



HENVEY INLET FIRST NATION BAND COUNCIL RESOLUTION



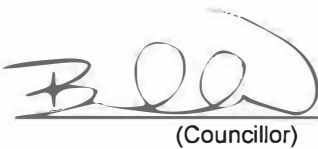
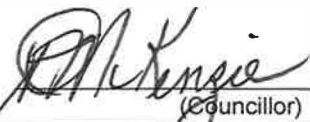


Date of open meeting of Band Council	Thursday 12 August 2021	Meeting Location:	O&M Building French River Reserve No. 13	Chronological no. 2021-22- 002
EMERGENCY LAND LAW	MORATORIUM ON COMMERCIAL CANNABIS OPERATIONS WITHIN RESERVES 2 AND 13			

BACKGROUND

- A. Canada and Ontario have passed laws permitting, in limited circumstances, commercial cannabis operations, including operations relating to the cultivation, production, processing, packaging, distribution and sale of cannabis and cannabis-related products.
- B. Henvey Inlet First Nation has yet to develop, ratify and implement a land law and/or by-law governing commercial cannabis operations within the Henvey Inlet Reserve No. 2 and the French River Reserve No. 13.
- C. In the course of consultations with the community of Henvey Inlet First Nation, members have expressed concerns about commercial cannabis operations, where such practices are unregulated.
- D. Council recognizes the need to develop a land law and/or by-law regarding commercial cannabis operations in accordance with the wishes of the members residing on the Henvey Inlet Reserve No. 2 and the French River Reserve No. 13.
- E. Pending the development, ratification and implementation of the land law and/or by-law, Council wishes to prohibit commercial cannabis operations within the two reserves.
- F. Pursuant to section 8.09 of the *Henvey Inlet First Nation Land Code*, as restated and amended, Council has authority to pass an emergency Land Law where needed urgently to protect Members and Henvey Inlet First Nation Lands, by Band Council resolution, without following the normal notice requirements in subs. 8.05 of the Land Code, provided that such emergency Land Law shall expire 120 days after its enactment, unless re-enacted in accordance with section 8.05.
- G. Pursuant to the *First Nation Lands Management Act*, Henvey Inlet First Nation has authority to enact Land Laws to create offences punishable on summary conviction and to provide for the imposition of fines, imprisonment, restitution, community service and any other means for achieving compliance with such Land Laws.

BE IT RESOLVED:

- 1. In this Land Law,
 - a. "cannabis" means any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not, any substance or mixture of substances that contains or has on it any part of such a plant, and any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained; and
 - b. "commercial cannabis operation" includes the cultivation, production, processing, packaging, distribution and sale of cannabis and cannabis-related products for commercial purposes, but does not include cultivation by an individual for that individual's personal consumption, as permitted by law.
- 2. Council will undertake the development of a land law and/or by-law governing commercial cannabis operations within Henvey Inlet Reserve No. 2 and French River Reserve No. 13, to be put to a community approval vote.
- 3. Until that land law and/or by-law is ratified and implemented, no person shall carry on a commercial cannabis operation within the Henvey Inlet Reserve No. 2 or the French River Reserve No. 13.
- 4. Any person operating an existing commercial cannabis operation shall not be grandfathered under this Land Law and shall cease any and all such operations effective immediately and, in any event, by no later than September 8, 2021.
- 5. Any person who contravenes this Emergency Land Law shall be subject to prosecution by summary conviction and, upon a first conviction, to a fine of \$10,000.00 or imprisonment for up to three months or both a fine and imprisonment, and on any subsequent conviction, and to a fine of \$100,000.00 or imprisonment for a period of six months or both a fine and imprisonment.

Quorum:	<u>4</u> present in person	_____ (Chief)	
 (Councillor)	 (Councillor)	 (Councillor)	
 (Councillor)	 (Councillor)	 (Councillor)	









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6. This Emergency Land Law shall take effect at 12:01 a.m. on Friday, 13 August 2021 and shall expire at 12:01 a.m on Saturday, 11 December 2021.
7. The Director of Finance and Administration is requested to cause notice of the enactment of this Emergency Land Law to be posted in prominent places in Henvey Inlet First Nation's Band Administration Offices, and on the Henvey Inlet First Nation website, and in any other manner which the Director of Finance and Administration may deem appropriate.

MOVED BY : *Doreen M^cKenzie.*

SECONDED BY : *Lionel Fox.*

Quorum:	<u>4</u> present in person	_____ (Chief)	
 (Councillor)	 (Councillor)	 (Councillor)	
 (Councillor)	 (Councillor)	 (Councillor)	

HIFN Cannabis Land Law Enactment Calendar

Date	Day	Day No.	Event
Aug 10	Tues	222	Notice of Open Council Meeting to Table Cannabis Law 2021
Aug 11	Wed	223	
Aug 12	Thu	224	Enact Emergency Cannabis Land Law 2021
Aug 13	Fri	225	Post Notice of Emergency Cannabis Land Law 2021
Aug 14	Sat	226	
Aug 15	Sun	227	
Aug 16	Mon	228	
Aug 17	Tue	229	
Aug 18	Wed	230	
Aug 19	Thu	231	Open Council Meeting to Table Cannabis Law 2021
Aug 20	Fri	232	
Aug 21	Sat	233	
Aug 22	Sun	234	
Aug 23	Mon	235	
Aug 24	Tue	236	Mail out Notice of Land Law Community Approval Vote and Community Input Meetings with Draft Land Law
Aug 25	Wed	237	
Aug 26	Thu	238	
Aug 27	Fri	239	
Aug 28	Sat	240	
Aug 29	Sun	241	
Aug 30	Mon	242	
Aug 31	Tue	243	
Sep 1	Wed	244	
Sep 2	Thu	245	
Sep 3	Fri	246	
Sep 4	Sat	247	
Sep 5	Sun	248	
Sep 6	Mon	249	Labour Day
Sep 7	Tue	250	
Sep 8	Wed	251	
Sep 9	Thu	252	
Sep 10	Fri	253	
Sep 11	Sat	254	
Sep 12	Sun	255	
Sep 13	Mon	256	
Sep 14	Tue	257	
Sep 15	Wed	258	

Sep 16	Thu	259	
Sep 17	Fri	260	
Sep 18	Sat	261	
Sep 19	Sun	262	
Sep 20	Mon	263	
Sep 21	Tue	264	
Sep 22	Wed	265	
Sep 23	Thu	266	
Sep 24	Fri	267	
Sep 25	Sat	268	
Sep 26	Sun	269	
Sep 27	Mon	270	
Sep 28	Tue	271	
Sep 29	Wed	272	
Sep 30	Thur	273	National Day for Truth and Reconciliation
Oct 1	Fri	274	
Oct 2	Sat	275	
Oct 3	Sun	276	
Oct 4	Mon	277	
Oct 5	Tue	278	
Oct 6	Wed	279	
Oct 7	Thu	280	
Oct 8	Fri	281	
Oct 9	Sat	282	
Oct 10	Sun	283	
Oct 11	Mon	284	Thanksgiving
Oct 12	Tue	285	
Oct 13	Wed	286	
Oct 14	Thu	287	
Oct 15	Fri	288	
Oct 16	Sat	289	Earliest possible Community Meeting date
Oct 17	Sun	290	Community Meeting #1
Oct 18	Mon	291	
Oct 19	Tue	292	Community Meeting #2
Oct 20	Wed	293	
Oct 21	Thu	294	
Oct 22	Fri	295	
Oct 23	Sat	296	
Oct 24	Sun	297	Community Approval Vote
Oct 25	Mon	298	
Oct 26	Tue	292	Open Council Meeting to Enact Cannabis Law