



KITIGAN ZIBI ANISHINABEG

P.O. Box 309, Maniwaki, QC J9E 3C9 Tel: (819) 449-5170 Fax: (819) 449-5673

August 12th, 2021

Kwey Kitigan Zibi Anishinabeg,

The cannabis referendum vote is upon us. Voting packages were mailed out to off reserve community members and for those who reside in the community can still vote online or in person at the basement community hall August 21st, 2021.

Our cannabis consultation coordinator, our legal advisor and the Band Council held a consultation meeting June 16th, 2021. We respect all the feedback, and we amended the previous KZA Cannabis By-law to reflect your concerns and questions.

This issue was discussed many times in our Band Council meetings and by previous Band Councils. The approach maintained was for Kitigan Zibi Anishinabeg to decide for themselves whether to permit the sale of cannabis on reserve.

Our cannabis consultation coordinator and our legal advisor will hold a final presentation on the KZA Cannabis By-law **August 17th, 2021 at 4:30pm under the Wanaki beach harbour.**

We hope to see you there and a friendly reminder that Covid rules will apply for this consultation/meeting.

Sincerely,

A handwritten signature in black ink that reads "Dylan Whiteduck". The signature is written in a cursive, flowing style.

Chief Dylan Whiteduck
Kitigan Zibi Anishinabeg

KITIGAN ZIBI ANISHINABEG FIRST NATION

BY-LAW N° [●]

**A BY-LAW GOVERNING THE PRODUCTION, DISTRIBUTION, SALE, POSSESSION
AND USE OF CANNABIS**

[Short title: “KZA Cannabis By-law”]

Date enacted: [●]

Coming into force: [●]

WHEREAS Canada and Quebec have adopted legislation to legalize and regulate access to cannabis for recreational purposes;

WHEREAS the application of such laws on Kitigan Zibi Anishinabeg First Nation (“**KZA**”) Lands without the required adaptations goes against the jurisdictional integrity of KZA and the health and well-being of its people;

WHEREAS KZA desires to protect public health, safety and security, including preventing cannabis from being diverted to an illegal market and illegal cannabis from entering a legal source of supply;

WHEREAS effectively combating the destructive effects of cannabis use and abuse in KZA, while capturing market opportunities created by the legalization of cannabis, requires special measures given the community’s unique location, culture, traditions, character and diverse composition;

WHEREAS in the circumstances, KZA considers necessary to exercise its jurisdiction regarding cannabis production, distribution, sale, possession and use within KZA Lands, as well as matters ancillary thereto and penalties for the violation thereof;

WHEREAS KZA has the authority to make such laws based on its inherent right of self-government and self-determination with respect to those matters that are integral to KZA as a community, as recognized and affirmed in the domestic laws of Canada, including the *Constitution Act, 1982*;

WHEREAS the regulation of intoxicating and potentially harmful substances, such as cannabis, falls within the KZA exercise of its right to internal self-government;

WHEREAS Sections 81(1)(a),(c),(d), (n) and 83(1)(a.1) of the *Indian Act* provide that KZA has the power to enact by-laws respecting, among other things: the health of KZA members and residents; the observance of law and order on KZA Lands; the prevention of disorderly conduct on KZA Lands; the regulation of the conduct of those who seek to buy or sell products on KZA Lands; and, business licensing on KZA Lands.

WHEREAS the *United Nations Declaration on the rights of Indigenous Peoples* (“**UNDRIP**”) recognizes the right of the KZA to autonomy and self-government in matters relating to their internal and local affairs in the exercise of their right to self-determination, as well as the right to freely pursue and control their economic development;

AND WHEREAS a consultation process was established by Council and at least two meetings were held during which this By-law was presented to the Members and the Members participated in a consultative referendum in which they were asked if they agreed with the sale and distribution of cannabis in the Community;

NOW THEREFORE the Chief and Council of the KZA, pursuant to its aforementioned legislative, inherent and Indigenous rights, enact the following by-law:

PART I - TERMS OF GENERAL APPLICATION

1. Short Title

The KZA By-Law Governing the production, distribution, sale, possession and use of Cannabis may also be cited generally as the “**KZA Cannabis By-Law, 2021**” or “**By-law**” in this document.

2. Interpretation

2.1 Definitions

In this By-law,

“**Applicant**” means any person who makes an Application for any Cannabis Business Permit under the By-law;

“**Application**” includes an application for a Cannabis Business Permit and an application for an amendment or for a renewal or reinstatement after revocation or suspension of a Cannabis Business Permit;

“**Applicable Law**” means KZA 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 KZA by-laws and laws shall prevail;

“**Authorization for Personal Production**” means an authorization issued by KZA as provided for in section 11 of this By-law which allows for the production of cannabis for personal consumption;

“**Business Entity**” 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;

“**Business Permitted Area**” consists of the territory on which Premises are authorized by a Cannabis Business Permit to operate and carry on a Cannabis Business. A map of the Business Permitted Area is attached in Schedule A.

“**cannabis**” means (1) 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 a non-viable seed of a cannabis plant, a mature stalk, without any leaf, flower, seed or branch, of such a plant, or a fibre derived from such a stalk, or the root or any part of the root of such a plant; (2) any substance or mixture of substances that contains or has on it any part of such a plant; and (3) any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained;

“**Cannabis Act**” means the *Cannabis Act*, S.C. 2018 c. 16;

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

“**Cannabis Business**” means the Premise authorized by a Cannabis Business Permit issued under this By-law to operate and carry on a Retail Cannabis Business within the Business Permitted Area;

“**Cannabis Business Permit**” means a business permit issued by KZA as provided for in Part III of the By-law which allows to Carry on a Cannabis Business;

“**Cannabis Business Permit Holder**” means a Person or Business Entity holding a valid Cannabis Business Permit issued pursuant to this By-law.

“**Authorized Cannabis Products**” has the same meaning herein as in the *Cannabis Act*, as amended from time to time. A list of Authorized Cannabis Products is presented in Schedule B;

“**Carrying on a Cannabis Business**” includes without restricting the generality of the term, any person or Business Entity who advertises their cannabis related 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 advertisements to buy, sell, barter, rent or display cannabis and any related goods or service of any kind, either on behalf of themselves or others, for the purpose of gain or profit, and all such persons or Business Entity will be deemed to be carrying on, engaged in or practising within the KZA Lands their respective profession, business, trade, occupation or employment (and “Carry on the Cannabis Business” and any variation thereof shall be interpreted accordingly);

“**Change of Control**” means the transfer or issue by sale, assignment, transmission on death, encumbrance, issuance from treasury, operation of law or otherwise, of any shares, voting rights or interest which would result in any change in the identity of the person(s) or entity (ies) exercising, or capable of exercising, effective control of the corporation or partnership and, in the case of a partnership, includes a change in any of its partners.

“**Controlled Area**” includes

- (a) any public Enclosed Place or workplace, including:
 - (i) any Enclosed Place to which KZA members or the public are ordinarily invited or permitted access, either expressly or by implication, whether or not a fee is charged for entry;
 - (ii) any Enclosed Place used by KZA or any organization, body or entity established by KZA as a work or meeting space, including, among others, KZA administrative offices, child and elder care facilities and homes, places frequented by young persons, retirement homes, residential hospices, medical, nursing and emergency response facilities;
 - (iii) any residential spaces subject to reasonable plans, accommodation or compensation approved by KZA to control odours, traffic, noise, lighting or other nuisances that may interfere with inhabitants' use or enjoyment of such residential spaces;
 - (iv) any vehicle owned, leased or used by KZA or any organization, body or entity established by KZA;
- (b) the area within a nine (9) metres radius of any entrance or exit of an Enclosed public Space or workplace;
- (c) schools, school grounds, playgrounds, sports and recreation facilities, places frequented by minor persons, whether or not enclosed; and,
- (d) the area within one hundred fifty (150) metres of the boundary of any school, school ground, playground or sports and recreation facility, whether or not enclosed,

“**Council**” means the duly elected Chief and Council of KZA;

“**Directive**” means a directive issued under and for purposes of the application of this By-law by the KZA Cannabis Control Board;

“**distribution or distribute**”, in respect to cannabis, means administering, transferring, transporting, sending, delivering, selling, offering for sale or providing 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;

“**dried cannabis**” means any part of a cannabis plant that has been subjected to a drying process, other than seeds;

“**Enclosed Place**” means the inside of any place, building or structure or vehicle or conveyance that is covered by a roof;

“**Enforcement Officer**” means an officer of the KZA Police Department, a person appointed by Council, from time to time, to administer and enforce the provisions of KZA 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 by the Council for the purpose of maintaining law and order on KZA Land;

“**fresh cannabis**” means freshly harvested cannabis buds and leaves, other than seeds or plant material that can be used to propagate cannabis;

“**illegal cannabis**” means cannabis that is or was distributed or sold otherwise than in accordance with this By-law;

“**Interim Cannabis Control Board**” means the temporary Cannabis Control Board, as established under section 12 of this By-law;

“**KZA Lands**” means KZA lands presently under the jurisdiction and control of KZA and in which all members have a common interest, and any and all lands that may be added thereto in the future;

KZA Members” means a person or persons whose name appears on the KZA Membership List;

“**Medical Cannabis**” means cannabis that is prescribed by a health-care practitioner authorized to do so under the *Cannabis Act* and Part 14 of the *Cannabis Federal Regulations*, as amended from time to time;

“**minor person**” means a person who is less than eighteen (18) years of age;

“**motor vehicle**” means a vehicle that is capable of being propelled or driven otherwise than by muscular power;

“**person**” means any natural or legal person and includes all KZA members;

“**Police Record Check**” means a vulnerable sector 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**”, in respect to cannabis, means (i) having personal possession of cannabis or (ii) knowingly having cannabis in the actual possession or custody of another person, or to have it in any place, whether or not that place belongs to or is occupied by the person in possession, for the use or benefit of the same or of another person. Where one of two or more persons, with the knowledge and consent of the rest, has cannabis in her or his 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 KZA Lands and identified in the Cannabis Business Permit in which the Cannabis Business Permit Holder carries on the Cannabis Business and includes a store, office, warehouse, factory, building, enclosure or commercial property, yard and includes various places within the KZA Lands where the Cannabis Business services may be provided from time to time but is limited to the Business Permitted Area. The Premises may include any commercial space fully separated from another existing commercial space, as long as there is no public access between such commercial spaces. For more certainty, the Premises cannot be located in a residential dwelling unit even when located within the Business Permitted Area;

“**production**”, in respect to cannabis, means to obtain cannabis, as defined under this By-law, by any method or process, including manufacturing, processing and synthesis, altering of its chemical and physical properties by any means, or cultivating, propagating or harvesting it or any living thing from which it may be extracted or otherwise obtained;

“**residence**” means a dwelling unit, house or building in which one resides as their home, with the intent to stay for an undetermined period and with the intent to return to, irrespective of the nature of possessory or occupational rights that one holds therein;

“**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 as authorized by Council 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 to sell or otherwise distribute cannabis or Authorized Cannabis Product to the public or any other person, from a store, office, warehouse, factory, building, enclosure or commercial property, yard or any other permitted Premises on behalf of oneself or others, for the purpose of gain or profit. Such Retail Cannabis Business shall not be equipped in such a way that would allow a person from making a purchase without leaving a motor vehicle (drive-through) or without entering into the Retail Cannabis Business (mail or in person delivery, vending machine, etc.);

“**sell**” or “**sale**”, in respect to cannabis, means any sale or intended sale at retail for purposes of consumption or use;

“**use or consume cannabis**”, in respect of cannabis, means to smoke, vape, ingest, absorb or otherwise consume.

2.2 The purposes of this By-law are to:

- (a) protect the health and safety of KZA Members and other persons resident within, or visiting, or doing business within KZA Lands and, in particular, to protect the health and safety of minor 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;

- (c) control who may Carry on a Cannabis Business on KZA Lands and the manner in which such business is conducted;
- (d) deter illicit and illegal activities in relation to cannabis, including but not limited to:
 - (i) preventing cannabis from being diverted into the illegal cannabis market;
 - (ii) preventing illegal cannabis from entering the source of supply of the legal cannabis market;
 - (iii) through appropriate sanctions and enforcement measures.

2.3 In this By-law,

- (a) the word “shall” signifies an obligation that, unless this By-law provides to the contrary, must be carried out as soon as practicable after this By-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 By-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 a KZA, 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 KZA 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 Scope of application of the By-law:

- (a) The preamble contained herein shall have the force and effect as if made a part of this By-law;

- (b) This By-law is a by-law in accordance with the powers to enact by-laws under the *Indian Act* and applies to all activities related to the use, possession, production and distribution of cannabis on KZA Lands;
- (c) Cannabis Business shall be governed by this By-Law and require a Cannabis Business Permit as recommended by KZA Cannabis Control Board, as well as approved and issued by Council, in accordance with section 8 of this By-law;
- (d) This By-law applies to all KZA members, occupants, residents, Business Entities and other persons situated on KZA Lands;
- (e) This By-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* and Part 14 of the *Cannabis Federal Regulations* 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 KZA Lands;
- (f) This By-law does not apply with respect to the cultivation and processing of Industrial Hemp under the *Industrial Hemp Regulations (Canada)*;
- (g) KZA by-laws and laws, are paramount in the event of an inconsistency with all applicable provincial cannabis laws;
- (h) Federal laws related to criminal activity will continue to apply to the extent that they are consistent with this By-law.

PART II- PROHIBITIONS AND EXEMPTED ACTIVITIES

3. General prohibition on sale, distribution and use of cannabis on KZA Lands

3.1 Except as permitted under this By-law, no person shall:

- (a) engage in the production, distribution and sale of cannabis in or from KZA Lands;
- (b) use cannabis in a Controlled Area;
- (c) be in possession, in a Controlled Area, of more than thirty (30) grams of dried cannabis or its equivalent in other forms in the following amounts:
 - 5 grams of fresh cannabis;
 - 15 grams of edible product;
 - 70 grams of liquid product;
 - 0.50 grams of concentrates (solid or liquid);

- 1 cannabis plant seed.
- (d) cultivate more than four (4) cannabis plants, per residence, or be in possession of the equivalent amount of fresh or dried cannabis harvested from those plants in her or his residence for personal use purposes as per section 11 of this law;

3.2 Notwithstanding any other provision in this By-law, it is strictly prohibited:

- (a) to engage in the production, distribution or sale, or be in possession of, illegal cannabis ;
- (b) to use or be under the influence of cannabis when operating a motor vehicle, boat or aircraft, and offenders may be charged and prosecuted under Applicable Law;
- (c) use, consume or distribute cannabis on KZA Lands in a manner which causes odours, smoke, heat, glare, light or otherwise causes a nuisance that is detectable by a reasonable person in a Controlled Area;
- (d) to distribute or sell any cannabis cultivated and harvested pursuant to 3.1(d) of this By-law;
- (e) to purchase cannabis on KZA Lands except from a Cannabis Business holding a valid Cannabis Business Permit obtained in accordance with this By-law;
- (f) to sell or otherwise provide cannabis to a minor person;
- (g) to hire a minor person in a Cannabis Business;
- (h) for a minor person to sell, cultivate or possess cannabis; and,
- (i) for a minor person to use cannabis for any purposes other than Medical Cannabis in the form and amount prescribed.

4. Prohibitions relating to Cannabis Businesses

- 4.1 No person or Business Entity except as outlined in section **Error! Reference source not found.**, shall carry on a Cannabis Business unless the person or the Business Entity, is a KZA member or if the Business Entity is owned and run solely by a KZA member, as the case may be, and has applied for and received a valid and in force Cannabis Business Permit as recommended by KZA Cannabis Control Board, as well as approved and issued by Council, pursuant to this By-law.
- 4.2 All Cannabis Businesses are required to verify, by means of valid government issued identification, that the individual receiving the cannabis is 18 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 Permit obtained in accordance with this By-law.

4.4 No person may operate or Carry on a Cannabis Business, and no Cannabis Business Permit shall be issued, outside the Business Permitted Area.

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

5.1 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 section 3;

5.2 Section 5.1 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 government-issued photo identification;

5.3 Section 5.1 and 5.2 apply to any Authorized Cannabis Products or other cannabis obtained or possessed by a Registered Person, regardless of the source of the Authorized Cannabis Products or other cannabis.

5.4 A Registered Person for Medical Cultivation who intends to produce cannabis for their own medical purposes shall provide a copy of their Registration Certificate to the KZA Cannabis Control Board and shall be subject to the following restrictions:

- (a) no cultivation of cannabis for medical use by a Registered Person for Medical Cultivation shall be permitted within a residential building owned by KZA;
- (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) cultivation for medical use that is indoors and in a Controlled Area may be authorized for up to a maximum of four Registered Persons for Medical Cultivation at a single address, in accordance with the *Cannabis Federal Regulations* (Canada).
- (d) cultivation for medical use cultivation that is on KZA Lands that are not within a Controlled Area, may take place be for up to four Registered Persons for Medical Cultivation at a single address, in accordance with the *Cannabis Federal Regulations* (Canada).

6. Exemption for KZA or for any person with a valid Health Canada Cultivation License

6.1 Notwithstanding anything in this By-law, KZA is exempted from the general prohibition of production, distribution and sale of cannabis as provided for in section 3 of this By-law. Furthermore, any KZA Member possessing a valid Cultivation License from Health Canada is also exempted from the general prohibition of production of cannabis. For more certainty, a person in possession of a valid Cultivation License from Health Canada is not

required to obtain a Cannabis Business Permit from KZA. However, any cannabis production or cultivation project planned on KZA Lands must be duly authorized by Council ;

- 6.2 KZA may, for the benefit of the community, engage in the production and distribution of cannabis within the KZA Lands, insofar as:
- (a) KZA owns a majority participation in the business;
 - (b) the business operations are deemed to serve the inclusive and sustainable economic growth of the community;
 - (c) necessary measures are taken to ensure that the business operations do not defeat the protective purpose of this By-law; and,
 - (d) the business operations are conducted in strict compliance with this By-law.

PART III- CANNABIS BUSINESS PERMIT APPLICATION, RENEWAL AND TERMINATION

7. Application Requirements

- 7.1 Every Application for a Cannabis Business Permit, or for a renewal or reinstatement after suspension or revocation of Cannabis Business Permit, shall be made to the Cannabis Control Board;
- 7.2 An Application may not be recommended by the Cannabis Control Board to Council until all of the following have been submitted by the Applicant:
- (a) a completed Cannabis Business Permit Application/Renewal/Reinstatement Form, as prescribed in Schedule C of this By-law, or any alternate form prescribed by the Cannabis Control Board;
 - (b) Each Application must confirm that:
 - (i) the location of the proposed Cannabis Business is within the Business Permitted Area;
 - (ii) the proposed Cannabis Business is to operate within a Premise intended for the sole purpose of Carrying on a Cannabis Business;
 - (c) proof satisfactory to the Cannabis Control Board and Council that:
 - (i) the Applicant is KZA member or, in the case of a corporation, partnership, limited partnership, joint applicant, that all partners or venturers or shareholders are KZA members;
 - (ii) the Applicant can demonstrate proof of an interest or right to use of the lands proposed for the conduct of the proposed Cannabis Business; and

- (d) if the Applicant is a partnership, details of each partner's interest in the partnership;
- (e) if the Applicant is a corporation, details of each shareholder's interest in the corporation and the names and addresses of all directors and officers;
- (f) if the Applicant is a joint venture, details of each venturer's interest in the joint venture;
- (g) a current Police Record Check for:
 - (i) each Person named in the Application;
 - (ii) each partner if the Applicant is a partnership;
 - (iii) all on-site managers; and,
- (h) for a Cannabis Business, the estimated number of Authorized Cannabis Products projected to be purchased for retail and the estimated number of Authorized Cannabis Products possessed by the Cannabis Business per month or the estimated number of grams of Authorized Cannabis Product and types of Authorized Cannabis Product to be stored and sold by the Cannabis Business per month;
- (i) a plan for sourcing the Authorized Cannabis Product for sale and identifying all potential suppliers;
- (j) an odour or other nuisance control plan satisfactory to Cannabis Control Board and Council;
- (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 reasonably requested by Cannabis Control Board and Council and a security alarm contract that includes regular monitoring at all times during the period for which the Cannabis Business Permit is being sought;
- (l) proof of adequate onsite parking and a traffic control plan;
- (m) details of the Applicant's proposed measures to prevent sales or distribution to minor persons and the illegal cannabis market;
- (n) a mechanism to provide KZA staff or Enforcement Officers with a right of entry and inspection within a 24 hours notice;
- (o) a release and indemnity to save KZA and Council, the Cannabis Control Board members, committee members, staff, agents, and contractors harmless from any and all claims, losses, damages, and other liabilities of any kind; and
- (p) any other documentation or information as may be required in any other part of this By-law, by the Cannabis Control Board or by the Council, including affidavits in

support of an application for a Cannabis Business Permit, renewal or reinstatement sworn by the Applicant or other verifier.

- 7.3 When an Application satisfies the requirements of section 7, the Cannabis Control Board shall notify the Applicant in writing that the Application has been reviewed and a recommendation has been made to Council.
- 7.4 Where the Cannabis Control Board determines that an Application is incomplete, it shall notify the Applicant or Cannabis Business Permit Holder and Council 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. Should the Applicant disagree with the Cannabis Control Board's determination, he/she may ask the Council to review such determination.
- 7.5 Every Applicant, Application and Cannabis Business Permit Holder may be subject to investigations by and comments or recommendations from the Cannabis Control Board 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 Permit.

8. Application Evaluation and Decision-Making

- 8.1 Council shall have all power and authority necessary in its sole discretion to decide an Application for a Cannabis Business Permit or to renew, amend, revoke or suspend or end the suspension of a Cannabis Business Permit, following an informed recommendation by the Cannabis Control Board, including, without limitation, power to make such investigations or enquiries, to examine any records or any person, and to hear such evidence and argument as Council may deem appropriate.
- 8.2 Cannabis Control Board shall review and make a recommendation to Council regarding all Applications or motions to suspend, revoke or reinstate a Cannabis Business Permit.
- 8.3 Council review and decide all Applications and motions to suspend, revoke or reinstate a Cannabis Business Permit *in camera*, provided:
 - (a) Council shall cause confidential minutes of its review and decision-making, without attribution, to be recorded and sealed;
 - (b) where Council decides to grant or refuse an Application or to suspend, revoke or reinstate a Cannabis Business Permit, 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 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 Permit Holder; and

- (d) except with the prior consent in writing of the Applicant or Cannabis Business Permit 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 or any Applicable Law, a member of Council or by court order.

8.4 The Cannabis Control Board may make a recommendation to Council and Council may decide to refuse an Application or suspend or revoke a Cannabis Business Permit on the grounds that:

- (a) the Application is incomplete;
- (b) the Applicant or Cannabis Business is not compliant with Applicable Laws, this By-law or the terms or conditions of a Cannabis Business Permit;
- (c) the Application does not conform to or represent good planning according to the terms of any zoning by-laws adopted by KZA or is located outside the Business Permitted Area;
- (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 Permit is likely to create a risk to public health or public safety, including the risk of cannabis being diverted to the illegal cannabis market;
- (f) the Cannabis Business Permit Holder has failed to remit to KZA the required Community Contribution as outlined in section 16 of this By-law; or
- (g) the Applicant has, in the past 5 years, a prior criminal conviction directly relating to drugs or narcotics trafficking or has contravened to any provision of this By-law.

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

9. Cannabis Business Permit Content Requirements

9.1 A Cannabis Business Permit may be issued with conditions as recommended by the Cannabis Control Board and decided by Council, in its sole discretion. The Cannabis Business Permit Holder is authorized to conduct only those activities that are authorized by the Cannabis Business Permit.

9.2 A Cannabis Business Permit shall set out the following information:

- (a) the name of the Cannabis Business Permit Holder;
- (b) the Cannabis Business Permit number;

- (c) the address of the Premises where the activity conducted by the Cannabis Business is authorized;
- (d) the authorized activity that may be conducted by the Cannabis Business Permit Holder of the Cannabis Business Permit;
- (e) the hours of operation;
- (f) the length of term;
- (g) the effective date and expiry date of the Cannabis Business Permit; and
- (h) any other conditions deemed necessary by the Cannabis Control Board or Council in order for the Cannabis Business to be carried out on KZA Lands.

9.3 A Cannabis Business Permit will generally be issued for a period of one (1) year. At the expiration of the one-year period the Cannabis Business Permit Holder shall apply for a renewal of their Cannabis Business Permit at least 60 days before its expiration. Any Cannabis Business Permit issued for a term in excess of one year may be subject to an annual compliance review.

9.2 Every Cannabis Business Permit granted under this By-law is valid and permits the person or Business Entity to Carry on the Cannabis Business in a lawful manner, according to its conditions.

9.3 No person or Business Entity shall hold or have any interest in more than one Cannabis Business Permit or in more than one Cannabis Business.

9.4 Pursuant to this By-law, it is an offence to Carry on a Cannabis Business at different premises than the Premises specified in the Cannabis Business Permit.

All Cannabis Business Permits are subject to revocation or suspension in accordance with the terms set out in section 8 of this By-law or [add if Business Licensing By-law applicable].

9.5 A Cannabis Business Permit is non-transferable. A new Application will be required when ownership is proposed to be transferred to a new Business Entity or Person or when an existing Cannabis Business is subject to a Change of Control.

PART IV– OPERATION REQUIREMENTS

10. Operation Requirements for the Cannabis Businesses

Retail Sale Operation Requirements

10.1 A person or a Business Entity Carrying on a Cannabis Business shall:

- (a) hold a valid Cannabis Business Permit obtained in accordance with this By-law;

- (b) not use the Premises to Carry on any Cannabis Business other than the authorized activities for which a Cannabis Business Permit was issued;
- (c) be open for business between 8:00 a.m. to 11:00 p.m. and shall not conduct any business between the hours of 11:00 p.m. and 8:00 a.m. the next day; and,
- (d) ensure that two (2) employees are present on the Premises at all times when the Cannabis Business is open to the public, including one manager;
- (e) not allow a minor person on the Premises;
- (f) check identification to ensure cannabis is not distributed or sold to any minor persons, and accept Indian Status cards as one form of identification;
- (g) not allow a person to consume cannabis on the Premises;
- (h) not allow for the sale of more than 30 grams of dried Authorized Cannabis Products or its equivalent to an individual, or otherwise exceed the maximum possession amount of 30 grams established under the *Cannabis Act*;
- (i) not sell cannabis other than cannabis obtained from a producer authorized by KZA.
- (j) not allow for the delivery of Authorized Cannabis Products off the Cannabis Business' Premises.
- (k) Shall not advertise or solicitate, in any way, that the sale of cannabis is with no taxes;

Signage and advertising

10.2 A person or a Business Entity Carrying on a Cannabis Business shall respect all conditions under the Permit and in accordance with the By-Law as related to signage and advertng, including:

- (a) not fail to display the Cannabis Business Permit in a clearly visible place at the Premises endorsed on the Cannabis Business Permit;
- (b) not publish or cause to be published any representation that a person or Business Entity has the requisite Cannabis Business Permit under this By-law unless such person or Business Entity is so permitted;
- (c) prominently display a sign on the Premises indicating that no minor persons are permitted on the Premises;
- (d) not advertise or promote the use of cannabis to a minor person

Quality Control

- 10.3 A person or a Business Entity Carrying on a Cannabis Business shall protect the health and safety of its customers and of KZA members, and shall:
- (a) ensure that a sample of Authorized 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 by the Cannabis Business;
 - (b) install and maintain an air filtration system that effectively minimizes odour impacts on other KZA Lands.
- 10.4 A person or a Business Entity Carrying on a Cannabis Business shall take reasonable steps to ensure the security of the cannabis in their possession, by securing the Premises, including:
- (a) installing high-quality video surveillance cameras that monitor all entrances and exits and the interior of the Cannabis Business' Premises at all times;
 - (b) retaining video camera data for at least 60 days after it is gathered, which may be viewed by Council anytime upon request;
 - (c) installing a security and fire alarm system that is, at all times, monitored;

Reporting and inspection

- 10.5 A person or a Business Entity Carrying on a Cannabis Business shall remit all reports required by the Cannabis Business Permit and ensure compliance with all conditions and the By-law. Notably, a Cannabis Business shall:
- (a) Pay the fees prescribed by the **Error! Reference source not found.**, which fees shall be non-refundable. Failure to pay such fees within ten (10) days of date payable shall be grounds for revocation or suspension
 - (b) provide contact information to KZA to ensure 24 hour per day, 7 days per week voice contact with the person to whom the Cannabis Business Permit is issued;
 - (c) promptly bring to the attention of the Cannabis Control Board any change in the information contained in an Application or Cannabis Business Permit; and
 - (d) allow for inspections by the Cannabis Control Board, the Enforcement Officer or any law enforcement official having jurisdiction.

11. Operation Requirements for Personal Production

- 11.1 A person producing cannabis for personal consumption must request an Authorization for Personal Production from Cannabis Control Board to cultivate and harvest up to a maximum of four cannabis plants at any one time in their dwelling-house or personal residence. The individual must ensure that any cannabis produced under an Authorization

for Personal Production is subject to reasonable security measures, is not accessible by minor persons and is not distributed to any person other than the person named in the Authorization for Personal Production.

- 11.2 An Authorization for Personal Production is granted for a one-year term, does not require an Application fee or renewal fee and is granted by the Cannabis Control Board to track the cannabis produced on KZA Lands and to prevent the production of cannabis in a Controlled Area and outside the Business Permitted Area An Authorization for Personal Production may be suspended or terminated by the Cannabis Control Board in its sole discretion.
- 11.3 A person requesting an Authorization for Personal Production must include with their Application the address of their dwelling-house or personal residence.
- 11.4 A person may submit an Application to the Cannabis Control Board for a medical exemption to grow more than four cannabis plants per dwelling-house or personal residence accompanied by supporting medical documentation, with details of the maximum number of cannabis plants proposed to be produced by that individual or someone designated to grow on that individual's behalf and a signed declaration stating that the cannabis will only be used for personal consumption. Any Application to the Cannabis Control Board for a medical exemption shall be determined by the Cannabis Control Board in its sole discretion and shall be subject to any of the provisions otherwise applicable to a Cannabis Business Permit and any additional conditions deemed necessary by the Cannabis Control Board.

PART V– CANNABIS CONTROL BOARD

12. Interim Cannabis Control Board

- 12.1 Is hereby instituted a temporary regulatory body, to be known as the KZA Interim Cannabis Control Board, in charge of enforcing and administering this By law, establishing the Cannabis Business Permit requirement, reviewing Applications for a Cannabis Business Permit, and making recommendations to Council; the whole in accordance with this By law.
- 12.2 The Interim Cannabis Control Board shall start its mandate at a date to be determined by KZA by way of a Band Council Resolution. Until such time, no Cannabis Business Permit shall be recommended by the Interim Cannabis Control Board to Council and no cannabis-related activity requiring regulation, imposition of conditions or oversight by the Interim Cannabis Control Board can be undertaken.
- 12.3 The Interim Cannabis Control Board shall be composed of a minimum of one (1) and a maximum of two (2) members to be appointed by Band Council Resolution for a single term of twelve (12) months.
- 12.4 To be eligible for appointment as a member of the Interim Cannabis Control Board, a person must meet the requirements of the Cannabis Control Board listed in section 13.4 of this By-law.

- 12.5 The Interim Cannabis Control Board shall replace any member of the Interim Cannabis Control Board if the member resigns or is deemed unable or unfit to assume its functions by the Office, in accordance with its Directives.
- 12.6 .
- 12.7 .
- 12.8 The Interim Cannabis Control Board shall hold meetings once every three (3) months, or at the call of the Chairperson or a majority of its members.
- 12.9 Notice of the Interim Cannabis Control Board meetings, the agenda and relevant documentation shall be provided to all Interim Cannabis Control Board members no later than seven (7) days prior to the date of each meeting.
- 12.10 Meetings of the Interim Cannabis Control Board will be held *in camera* unless requested by an Applicant;
- 12.11 The Interim Cannabis Control Board has the authority to issue Directives governing its internal operations and functioning, including a Code of Conduct for its members. It shall also implement and maintain such internal systems, networks and databases as it may require to fulfill its mandate.

Mandate

- 12.12 The Interim Cannabis Control Board has the same authority as the Cannabis Control Board, as described in sections 13.12 and 13.13 of this By-law.
- 12.13 The mandate of the Interim Cannabis Control Board shall conclude exactly twelve (12) months following the establishment of the Interim Cannabis Control Board by KZA by way of a Band Council Resolution.

Cannabis Permit Requirements

- 12.14 In fulfilling its mandate, the Interim Cannabis Control Board shall adhere to the same Cannabis Business Permit requirements listed in section 13.14 of this By-law.
- 12.15 In order to be enforceable, all Interim Cannabis Control Board requirements shall be approved by Band Council Resolution.

Funding and Finances

- 12.16 As of the date of commencement of the Interim Cannabis Control Board's mandate, and for the period that is exactly twelve (12) months following the commencement, the Council shall provide the Interim Cannabis Control Board with an operational budget to ensure the Interim Cannabis Control Board can satisfy its interim duties and responsibilities under this By-law.

13. Cannabis Control Board

- 13.1 Is hereby instituted a regulatory body, to be known as the KZA Cannabis Control Board, in charge of enforcing and administering this By-law, establishing the Cannabis Business Permit requirement and assessing Applications for a Cannabis Business Permit; the whole in accordance with this By-law.
- 13.2 The Cannabis Control Board shall start its mandate at a date to be determined by KZA by way of a Band Council Resolution. Until such time, all Cannabis Business Permits shall be reviewed by the Interim Cannabis Control Board to Council and all cannabis-related activity shall be regulated and overseen by the Interim Cannabis Control Board.
- 13.3 The Cannabis Control Board shall be composed of a minimum of three (3) and a maximum of five (5) members to be appointed by Order-in-Council for a term of three (3) years, and renewable for a second consecutive term.
- 13.4 To be eligible for appointment as a member of the Cannabis Control Board, a person must:
- (a) be a KZA member,;
 - (b) be at least twenty-five (25) years of age;
 - (c) not have any interest, whether directly or indirectly, in a Business Entity having an actual or potential interest in a matter related to the application of this By-law;
 - (d) have no criminal conviction directly relating to drugs or narcotics trafficking or have received pardon for any such conviction.
- 13.5 The Cannabis Control Board shall replace any member of the Cannabis Control Board if the member resigns or is deemed unable or unfit to assume its functions by the Office, in accordance with its Directives.
- 13.6 The Cannabis Control Board members shall appoint a Chairperson and a Secretary among themselves by majority vote.
- 13.7 Meetings of the Cannabis Control Board shall be held with a quorum of not less than 50% plus 1 of the Cannabis Control Board members and decisions of the Cannabis Control Board shall be made by majority vote of at least 50% plus 1 present or represented members.
- 13.8 The Cannabis Control Board shall hold meetings once every three (3) months, or at the call of the Chairperson or a majority of its members.
- 13.9 Notice of the Cannabis Control Board meetings, the agenda and relevant documentation shall be provided to all Cannabis Control Board members no later than seven (7) days prior to the date of each meeting.

- 13.10 Meetings of the Cannabis Control Board will be held *in camera* unless requested by an Applicant;
- 13.11 The Cannabis Control Board has the authority to issue Directives governing its internal operations and functioning, including a Code of Conduct for its members. It shall also implement and maintain such internal systems, networks and databases as it may require to fulfill its mandate.

Mandate

- 13.12 The Cannabis Control Board has the authority to:
- (a) make recommendations to Councils to issue, suspend and revoke the Cannabis Business Permit provided in this By-law;
 - (b) regulate, monitor and inspect all the Premises and activities of Cannabis Business Permit Holders to ensure compliance with the relevant Cannabis Business Permit requirements; and,
 - (c) make any relevant decisions and take any actions deemed necessary to fulfill the purposes of this By-law.
- 13.13 The Cannabis Control Board shall publish and make available for consultation to all community members, on an annual basis, the aggregate revenues earned Community Contribution.

Cannabis Permit Requirements

- 13.14 In fulfilling its mandate, the Cannabis Control Board shall establish, in consultation with Council, the requirements for the issuance of a Cannabis Business Permit:
- (a) the eligibility criteria and prior conditions of application for each Cannabis Business Permit, including security background checks of owners, directors and personnel of licence holders;
 - (b) the application process, form and requirements in respect of each Cannabis Business Permit;
 - (c) applicable annual fees, term and renewal conditions in respect of each Cannabis Business Permit;
 - (d) the conditions of operations and restrictions applicable to all Cannabis Business Permit; such as the location of points of sale within the Business Permitted Area, the hours of operation, and the maximum amount of cannabis that can be distributed or sold within a specified period of time to a person;
 - (e) the conditions applicable to advertising and marketing activities and packaging and labelling requirements;

- (f) quality assurance standards to ensure that all cannabis distributed and sold within KZA Lands are consistently and reliably safe and quality-controlled;
- (g) standards regarding the composition, strength, concentration, potency, purity or quality or any other property of cannabis and Authorized Cannabis Products distributed and sold within KZA Lands;
- (h) the maximum and minimum prices for which cannabis and Authorized Cannabis Products can be sold by a Cannabis Business Permit Holder;
- (i) procedures for addressing breach of provisions of this By-law by Cannabis Business Permit Holders and applicable sanctions, including suspension and revocation of the licence, fines not exceeding the amount of 1,000.00\$ per breach, and ineligibility of the licence holder; and,
- (j) mandatory measures and systems that Cannabis Permit Holders should put in place to ensure strict compliance with the provisions of sections 7 and 8 of this By-law;
- (k) the maximum safety and security standards, youth and elderly protection measures and reporting obligations for in-residence cultivation of cannabis pursuant to section 2.2(a) of this By-law;
- (l) harm reduction mechanisms or services for users and preventative education measures for the youth.

13.15 In order to be enforceable, all Cannabis Control Board requirements shall be approved by Band Council Resolution.

Funding and Finances

13.16 As of the date of commencement of the Cannabis Control Board’s mandate, the Council shall provide the Cannabis Control Board with an annual operational budget to ensure the Cannabis Control Board can satisfy its duties and responsibilities under this By-law.

13.17 Once it is determined by the Cannabis Control Board and approved by Council that the Cannabis Control Board is in a position to become financially self-sustainable, the Cannabis Control Board shall make Directives governing its financial management and assume the funding of its operations.

PART VI– ENFORCEMENT

14. Offences and penalties

14.1 Any person, Business Entity or Cannabis Business who contravenes any provision in this By-law or any term or condition of a Cannabis Business Permit commits an offence and shall be subject to prosecution by summary conviction in accordance with section 85.1(4)(a) of the *Indian Act* and, upon conviction, liable:

- (a) in the case of a KZA member, to a fine of \$250 for a first conviction, \$500 for a second conviction, and \$1000 for a subsequent conviction and a recommendation by the Cannabis Control Board to Council to suspend or revoke the Cannabis Business Permit;
 - (b) in the case of a Cannabis Businesses to a fine of \$1000 for a first conviction, \$2500 for a second conviction, and \$5000 for a subsequent conviction and a recommendation by the Cannabis Control Board to Council to suspend or revoke the Cannabis Business Permit; and
- 14.2 Any person, Business Entity or Cannabis Business who contravenes any provision of this By-law or who takes part in the contravened activity upon conviction is also liable to a term of imprisonment not to exceed six months or to both fine and imprisonment.
- 14.3 Each day a person is in contravention of the provisions of this By-law represents a separate offence and is subject to the penalties set forth under subsection 14.1.
- 14.4 A fine imposed under this section is payable directly to KZA within thirty (30) days of the date of the issuance of the offence ticket; unless a plea of not guilty is entered by the accused within the allocated time limit.
- 14.5 In addition to any other penalty imposed under this part, KZA may apply to a court of competent jurisdiction in the province of Quebec to obtain an order prohibiting the continuation or repetition of the offence by the person convicted.
- 14.6 As part of the penalty, the person, Business Entity or Cannabis Business and all directors, officers or owners may be prohibited from Carrying on a Cannabis Business on KZA Lands for a period of 12 months.
- 14.7 Any person who contravenes any prohibition in this By-law or any term or condition of a Cannabis Business Permit may have their Cannabis Business Permit temporarily suspended or permanently revoked and terminated in Council's sole discretion.
- 14.8 Notwithstanding any other proceeding, prosecution, fine, penalty or other remedy, the Cannabis Control Board may:
- (a) issue a stop work order requiring any person or Business Entity who has not received full and proper authorization under this By-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 by-law to be removed within 30 days, failing which Council may order them to be removed at the expense of the Cannabis Business Permit Holder, Applicant, person or Business Entity who constructed or installed the structures, works or installations without proper authorization or the person in possession of the KZA Lands upon which the structures, works or installations are located.

13.9 A stop work order or removal order imposed under this Part may be registered in the Quebec Superior Court of Justice and enforced as an order of that court.

15. Enforcement

15.1 This By-law is enforceable by an Enforcement Officer.

15.2 An Enforcement Officer may arrest any person whom she or he finds contravening any provisions of sections 3 and 4 of this By-law for the strict purposes of ensuring the proper application of this By-law.

15.3 Every person entering into KZA Lands by a motor vehicle, boat or aircraft shall, at all relevant times and upon request by an Enforcement Officer, declare whether or not she or he has in their possession any cannabis, whether on their person or in their possession.

15.4 Where an Enforcement Officer has reasonable grounds to believe a person subject to this By-law to be or have been in contravention thereof, she or he may:

(a) with warrant, except if otherwise authorized by the Applicable Law or this By-law, conduct a reasonable search of the person and any objects in her or his immediate possession;

(b) with warrant, except if otherwise authorized by the Applicable Law or this By-law, seize any goods or chattels by means or in relation to which there are reasonable grounds to believe that the By-law was contravened or an offence was committed for a period of time for a reasonable period of time not exceeding three (3) months following the day of seizure. If proceedings are undertaken during this period in respect of the offence, the goods and chattels may remain under seizure until the proceedings are finally concluded; and,

(c) take the necessary measures to initiate proceedings against any person having contravened the provisions of this By-law.

15.5 An Enforcement Officer may, with warrant except if otherwise authorized by the Applicable Law or this By-law, conduct a reasonable search of any building, premises or place of residence situated within the KZA Lands in which there are reasonable grounds to believe that the Applicable Law was contravened or an offence under this By-law is being or was committed.

15.6 At all points of entry onto KZA Lands an Enforcement Officer may, with warrant except if otherwise authorized by the Applicable Law or this By-law, conduct a reasonable search of any motor vehicle, boat or aircraft coming onto KZA Lands:

(a) provided that she or he has reasonable grounds to believe that an offence under this By-law is being committed; and,

- (b) after providing the passenger(s) with the opportunity to make a declaration as to whether they have in their possession any cannabis, whether on their person or in their possession.

15.7 All cannabis seized or found on KZA Lands shall be destroyed or caused to be destroyed, by an Enforcement Officer duly authorized to this effect, within thirty (30) days of the seizure unless, before that day, the person from whom the cannabis was seized or the person who claims to have a right in it applies to the court to establish their right in the things seized. Cannabis is considered to be destroyed when it is altered or denatured to such an extent that its use and propagation is rendered impossible or improbable.

COMMUNITY CONTRIBUTION

16. Community Contributions

16.1 In addition to any Cannabis Business Licence fees prescribed by the Council, Cannabis Business Licence Holders must remit to KZA on a monthly basis the following Community Contribution:

- (a) First year of operations, \$500 per month;
- (b) Second year of operations, \$750 per month;
- (c) Third year of operations, \$1,000 per month;
- (d) Fourth year of operations, \$1,250 per month;
- (e) Fifth year of operations and thereafter, \$1,500 per month.

GENERAL

17. General provisions

17.1 If any provision of this By-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 by-law.

17.2 No action lies and no proceeding may be brought against KZA, KZA's Chief or Councillors, board members, committee members, managers, employees, or contractors:

- (a) for any act or failure to act in relation to this By-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 By-law;
- (c) for the exercise of the person's authority under this By-law, including providing advice, making recommendations, or the failure to provide advice or make recommendations under this By-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 By-law.

17.3 In the event of conflict between this By-law and any federal or provincial law, the terms of this by-law shall prevail.

18. Coming into force

18.1 The provisions of this By-law shall come into force and effect on the date of its publication in the *First Nations Gazette*.

19. Amendment

19.1 This By-law may be amended by quorum of Council.

THIS BY-LAW IS HEREBY enacted by a quorum of Council at a duly convened Council meeting on this [●], 2021.

Quorum: _____

Chief

Councillor _____ Councillor _____

Councillor _____ Councillor _____

Councillor _____ Councillor _____

I, _____ Chief/Councillor of KZA, do hereby certify that a true copy of the foregoing By-law was published in the *First Nations Gazette*.

SCHEDULE A

Business Permitted Area

**[ADD MAP OF THE AREA WHERE CANNABIS BUSINESS WILL BE ALLOWED /
ALONG HIGHWAY – OUTSIDE VILLAGE AS PER CONVERSATION WITH
CLIENT]**

DRAFT

SCHEDULE B

Authorized Cannabis Products¹

1. dried cannabis
2. fresh cannabis
3. cannabis plants
4. cannabis plant seeds
5. edible cannabis, with the exception of any product that would imitate or replicate a mainstream commercial brand of confectionary generally available for children and youth consumption.
6. cannabis extracts
7. cannabis topicals

¹ The list of Authorized Cannabis Products in Schedule “B” is based on Schedule 4 of the *Cannabis Act*, as of May 19, 2021. Applicants and Cannabis Business Permit Holders should consult the *Cannabis Act* at the time of their Application, renewal or reinstatement request. Where there is a discrepancy between the Authorized Cannabis Products listed in Schedule “B” of this by-law and Schedule 4 of the *Cannabis Act*, the list in Schedule 4 of the *Cannabis Act* shall prevail.

SCHEDULE C

Cannabis Business Permit Application/Renewal/Reinstatement Form

