



[Company name]

[Document title]

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ALDERVILLE FIRST NATION CANNABIS LAW

[Short title: “Cannabis Law”]

Date enacted: [●]
Coming into force: [●]

WHEREAS:

1. Alderville First Nation (“AFN”) is a sovereign nation as codified in AFN's *Chi-Naaknigewin*, with rights of self-government affirmed by s. 35 of the *Constitution Act*, 1982, being Schedule B to the Canada Act 1982 (UK), 1982, c. 11.
2. AFN *Chi-Naaknigewin* affirms AFN's inherent right of governance and authority to pass laws with respect to those matters that are integral to AFN as a community.
3. AFN values the health, safety, and security of its E-dbendaazijig and residents and seeks to ensure the protection of these paramount values at all times.
4. Sections 81(1)(a),(c),(d), (n) and 83(1)(a.1) of the *Indian Act* provide that the Council of AFN has the power to enact by-laws respecting, among other things: the health of AFN E-dbendaazijig and residents; the observance of law and order on AFN Lands; the prevention of disorderly conduct on AFN Lands; the regulation of the conduct of those who seek to buy or sell products on AFN Lands; and, the licensing of business;
5. It is considered prudent and necessary for the benefit, health, safety, and security of AFN E-dbendaazijig to regulate the use, production, distribution, and sale of cannabis on AFN Lands; and
6. Alderville wishes to enact this law pursuant to its inherent right of self-government and Section 81 of the *Indian Act*, to the extent the same is not inconsistent with Alderville law.

NOW THEREFORE the Council, pursuant to its aforementioned legislative, inherent and Indigenous rights, enact the following Law:

PART I - TERMS OF GENERAL APPLICATION

1. Short Title

The Alderville First Nation Cannabis Law may also be cited generally as the “Alderville *Cannabis Law, 2021*” or “Law” in this document.

2. Interpretation

2.1 Definitions

In this Business Law:

“AFN” means the Alderville First Nation.

“AFN Lands” means all lands constituting the AFN Reserve No. 37 and 37A in the Province of Ontario which have been designated for the use and benefit of the AFN (which, for clarity, includes lands for which a certificate of possession has been issued), and excludes all lands owned in fee simple by or on behalf of AFN.

“**Applicable Law**” means AFN laws and by-laws and includes all applicable laws, by-laws, codes, regulations that have been duly enacted by any applicable federal or provincial laws, each as amended from time to time, provided that in the event of inconsistency, the AFN Laws and By-Laws shall prevail.

“**Applicant**” means any E-dbendaazijig who makes an Application for any Cannabis Business Licence under the Law.

“**Application**” includes an application for a Cannabis Business Licence and an application to amend or for a renewal or reinstatement after revocation or suspension of a Cannabis Business Licence.

“**Business Entity(ies)**” includes a sole proprietorship, association, organization, corporation, partnership, limited partnership, joint venture or party, whether acting on their own behalf or as Persons Engaged in the Business and includes successors and permitted assigns.

“**Cannabis**” has the same meaning herein as in subsection 2(1) of the Cannabis Act and includes Edible Cannabis.

“**Cannabis Act**” means the *Cannabis Act*, Canada, S.C. 2018 c. 16 as may be amended from time to time.

“**Cannabis Business**” means the Premises authorized by a Cannabis Business Licence issued under this Law to operate and carry on a Retail Cannabis Business or a Cannabis Production Facility.

“**Cannabis Business Licence**” means a business permit issued by AFN as provided for in Part 5 of the Law which allows for the operations of a Cannabis Retail Store or Cannabis Production Facility.

“**Cannabis Business Licence Holder**” means one or more E-dbendaazijig holding a valid Cannabis Business Licence issued pursuant to this Law.

“**Cannabis Control Board**” has the meaning ascribed to it in Section 9 of this Law.

“**Cannabis Product**” has the same meaning herein as in the *Cannabis Act*, as amended from time to time.

“**Cannabis Production Facility**” means a Premises authorized by a Cannabis Business Licence in accordance with this Law used to possess, propagate, harvest, produce, sell, distribute or obtain cannabis by altering its chemical or physical properties.

“**Cannabis Federal Regulations**” means the federal *Cannabis Federal Regulations*, SOR/2018-144 under the *Cannabis Act*, as amended from time to time.

“**Carrying on a Cannabis Business**” includes without restricting the generality of the term, any Person who advertises their venture by print or social media, publicity or otherwise as open for Business of any kind, or who deals in, or buys, rents, sells, barter, or displays, or offers by advertisement to buy, sell, barter, rent or display any goods or service of any kind, either on behalf of themselves or others, for the purpose of gain or profit, and all such Persons will be deemed to be carrying on, engaged in or practising within the AFN Lands their respective profession, business, trade, occupation or employment (and “**Carry on the Cannabis Business**” and any variation thereof shall be interpreted accordingly);

“**Controlled Area**” includes any public enclosed place or AFN workplace, including:

- (a) any enclosed place owned by AFN or any organization, body or entity established by AFN as a work or meeting space, including, among others, AFN administrative offices, day care, Student Services building, recreational facilities, community center, seniors homes, health services facilities and cultural building and grounds.
- (b) any residential buildings or spaces owned by AFN.
- (c) any vehicle owned, leased or used by AFN or any organization, body or entity established by AFN; and

- (d) the area within a nine-metre radius of any entrance or exit of an AFN owned workplace; and
- (e) an area that is 150 meters from the property line of any school or education facility whether on AFN lands or not.

“**Council**” means the duly elected Chief and Council of AFN.

“**Distribute or Distribution**” includes administering, giving, transferring, transporting, sending, delivering, providing, selling, offering for sale or otherwise making available in any manner, whether directly or indirectly, and offering to distribute and includes any distribution or sale taking place at a Cannabis Business;

“**E-dbendaazijig**” means a person or persons whose name appears on the Alderville First Nation Membership List.

“**Edible Cannabis**” means a substance or mixture of substances that is intended to be consumed in the same manner as food and that contains or has on it:

- (a) 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, other than: (i) non-viable seeds of a cannabis plant, (ii) mature stalk, without any leaf, flower, seed or branch, of such a plant, (iii) fibre derived from a stalk referred to in (ii), or (iv) the roots or any part of the roots of such a plant;
- (b) any substance or mixture of substances that contains or has on it any part of such a plant; or
- (c) any substance that is identical to any phytocannabinoids produced by, or found in, such a plant, regardless of how the substance was obtained.

“**Effective Date**” means the date this Law comes into force by resolution and signature of the Council.

“**Enforcement Officer**” means a peace officer or other person appointed by Council, from time to time, to administer and enforce the provisions of AFN laws and by-laws enacted by Council and includes any delegate and any assisting personnel as required and requested by an Enforcement Officer, or any other Person appointed or contracted by the Council for the purpose of maintaining law and order on AFN Land.

“**Illicit Cannabis**” means Cannabis that is or was sold, produced or distributed by a Person prohibited from doing so under this Law, the *Cannabis Act* or any provincial Act or that was imported by a Person prohibited from doing so under this Law or the *Cannabis Act*.

“**Liability**” means the obligation to pay a judgment, settlement, claim, damages, loss, penalty, or fine, or reasonable expenses incurred with respect to a proceeding.

“**Person**” means any individual and includes E-dbendaazijig.

“**Police Record Check**” means a vulnerable criminal information report that is a result of a search of the local police records where the subject of the report resides, and the national databases maintained by the Canadian Police Information Centre.

“**Possession**” has the same meaning as in subsection 4(3) of the Criminal Code, RSC, 1985, c C-46 and means:

- (a) a Person has anything in possession when they have it in their personal possession or knowingly
 - i. has it in the actual possession or custody of another Person, or
 - ii. has it in any place, whether that place belongs to or is occupied by that person, for the use or benefit of themselves or of another Person; and

- (b) where one of two or more Persons, with the knowledge and consent of the rest, has anything in their custody or possession, it shall be deemed to be in the custody and possession of each and all of them.

“**Premises**” means the location or venue within the AFN Lands and identified in the Cannabis Business Licence in which the Cannabis Business Licence Holder Carries on the Cannabis Business and includes a store, office, warehouse, factory, building, enclosure, residential or commercial property, yard and includes various places within the AFN Lands where the Cannabis Business services may be provided from time to time.

“**Proceeding**” means any threatened, pending, or completed action, suit or proceeding, whether civil, criminal, administrative, or investigative and whether formal or informal.

“**Produce**” or “**Production**” 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.

“**Registration Certificate**” has the same meaning as in Part 14 of the Cannabis Federal Regulations and allows a Registered Person for Medical Cultivation to cultivate Cannabis for their own medical purposes or designate a designated person in their discretion to cultivate medical cannabis on behalf of the Registered Person for Medical Cultivation.

“**Registration Document**” has the same meaning as in Part 14 of the Cannabis Federal Regulations and allows a Person to obtain and possess Cannabis for medical purposes from the holder of a medical sales licence.

“**Registered Person for Medical Cultivation**” refers to all Persons who are registered and hold a registration certificate under section 313(1) of the *Cannabis Federal Regulations* that allows that Person to cultivate and possess Cannabis for their own personal medical purposes in accordance with Part 14 of the *Cannabis Federal Regulations*.

“**Retail Cannabis Business**” means carrying on, or the entity that carries on, a commercial or industrial undertaking of any kind or nature for the purpose of or involving the distribution and sale of Cannabis Products directly to consumers located at a Premise and subject to a Cannabis Business Licence:

“**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 or Consume Cannabis**” means to take Cannabis into the body by any means, including but not limited to orally, by inhalation of Cannabis or fumes produced from Cannabis or by intravenous injection, whether for recreational, scientific, medicinal, or other purposes.

“**Young Person**” means an individual who is under 19 years of age.

2.2 The purposes of this Law are to:

- (a) protect the health and safety of the AFN’s E-dbendaazijig and other Persons resident within, or visiting, or doing business within AFN Lands and, in, to protect the health and safety of children and Young Persons by restricting their access and exposure to Cannabis.
- (b) facilitate a regulated and controlled Cannabis industry that will promote and enhance socio-economic development, fiscal self-sufficiency, and tangible benefits for the community; and
- (c) regulate who may conduct a Cannabis Business on AFN Lands.

2.3 In this Law,

- (a) the word “shall” signify an obligation that, unless this Law provides to the contrary, must be carried out as soon as practicable after this Law comes into effect or the event that gives rise to the obligation.

- (b) unless it is otherwise clear from the context, the use of the word “including” means “including, but not limited to”, and the use of the word “includes” means “includes but is not limited to”.
- (c) the use of the masculine includes the feminine, and the use of the feminine includes the masculine.
- (d) titles and headings of parts and sections have been inserted in this Law for convenience of reference only and are not interpretive aids; all references to a time period of days means consecutive days and not business days unless otherwise noted.
- (e) where the time limit for the doing of an act expires or falls on a Saturday or Sunday or an AFN, federal or provincial holiday, the act may be done on the next day that is not a Saturday, Sunday or holiday and will be considered to have been done within the time limit.
- (f) where the time limit for the doing of an act in AFN administration building falls on a day when the administration building is not open during normal business hours, the act may be done on the next day that the administration building is open; and
- (g) where there is a reference to a number of days or a number of days between two events, in calculating that number of days, the days on which the events happen are excluded.

2.4 **Application of the Law:**

- (a) The preamble contained herein shall have the force and effect as if made a part of this Law.
- (b) This Law is a Law in accordance with the Chi-Naaknigewin and powers to enact by-laws under the *Indian Act* to the extent not inconsistent therewith and applies to all activities related to the Use, Possession, Production and Distribution of Cannabis on AFN Lands.
- (c) Cannabis Business shall be governed by AFN Law and require a Cannabis Business Licence issued by AFN First Nation according to the process set out herein.
- (d) This Law applies to all E-dbendaazijig, occupants, Business Entities and other Persons situated on AFN Lands.
- (e) This Law applies with respect to the Use, possession and all other rights ancillary to Persons permitted to possess Cannabis for medical purposes in accordance with the *Cannabis Act* (Canada) and Part 14 of the *Cannabis Federal Regulations* (Canada) solely for the purposes of having a record of all Persons that are a Registered Person for Medical Cultivation and to ensure medical Use cultivation is restricted for safety and security purposes on AFN Lands.
- (f) This Law does not apply with respect to the cultivation and processing of Industrial Hemp under the *Industrial Hemp Regulations* (Canada).
- (g) AFN Laws and laws are paramount in the event of an inconsistency with all applicable federal and provincial Cannabis laws.
- (h) Federal laws related to criminal activity will continue to apply to the extent that they are consistent with this Law.

PART II - PROHIBITIONS AND PERMITTED ACTIVITIES

3. Prohibitions relating to the Use and Consumption of Cannabis on AFN Lands

- 3.1 No Person may Use, Consume or Distribute Cannabis in a Controlled Area. No Person may Use, Consume or Distribute Illicit Cannabis on AFN Lands.
- 3.2 No Young Person may Use or Consume, Distribute, or possess Cannabis within AFN Lands. No Young Person may be employed by or work for a Cannabis Business.
- 3.3 No Person shall Use, Consume or Distribute Cannabis on AFN Lands in a manner which causes odors, smoke, heat, glare, light or otherwise causes a nuisance that is detectable by a reasonable Person in a Controlled Area.
- 3.4 No Person shall purchase Cannabis on AFN Lands except from a Cannabis Business holding a valid Cannabis Business Licence obtained in accordance with this Law.
- 3.5 Subject to the rights contained in a Registration Certificate for medical purposes, no Person shall cultivate more than four (4) Cannabis plants per residence for personal use or be in possession of the amount of fresh or dried Cannabis harvested from those plants in his or her residence for personal use.
- 3.6 No Person is permitted to Use or be under the influence of Cannabis when in or operating a motor vehicle or a boat, and offenders may be charged and prosecuted under Applicable Law.

4. Prohibitions relating to Cannabis Businesses.

- 4.1 No Person except as outlined in section 4.4, shall carry on:
 - (a) a Retail Cannabis Business; or
 - (b) a Cannabis Production Facilityunless the Person, is an E-dbendaazijig or owned and run solely by E-dbendaazijig and has applied for and received a valid and in force Cannabis Business Licence issued by AFN pursuant to this Law.
- 4.2 All Cannabis Businesses are required to verify, by means of valid government issued identification, that the individual receiving the Cannabis is 19 years of age or older.
- 4.3 No Person shall sell Cannabis, other than a Cannabis Business that is in possession of a valid Cannabis Business Licence obtained in accordance with this Law.
- 4.4 A person Carrying on a Cannabis Business prior to the enactment of this Law may continue to conduct business without a valid and in force Cannabis Business Licence without sanction for 3 months following the effective date of this Law (“**Grace Period**”) to allow for sufficient time to apply for a Cannabis Business Licence. Following the expiration of the Grace Period, the requirement under this Law applies to all Persons and Business Entities without exception.
- 4.5 No Person may operate or Carry on a Cannabis Business in a Controlled Area or operate or Carry on a Cannabis Business that causes odors, smoke, heat, glare, or excessive lighting that may cause a nuisance or be detectable by a reasonable person in a Controlled Area or by any Persons from their residence on AFN Lands.

5. Permitted activities related to the Use and Consumption of Cannabis on AFN lands

- 5.1 A Person who is 18 years of age is permitted to possess Cannabis for their personal use provided that:

- (a) The Cannabis has been acquired in accordance with Applicable Law; and
- (b) The total amount possessed in a public place at any given time does not exceed limits found in the *Cannabis Act* (Canada) as follows:

No Person shall be in possession of more than 30 grams of dried Cannabis or the following estimated equivalent amounts:

- (i) 150 grams of fresh Cannabis
- (ii) 7.5 grams of Cannabis concentrates
- (iii) 30 Cannabis plant seeds

6. Medical Use of Cannabis and being a Registered Person for Medical Cultivation

- 6.1 Where a Person holds a valid Registration Document with a medical sales licence holder under the *Cannabis Federal Regulations*, the terms of the Person's Registration Document will prevail over the Use of Cannabis and possession of Cannabis restrictions contained in 5.
- 6.2 Section 6.1 applies solely to the Use of Cannabis and possession of Cannabis by the Registered Person for medical purposes and requires that the Registered Person be in possession of a hard copy or digital copy of their Registration Document and an original copy of federal government-issued photo identification.
- 6.3 A Registered Person for Medical Cultivation who intends to produce Cannabis for their own medical purposes shall, upon request, provide a copy of their Registration Certificate and notwithstanding the permissions contained in the Registration Document shall be subject to the following restrictions on AFN Lands which are intended to protect AFN owned residential properties and provide reasonable restrictions on outdoor cultivation in a Controlled Area:
 - (a) No cultivation of Cannabis for medical use by a Registered Person for Medical Cultivation shall be permitted within a residential building owned by AFN.
 - (b) medical Use cultivation that is outdoors shall not take place in a Controlled Area and shall be limited to cultivation for the medical use of a maximum of two Persons in accordance with the terms and production limits in their Registration Certificates, provided that both Persons live at the residential address where the cultivation for medical use is taking place: and
 - (c) subject to section 6.4(a), cultivation for medical use cultivation that is indoors on AFN Lands may be for up to four Registered Persons for Medical Cultivation at a single address, in accordance with the *Cannabis Federal Regulations* (Canada).

PART III - CANNABIS BUSINESS LICENCE APPLICATION, RENEWAL AND TERMINATION

7. Application Requirements

- 7.1 Every Application for a Cannabis Business Licence, or for a renewal or reinstatement after suspension or revocation of Cannabis Business Licence, shall be made in accordance with this Law.
- 7.2 An Application may not be approved until all of the following have been submitted by the Applicant:
 - (a) a completed Cannabis Business Licence Application/Renewal/Reinstatement Form.
 - (b) the Application fee or Cannabis Business Licence renewal fee.

- (c) Each Application must confirm that the location of the proposed Cannabis Business is not within the Controlled Area.
- (d) proof satisfactory that:
 - (i) the Applicant is an E-dbendaazijig;
 - (ii) the Applicant can demonstrate proof of ownership by way of an issued Certificate of Possession, or other permission or right to use the lands proposed for the conduct of the proposed Cannabis Business; and
- (e) compliance with and satisfaction of all criteria for permitting under the *AFN Business Licensing Law, 2021* if applicable.
- (f) a current Police Record Check for:
 - (i) each E-dbendaazijig named in the Application.
 - (ii) all on-site managers; and,
 - (iii) if requested, any other employees or individuals involved in the Cannabis Business or that exercises, or is in a position to exercise, direct control over the Cannabis Business.
- (g) for a Cannabis Production Facility, a summary of the business plan must be provided including information about the proposed size of the facility, number of employees, targeted market and shall include information about any and all required permitting for development, construction and operation including but not limited to a waste water management plan and Ministry of Environment certificate as applicable that ensures chemicals, nutrients, waste soil and other potential contaminants are disposed of in accordance with a waste water management plan approved by AFN;
- (h) for a Retail Cannabis Business, a summary of the business plan must be provided including information about the proposed size of the facility, number of employees and products to be sold.
- (i) a plan for sourcing the Cannabis Product for sale and identifying all potential suppliers, including a plan to prevent the distribution or sale of any Illicit Cannabis.
- (j) for a Cannabis Production Facility, an odor or other nuisance control plan.
- (k) a security plan for the Premises that describes adequate security measures to mitigate risk of theft or tampering at the Premises, including proof of security cameras other security measures and a security alarm contract that includes regular monitoring at all times during the period for which the Cannabis Business Licence is being sought.
- (l) proof of adequate onsite parking and plan to confirm safe ingress from egress from the Premises by vehicles.
- (m) curbside pick-up plan and COVID-19 safety measures plan.
- (n) details of proposed measures to prevent sales or distribution to Young Persons.
- (o) permission to provide the Enforcement Officer with a right of entry and inspection during operating hours with advance notice from time to time.

- (p) a release and indemnity to save AFN and all AFN Councillors, board members, committee members, staff, agents, and contractors harmless from any and all claims, losses, damages, and other liabilities of any kind; and
 - (q) any other documentation or information as may be required in any other part of this Law or any regulation enacted under this Law.
- 7.3 When an Application satisfies the requirements of section 7, the Enforcement Officer shall notify the Applicant in writing that the Application is complete.
- 7.4 Where an Application is incomplete, it shall notify the Applicant or Cannabis Business Licence Holder in writing that the Application is incomplete and fix a deadline of not less than 30 days for satisfaction of all the requirements in section 7.
- 7.5 Every Applicant, Application and Cannabis Business Licence Holder may be subject to investigations by and comments or recommendations from AFN and other authorities having jurisdiction.
- 7.6 It is an offence to provide any false or misleading information in order to obtain a Cannabis Business Licence.
- 7.7 Every Cannabis Business Licence granted under this Law is valid during its term and permits the Person to carry on the Cannabis Business in a lawful manner, according to its conditions.
- 7.8 Pursuant to this Law, it is an offence to carry on a Cannabis Business at different premises than the Premises specified in the Cannabis Business Licence.
- 7.9 Pursuant to this Law, it is an offence to sell tobacco products at a Cannabis Business.

PART IV - DECISION OF APPLICATIONS

8. Authority

- 8.1 All Applications to approve, suspend, revoke, or reinstate a Cannabis Business Licence shall be decided in-camera, provided that:
- (a) all minutes shall be kept confidential regarding review and decision-making, any commentary shall be noted without attribution.
 - (b) where a decision is made to grant or refuse an Application or to suspend, revoke or reinstate a Cannabis Business Licence, it shall adopt a confidential notice of decision setting out the grounds of its decision.
 - (c) immediately following the in-camera review and decision of an Application or motion to suspend, revoke or reinstate, Council or the Cannabis Control Board as the case may be, shall convene in open session to record its decision, but not the grounds of that decision, and to direct that a confidential notice of decision including the grounds thereof shall be delivered to the Applicant or Cannabis Business Licence Holder; and
 - (d) except with the prior consent in writing of the Applicant or Cannabis Business Licence Holder, the notice of decision and the grounds of a decision shall not be revealed to any person except a person charged with the enforcement or implementation of the decision.
- 8.2 An Application may be refused or suspended or revoked on the grounds that:
- (a) the Application is incomplete.

- (b) the Applicant or Cannabis Business is not compliant with Applicable Laws, this Law or the terms or conditions of a Cannabis Business Licence.
- (c) the Application does not conform to or represent good planning according to the terms of any zoning by-laws adopted by AFN, as applicable.
- (d) there are reasonable grounds to believe that false or misleading information or false or falsified documents were submitted in, or in support of, the Application.
- (e) there are reasonable grounds to believe the issuance, renewal or amendment of a Cannabis Business Licence is likely to create a risk to public health or public safety, including the risk of Cannabis being diverted to the Illicit Cannabis market.
- (f) the Cannabis Business Licence Holder has failed to remit to AFN the required Community Contribution where applicable; or
- (g) the Applicant has contravened in the past 10 years a provision of the *Controlled Drugs and Substances Act*, the *Food and Drugs Act* or any provision of this Law or has an unsatisfactory Police Record Check including any vulnerable sector violations.

8.3 The decision to award or deny an Application for a Cannabis Business Licence is discretionary and final. All decisions of Council shall not be subject to appeal or review.

8.4 Council shall have the power, authority, and discretion set out in sections 8.1 to 8.3 until the second anniversary of the Effective Date of this Law. Thereafter the Cannabis Control Board shall administer all Cannabis Business Licences in accordance with this Law and section 9 herein.

9. Powers of the Cannabis Control Board

9.1 The Cannabis Control Board will be established on the second anniversary of the Effective Date of this Law.

9.2 The Cannabis Control Board shall consist of three (3) members, to be appointed by Council.

9.3 Once appointed, the Cannabis Control Board shall exercise the decision-making authority and discretion as contemplated in sections 8.1 to 8.4 of this Law, except that decisions made by the Cannabis Control Board shall be subject to review by Council, upon reasonable grounds being demonstrated. All Applications for a Cannabis Business Licence, or for a renewal or reinstatement after suspension or revocation of Cannabis Business Licence, as per section 7.1, shall be made to the Cannabis Control Board.

9.4 The Cannabis Control Board shall establish and maintain a centralized register for recording and monitoring Cannabis Business Licences issued under this Law.

PART V - OPERATION REQUIREMENTS

10. Operation Requirements for all Cannabis Businesses

10.1 Every E-dbendaazijig carrying on a Cannabis Business on AFN Lands must hold a valid Cannabis Business Licence obtained in accordance with this Law.

10.2 A Cannabis Business Licence may be issued with conditions as determined by Council in its sole discretion. The Cannabis Business Licence Holder is authorized to conduct only those activities that are authorized by the Cannabis Business Licence.

- 10.3 A Cannabis Business Licence will generally be issued for a period of one year. At the expiration of the one-year period the Cannabis Business Licence Holder shall apply for a renewal of their Cannabis Business Licence at least 60 days before its expiration. Any Cannabis Business Licence issued for a term in excess of one year may be subject to an annual compliance review and to an annual compliance review fee.
- 10.4 A Cannabis Business Licence shall set out the following information:
- (a) the name of the Cannabis Business Licence Holder.
 - (b) the Cannabis Business Licence number.
 - (c) the class of the Cannabis Business Licence and whether such Cannabis Business Licence is applicable to a Cannabis Production Facility, a Cannabis Retail Business or under an Authorization for Personal Production and the authorized activity that may be conducted by the Cannabis Business Licence Holder of the Cannabis Business Licence.
 - (d) the address of the Premises and/or legal description of the Certificate of Possession where the activity conducted by the Cannabis Business is authorized.
 - (e) the hours of operation.
 - (f) the length of term.
 - (g) the effective date and expiry date of the Cannabis Business Licence; and
 - (h) any other conditions deemed necessary for the Cannabis Business to be carried out on AFN Lands.
- 10.5 Every E-dbendaazijig Carrying on any Cannabis Business shall:
- (a) comply with this Law, the terms and conditions of a Cannabis Business Licence and any Applicable Laws.
 - (b) comply with any revocation or suspension order.
 - (c) comply with any state of emergency orders or declarations made by Council under an emergency powers by-law or otherwise and any state of emergency orders or declarations made by the government of Canada or the government of Ontario as required by AFN.
 - (d) display the Cannabis Business Licence in a clearly visible place at the Premises endorsed on the Cannabis Business Licence.
 - (e) not allow the sale to a Young Person on the Premises.
 - (f) not permit a Young Person to occupy the Premises for any extended length of time, except where accompanied by a parent or guardian strictly for the purpose of purchasing Cannabis Products.
 - (g) not advertise or promote the use of a Cannabis to a Young Person.
 - (h) not allow a Person to consume Cannabis on the Premises.
 - (i) not display any more than two signs outside of the Premises for advertising or to display the Cannabis Business name.

- (j) not publish or cause to be published any representation that a E-dbendaazijig has the requisite Cannabis Business Licence under this Law unless such E-dbendaazijig is so permitted.
- (k) not fail to keep and produce for inspection all records required to be kept under the provisions of a Cannabis Business Licence or this Law.
- (l) install high quality video surveillance cameras that monitor all entrances and exits and the interior of the Cannabis Business' Premises at all times.
- (m) retain video camera data for at least 30 days after it is gathered, which may be requested for view.
- (n) install a security and fire alarm system that is, at all times, monitored.
- (o) install and maintain an air filtration system that effectively minimizes odor impacts on other AFN Lands.
- (p) ensure that signage and/or other lighting devices do not create excessive lighting outside of operating hours that may cause a nuisance or disturbance to Persons at their residences.
- (q) provide contact information to AFN to ensure 24 hour per day, 7 days per week voice contact with the Person to whom the Cannabis Business Licence is issued.
- (r) pay the fees prescribed in the Cannabis Business Licence from time to time, which fees shall be non-refundable.
- (s) promptly provide information on any change in the information contained in a Cannabis Business Licence; and
- (t) facilitate inspections by the Enforcement Officer.

10.6 All Cannabis Business Licences are subject to revocation or suspension in accordance with the terms set out in Section 13 of the *Alderville Business License law, 2021*, as may be amended from time to time.

10.7 A Cannabis Business Licence is non-transferable. A new Application will be required when ownership is proposed to be transferred.

11. Operation Requirements for Retail Cannabis Businesses

11.1 In addition to the requirements set out in section 10, a Person, Carrying on a Retail Cannabis Business shall:

- (a) shall not sell Cannabis other than Cannabis obtained from the supplier(s) identified in the Application.
- (b) take reasonable steps to ensure the security of the Cannabis in their possession, including by securing the Premises, not allowing Cannabis or other valuables to remain on the Premises when the Cannabis Business is not open to the public, unless the Cannabis Products and other valuables are securely locked in a safe on the Premises or other on-site security is in place to prevent theft or damage to property.
- (c) prominently display a sign on the Premises indicating that Cannabis is not permitted to be sold to Young Persons.

- (d) ensure that a minimum of two employees (which may include a manager) are present on the Premises at all times when the Cannabis Business is open to the public.
- (e) report any theft or loss within 24 hours of the theft or loss occurring.
- (f) not use the Premises to Carry on any Cannabis Business other than the authorized activities for which a Cannabis Business Licence was issued.
- (g) ensure that all Cannabis Products sold or distributed by the Cannabis Business have been tested, with confirmation of proof, by an analytical sales laboratory that follows quality assurance testing protocols at least as restrictive as the *Cannabis Act*.
- (h) accept Secured Certificate of Indian Status or a Certificate of Indian Status cards as a form of identification for proof of age.
- (i) not allow for the sale of more than 30 grams of dried Cannabis Products or its equivalent to an individual, or otherwise exceed the maximum possession amounts as permitted by Applicable Law.
- (j) be open for business between 9:00 a.m. to 7:00 p.m. and shall not conduct any business between the hours of 7:00 p.m. and 9:00 a.m. the next day; and,
- (k) not allow for the delivery of Cannabis Products off the Cannabis Business' Premises or if such delivery is to be permitted, subject to the conditions of a Cannabis Business Licence, and ensure that any delivery of Cannabis Products is within AFN Lands and to Persons 19 and over.

12. Operation Requirements for Cannabis Production Facilities

12.1 In addition to the requirements set out in section 10, a Cannabis Production Facility shall:

- (a) not be located within 300 metres of a Controlled Area.
- (b) prominently display a sign on the Premises indicating that no Young Persons are permitted on the Premises for any purpose at any time and check identification to ensure Cannabis is not distributed or sold to any Young Person.
- (c) ensure detailed record-keeping and have records of all Cannabis Production activities.
- (d) take reasonable steps to ensure the security of the Cannabis in their possession, including by securing the Premises, and must report any theft or loss to Council within 24 hours of the theft or loss occurring.
- (e) ensure an adequate supply of water for cultivation and fire suppression as approved in accordance with the Cannabis Business Licence.
- (f) not use any growth medium, fertilizer, nutrients, hydroponic chemicals, or other chemicals or potentially hazardous materials except as approved by the Cannabis Business Licence.
- (g) ensure that all Cannabis or Cannabis Products sold or distributed by the Cannabis Business are tested by an analytical sales laboratory that follows quality assurance testing protocols at least as restrictive as the *Cannabis Act* prior to being sold or distributed by the Cannabis Business.
- (h) if any part of the Cannabis Production Facility is to include outdoor production, comply with the security requirements of this Law and any other security measures required by Council or as set out in the Cannabis Business Licence; and

- (i) implement a waste management and wastewater management plan as approved by the Cannabis Business Licence.

PART VI - ENFORCEMENT

13. Enforcement, Notice of Contravention and Cease and Desist Orders

- 13.1 Enforcement in respect of any Cannabis Business Licence shall be carried out by the Enforcement Officer in accordance with rights and provisions contained in Part V of the *Alderville Business License law, 2021*, or such other law applicable for enforcement as may be created and amended from time to time.
- 13.2 If the breach of this Law is criminal in nature, a police force of competent jurisdiction, and, where appropriate, criminal proceedings will be initiated and adjudicated in a court of competent jurisdiction will investigate it.
- 13.3 AFN will support any individual under the prescribed legal age who is found to be in possession of small quantities of Cannabis or using Cannabis within the AFN Lands to obtain alternative dispute resolution mechanisms as punishment such as a youth education or prevention programs for the purpose of educating Young Persons about the risk associated with the Use of Cannabis.

14. Offences

- 14.1 Any E-dbendaazijig who contravenes any prohibition in this Law, or any term or condition of a Cannabis Business Licence commits an offence and shall be subject to prosecution by AFN in accordance with procedures to be put in place and, upon conviction, liable to a fine for each offence.
- 14.2 Any E-dbendaazijig who contravene any prohibition in this Law, or any term or condition of a Cannabis Business Licence may have their Cannabis Business Licence temporarily suspended or permanently revoked and terminated.
- 14.3 Each day that a contravention of a provision of this Law continues is a separate offence.
- 14.4 All fines levied in prosecutions pursuant to this subsection shall become the property of AFN and contributed to the Recreation Fund.
- 14.5 Notwithstanding any other proceeding, prosecution, fine, penalty or other remedy, Council may, by Council Resolution:
 - (a) issue a stop work order requiring any E-dbendaazijig who has not received full and proper authorization under this Law, to cease carrying out any activity or Use related to Cannabis or a Cannabis Business or any related activity or use; or
 - (b) order any structures, works or installations carried out in violation of this Law to be removed or otherwise prevented from use within 10 days, failing which Council may order them to be removed or prevented from use at the expense of any or all of the Cannabis Business Licence Holder, Applicant, Person in possession of the AFN Lands or Certificate of Possession holder of the AFN Lands.

PART VII - COMMUNITY CONTRIBUTION

15. Community contributions

- 15.1 Unless otherwise prescribed by Council by resolution, in addition to any Cannabis Business Licence fees prescribed by the Council, Cannabis Business Licence Holders must annually remit to AFN a

community contribution that will be a fixed fee set by Council annually in conjunction with the annual fee for tobacco retailers at AFN, with such amounts to be collected annually and contributed to the Recreation Fund for distribution to E-dbendaazijig according to the program for the Recreation Fund (the "Community Contribution").

PART VIII - GENERAL

16. General provisions

- 16.1 If any provision of this Law is held to be illegal or invalid by a Court of competent jurisdiction, the provision may be severed, and the illegality or invalidity shall not affect the validity of the remainder of the Law.
- 16.2 No action lies and no proceeding may be brought against AFN, Council, board members, committee members, managers, employees, or contractors:
 - (a) for any act or failure to act in relation to this Law.
 - (b) for anything said or done or omitted to be said or done by that Person in the performance or intended performance of the person's duty under this Law.
 - (c) for the exercise of the person's authority under this Law, including providing advice, making recommendations, or the failure to provide advice or make recommendations under this Law;
or
 - (d) for any alleged neglect or default in the performance or intended performance of the person's duty or the exercise of the person's authority under this Law.
- 16.3 This Law may be amended or repealed in the manner in which it was made.
- 16.4 In the event of conflict between this Law and any federal or provincial law, the terms of this Law shall prevail.
- 16.5 This Law shall become effective on the date of approval into law by Council.