspend a Permit if one or both of the following grounds are met:

- a) The Administrator has reason to believe that the Permit Holder is contravening the terms and conditions of the Permit; or
- b) The Administrator has reason to believe that the Permit Holder no longer meets the eligibility requirements set out in subsection 14.2.

15.8 The Administrator shall notify the Permit Holder, in writing, of the suspension and shall provide the Permit Holder ten (10) business days with an opportunity to provide the Administrator with reasons why the Permit Holder believes that the suspension is unfounded.

15.9 Within ten (10) business days after providing the Permit Holder with an opportunity to make representations, the Administrator shall, taking into account the submissions of the Permit Holder, if any, either:

- a) Reinstatement of the Permit and inform the Permit Holder of reinstatement;
- b) Maintain the suspension until the Permit Holder has resolved any outstanding ground for suspension under subsection 15.7; or
- c) Issue a Notice of Revocation.

15.10 The Administrator shall deliver the Notice of Revocation to the Permit Holder and to Council. Council may, within 30 days from delivery of the Notice of Revocation, issue a directive to the Administrator regarding the revocation of the Permit. In the absence of a directive, the Notice of Revocation will take effect on the expiration of 30 days from its delivery to Council.

15.11 The Administrator shall inform any License Holders of the revocation of a Permit if the Permit Holder whose permit is revoked provides an authorized service to the License Holder.

Section 16.0 – Administration

16.1 Council may, by Resolution, appoint one of its officers, employees, contractors, or agent as Administrator with the mandate to administer the provisions of this Part and to act as the representative of Council in all matters relating to the activities of License Holders and Permit Holders. The Executive Director shall be the oversight of the Administrator except as set out in this Law.

16.2 The Administrator shall have primary responsibility for the following:

- a) Determination of eligibility for a License under section 10;
- b) Receipt, review, and processing of applications for Licenses under section 11;
- c) Compliance of License Holders and Permit Holders with the terms and conditions of their License or Permit;
- d) The amendment of Licenses, except with regard to mandatory terms and conditions established by Regulation;
- e) All matters relating to the administration of Permits under section 14; and
- f) Suspension of Licenses pending decision on revocation under section 15
- g) Where cannabis or property is seized the Administrator shall issue a receipt to the person from whom the cannabis or property is seized which shall include the quantity and other characteristics that identify the seized items.

16.3 The Administrator shall have and may exercise all powers and authority necessary for the effective administration and enforcement of this part, and may:

- a) Require any License Holder or Permit Holder to provide information relating to its activities within Akwesasne Lands regulated under this Law;
- b) Conduct investigations and inspections of activities subject to a License or Permit within Akwesasne Lands;
- c) Enter into agreements with other administrative bodies to ensure the effective administration of this part;
- d) Take samples of Cannabis for the purpose of testing;
- e) Seize any Cannabis in the possession of a License Holder or Permit Holder that contravenes the terms of this Law or the mandatory terms of a License or Permit; and
- f) Seize property used in the contravention of the terms of this Law.

16.4 The Administrator may designate one or more employees of Council as Compliance Officers with the powers and jurisdiction assigned by this part.

16.5 Every Compliance Officer appointed under this law and designated by the Administrator shall act as the deputy of the Administrator in the exercise of powers under section 16.3 and shall have a primary responsibility for the investigation of potential violations by License Holders and Permit Holders of this Law and its Regulations, and all potential violations of the terms and conditions of any License or Permit.

16.6 Without limiting the generality of subsection 16.5, a Compliance Officer may

- a) Enter and examine the business premises of a License Holder; and
- b) Examine the products, books, documents, records or materials of the Licensed Holder,

for the purpose of determining whether the provisions of this Law, its Regulations or the conditions of any License or Permit have been violated, and to verify the information submitted by a License Holder and Permit Holder to the Administrator.

16.7 The Administrator and any Compliance Officer acting as deputy, or any other person working as an employee or contractor of Council, shall not be held personally liable for any act done in good faith in the exercise of powers or the performance of duties under this Law.

PART IV – GOVERNANCE and POLICY

Section 17.0 - Regulations

17.1 Council may enact one or more Regulations for the general administration of the Law or in the exercise of specific powers of a Regulation set out in this Law.

Section 18.0 – Delegation and Mandate

18.1 Council may delegate its authority and powers under Part III and Part IV, on such terms as Council may prescribe, to a body established by Council.

18.2 Council may by Resolution delegate its administrative powers under Part III to one or more officers, employees, contractors, or agents of Council, subject to any terms Council may prescribe, including those powers set out in subsections 9.1, 11.2, 12.2, 13.1, 13.2, 14.2, 15.1, 15.6, 15.10, and 16.1

18.3 The Administrator may, for the better administration of Part III:

- a) Establish and revise forms and documentation to support the administration of Part III;
- b) Establish and maintain a registry of License Holders and Permit Holders and of all documents expressing the terms and conditions of Licenses and Permits;
- c) Establish a registry of Cannabis products that may be cultivated, produced, processed, sold, or distributed within Akwesasne Lands under the authority of a License or Permit;
- d) Provide reasonable access by Members to Cannabis-related information by any means of communication;
- e) Develop standard operating procedures for License Holders and Permit Holders to facilitate administration of the terms and conditions of Licenses and Permits; and
- f) Establish policies to foster fairness and efficiency in the administration of Part III.

18.4 Enforcement Officers have the authority, responsibility, and duty to investigate all potential violations of this Law.

Section 19.0 – Directives

19.1 Council may, by Resolution, issue directives to the Administrator or another person exercising authority or power delegated by Council and the Administrator or other delegate shall act in accordance with the directives as established.

Section 20.0 – Administrative Agreements

20.1 Council may enter into agreement with any other government or agency respecting the administration or enforcement of this Law. Every administrative agreement under this paragraph shall be approved by Resolution.

20.2 Council may, by Resolution and for the better administration of Part III, authorize the Executive Director or the Administrator to enter into agreements with representatives of an Indigenous governing body with an association formed by License Holders.

Section 21.0 – Law Review

21.1 The Administrator shall advise Council on the operation of this Law and the Regulations adopted under this Law on an annual basis or as directed by Council.

21.2 A comprehensive review of the provisions and operation of this Law shall be undertaken no later than five years from the date it comes into effect, and every five years thereafter, by a committee appointed by Council for that purpose. The committee guided by terms of reference issued by Council, shall prepare a report to Council with its observations and recommendations.

Section 22.0 – Employers

22.1 Employers in Akwesasne may establish policies concerning the use of Cannabis on any parcel of land or within any building under their control and, for greater certainty, may prohibit the possession or use of Cannabis on their business premises.

PART V - TRANSITIONAL MEASURES

Section 23.0 - Administrative

23.1 The licensing provisions of the Akwesasne Interim Cannabis Regulation shall continue in force and shall have the same effect as a Regulation under this Law.

23.2 In the absence or lapse of an appointment under subsection 16.1, the Director of Economic Development or another person appointed by the Executive Director shall act as the Administrator.

23.3 The maximum monetary penalty for an offense under section 7 shall be \$1000 until such time as Council establishes by regulation the penalties, and applicable surcharges payable for an offence.

Section 24.0 - Amendments

24.1 This Law may be amended in accordance with the Akwesasne Legislative Enactment Procedural Regulations.

Section 25.0 – Law Enactment

25.1 This law shall be enacted in accordance with the Akwesasne legislative enactment process as outlined in the Akwesasne Legislative Enactment Procedural Regulations.

25.2 This law shall come into effect on the date identified by Council in its Resolution giving final approval under the Akwesasne Legislative Enactment Procedural Regulations.

Section 26.0 – Reviews & Appeals

26.1 Except where otherwise provided, review of a final decision of the Administrator, or their successor, or of Council, or of a commission or other body authorized under subsection 18.1 with respect to a Permit lies to the Akwesasne Court.

26.2 Review of a final decision of the Administrator, or their successor, or of Council, or of a commission or other body authorized issued under Part 18.1 with respect to a License, lies to the Akwesasne Court.

26.3 An appeal by a party convicted of an offence, by way of a ticket or of a summons issued under Part II of this Law lies to the appellate division of the Akwesasne Court.

FINAL DRAFT – Akwesasne Cannabis Law

- The Working Task Group began Phase I Development of Law in December 2021, inclusive of a legal review and a line-by-line review with Council.
- Council “Accepted in Principle” the Draft Law by MCR 2022/2023 - #159 dated September 19, 2022 completing Phase II and allowing Phase III Community Consultation to begin.
- Phase III Community Consultation began with a summary of the law presented at the September 2022 General Meeting.
- Community Consultation Sessions were scheduled and held in each district on October 24, 25, & 26th, 2022.
- Phase III also included a Post Consultation legal review and line by line with Council.
- After completion of Phase III, the Council as per Phase IV Enactment of Law “Accepted in Principle” the Final Draft Law as by MCR 2023/2024 - #117 dated April 17, 2023.
- Council also identified by the same MCR 2022/2023 - #117 that a Referendum be held for members to vote on the Final Draft Law, Phase V Ratification/Rejection.

REFERENDUM TO BE HELD

For the purpose of the Legislative Enactment Procedural Regulations - Phase V Ratification/Rejection of the

FINAL DRAFT LAW – Akwesasne Cannabis Law

To be held: **Saturday, October 21st, 2023**

Tsi Snaihne Recreation 9am – 5pm

Kanatakon Recreation 9am – 5pm

Kawehnoke Recreation 9am- 5pm