



A PLACE OF VISIONS AND DREAMS

August 27, 2018

## Moratorium on Cannabis Sales in Whitefish River First Nation

*On August 26th, 2018, the Chief and Council passed a Band Council Resolution that enacted a moratorium on dispensaries or other business models for direct sales to consumers of cannabis within our community until a further date when we have information and guidelines sufficient for such review.*

*Please note that Cannabis (marijuana) remains a Schedule II drug under the Controlled Drug and Substances Act, and, unless otherwise regulated for production and distribution for medical purposes, is subject to offences under that Act.*

*Possessing and selling cannabis for non-medical purposes is still a criminal offence everywhere in Canada. Current criminal laws remain in force until new legislation and rules are in place and will be subject to strict regulation as to how and where it may be sold. The UCCM Police Service and OPP will continue to enforce current laws in regards to cannabis on and off reserve.*

### Why a Moratorium?

There has been a lot of confusion about the legalization of cannabis for recreational use. The Canadian federal government has announced a date of October 17 for lifting the criminal penalties on possession for personal use, but, importantly, that doesn't deal with how and where it can be sold. This is something Ottawa has left to the provincial governments to regulate. The provincial process is in its early stages with suggestions that there may be licensed private distribution by April of 2019. Until then, any sale or distribution by private parties will remain illegal.

Where does this leave us as Whitefish River Anishinaabe Nation citizens? Unfortunately, neither our federal nor our provincial government partners have yet consulted with us on this issue to discuss how distribution might be authorized on reserve and what tools we need to make sure that this is done responsibly. But we do know that in exercising our own authority, and in making our own laws, we need to proceed cautiously and in the best interests of our citizens. We need to hear everyone's concerns and ensure that the most vulnerable in our community are not harmed. We need to know that if and when we proceed to allow cannabis to be sold in our community in the future, it happens only after we have put in place safeguards that we can all be

# WHITEFISH RIVER FIRST NATION <sup>1</sup>

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confident in. This issue concerns all of us, and is something we need to learn about and discuss together as a community.

To do this responsibly requires that we take the time to gather information from all sides before we make a collective choice. We know that some see this as an opportunity and others are deeply concerned. We need to be respectful of each other and take the time to listen and to learn. That is what this moratorium is about.

## **Our Next Steps**

### **Community Engagement**

1. Distribute educational information on cannabis to community from health and legal perspectives.
2. Hold a gathering(s) to inform the public.
3. Gather input from the community on cannabis.

### **Background**

It is clear that there is much work remaining to be done by Ontario and Canada to develop a workable legal and enforcement framework for cannabis sales and production. The federal and provincial governments still need to ensure accurate interpretations and applications of the new legal rules around cannabis use and sale when it comes into effect and to fully address:

- public health and safety concerns, including the effects on the mental development of youth, and concerns about use and abuse of cannabis,
- the broad illicit market (growers/dealers) that support criminal organizations,
- the burden on the justice system and associated social impacts

This is why decriminalization has already been delayed.

We too need to consider these issues for our own citizens.

It is clear to us that the federal and provincial governments have not given serious consideration to the numerous potential impacts that the legalization of cannabis will have within First Nation communities. We have determined that we cannot sit back and rely on outside governments to do this for us. We need to start that discussion for ourselves. That is particularly the case when we also know that many other nations are already experiencing conflict over the rise of cannabis dispensaries that purport to exercise an indigenous right to sell cannabis. Some attempt to justify this by claiming that cannabis is a traditional medicine.

Our key concerns as leadership are public health and safety, the lack of proper engagement undertaken to date, and the lack of clarity from the federal and provincial governments on how cannabis will be regulated and enforced in First Nations communities, especially when legal enforcement in many communities is already underfunded.

# **WHITEFISH RIVER FIRST NATION<sup>2</sup>**

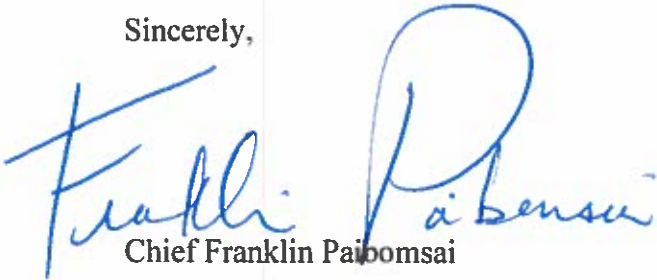
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There are also many other considerations we must address, including preventing exploitation of our citizens by franchisors who do not have our community interests at heart, ensuring proper business regulation, determining how taxation will work, a current lack of First Nation specific licenses within medical production regulations, and the fact that there are already dispensaries operating on other reserves and communities. It is still unclear how provincial legislation will impact these activities.

We plan in the coming weeks to begin gather and distribute to the community more information about the health and the legal aspects of this issue. We want to hear about your concerns and we hope that all with an interest and stake in this matter will actively and respectfully participate in community discussions. We expect the process of coming to collective, informed decisions about our future directions will take some months, as we still do not know precisely what the federal and provincial government plans are for the rollout of decriminalized cannabis and how we can and wish to fit into that framework.

**We know there are very diverse opinions on Cannabis, but this should not divide our community. We urge all citizens to respect our own laws on this matter and to take the opportunity to come together to discuss this issue from all perspectives in engagement sessions as we discuss how we want to move forward and how the changes in federal and provincial laws will affect us.**

Sincerely,



Chief Franklin Paibomsai

***For more information, please contact:  
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