



# **SHAWANAGA FIRST NATION**

## **CANNABIS LAW 2022**

### **GOVERNING THE USE OF LANDS FOR CANNABIS BUSINESSES LOCATED ON SHAWANAGA FIRST NATION LANDS**

**Schedule "A" to Band Council Resolution No. 22-17-604CM**

# SHAWANAGA FIRST NATION CANNABIS LAW 2022

Date enacted: 28 March 2022

Coming into force date: 28 March 2022

## WHEREAS:

1. Shawanaga First Nation and its people have a profound relationship with the land that is rooted in respect for the spiritual value of the earth and the gifts of the Gchi Manidoo, the Creator, and shall preserve its connection to the land;
2. Gchi Manidoo, the Creator, gave Shawanaga First Nation laws that have always been and that govern all of our relationships and our rights and responsibilities to live in harmony with nature and humankind;
3. Shawanaga First Nation has inherent jurisdiction over activities carried out on its lands and in respect of its people;
4. Shawanaga First Nation governs its own lands and resources, by among other things, regulating the use, possession and management of Shawanaga Lands including all interests in relation to Shawanaga Lands pursuant to the *Shawanaga First Nation Land Code* and has the authority to enact Shawanaga Laws;
5. All Persons and Business Entities operating a business at Shawanaga First Nation must adhere to the requirement to obtain a Business Licence pursuant to the *Shawanaga Business Licence Law, 2021*, provided that all Cannabis Businesses shall be governed by this Cannabis Law;
6. Medical Use Cultivators shall provide a copy of their medical Registration Document from Health Canada to Shawanaga First Nation solely for safety and security purposes;
7. This Law sets out the following supply chain and licensing regime for retail of Cannabis for the Interim Period;
8. Shawanaga First Nation hereby implements its own local Cannabis Law as a Land Law in accordance with the *Shawanaga First Nation Land Code* to address the Use, Possession, Cultivation, Processing and retail sale of Cannabis on Shawanaga Lands, which shall be amended from time to time during the Interim Period and as part of the overall implementation process;
9. All Persons who wish to Use and Possess Cannabis on Shawanaga Lands shall abide by the requirements of this Law and all Persons who wish to carry on a Cannabis Business on Shawanaga Lands must obtain a Council Authorization and/or Cannabis Licence according to the terms contained herein; and
10. Medical Use Cultivators must adhere to the location restrictions for sale or Cultivation of Cannabis as set out in this Law until such time as the land use planning and zoning processes set out in the *Shawanaga First Nation Land Code* are fully implemented.

**NOW THEREFORE** this Shawanaga First Nation Cannabis Law 2022 is hereby enacted by Council pursuant to existing inherent jurisdiction and the *Shawanaga First Nation Land Code*.

## TABLE OF CONTENTS

<b>PART I – TERMS OF GENERAL APPLICATION .....</b>	<b>4</b>
1. Short Title .....	4
2. Definitions.....	4
3. Interpretation.....	7
4. Application.....	8
<b>PART II – PROHIBITIONS &amp; PERMITTED ACTIVITIES.....</b>	<b>9</b>
5. General Prohibitions .....	9
6. Permitted Activities .....	9
7. Medical Use Registration, Medical Use Cultivators and Medical Use Cultivation .....	9
<b>PART III – LICENCE ISSUANCE, RENEWAL AND TERMINATION.....</b>	<b>10</b>
8. Requirements for a Cannabis Licence or Council Authorization .....	10
9. Application and Issuance .....	11
<b>PART IV – CANNABIS BOARD.....</b>	<b>12</b>
10. Cannabis Board.....	12
11. General Mandate.....	12
12. Duties and Responsibilities.....	12
13. Structure of the Board.....	13
<b>PART V – OPERATION OF LICENCE.....</b>	<b>13</b>
14. Term.....	13
15. Renewal.....	13
16. Fees .....	13
17. Display of Cannabis Licence .....	13
18. Revocation or Suspension.....	14
19. Changes, Alterations or Transfers.....	14
<b>PART VI – APPEALS AND ENFORCEMENT .....</b>	<b>14</b>
20. Appeals .....	14
21. Enforcement, Notice of Contravention and Cease and Desist Orders .....	14
22. Offences and Penalties.....	15
<b>PART VII – CANNABIS COMMITTEES.....</b>	<b>15</b>
23. Cannabis Committees & General Mandate.....	15
<b>PART VIII – COMING INTO FORCE .....</b>	<b>16</b>
24. Coming into Force .....	16
<b>SCHEDULE “A” – PRESCRIBED FEES.....</b>	<b>17</b>

## PART I– TERMS OF GENERAL APPLICATION

### 1. Short Title

The *Shawanaga First Nation Cannabis Law No. 1 Governing the Use of Lands for Cannabis Businesses Located on Shawanaga First Nation Lands* may also be cited generally as the “*Shawanaga Cannabis Law, 2021*” or, in this document, as “this Law”.

### 2. Definitions

For the purposes of this Law:

“**Appeal**” means an appeal under this Law of a Cannabis Board Recommendation;

“**Appellant**” means an Applicant or Cannabis Business who makes an Appeal;

“**Applicable Law**” means Shawanaga Law 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 Shawanaga Law shall prevail;

“**Applicant**” means any Person who makes an Application for any Cannabis Licence under this Law;

“**Application**” means an application for a Cannabis Licence in the form established by the Cannabis Board;

“**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;

“**Cannabis**” has the same meaning as in subsection 2(1) of the Cannabis Act (Canada);

“**Cannabis Act (Canada)**” means the federal *Cannabis Act*, S.C. 2018, c. 16, as amended;

“**Cannabis Licence**” means a licence agreed to be granted by the Council and issued by the Cannabis Board, according to the terms of this Law for a Cannabis Licence;

“**Cannabis Licensee**” means a Person or Business Entity holding a valid Cannabis Licence for the purpose of retail sale issued pursuant to this Law;

“**Cannabis Board Recommendation**” means the recommendation provided by the Cannabis Board to the Council regarding the issuance of Cannabis Licences following their review and consideration of the Application for Cannabis Licence;

“**Cannabis Business**” means a Person or a Business Entity holding a valid Council Authorization, during the Interim Period, for Cultivation and/or Processing or a Person or a Business Entity holding a valid Cannabis Licence obtained in accordance with this Law for retail sales on Shawanaga Lands;

“**Cannabis Regulations**” means the federal *Cannabis Regulations*, SOR 2018/144, as amended, under the Cannabis Act (Canada);

“**Council Authorization**” means a licence holder of a Health Canada licence for any one or more of the following types of licences:

- (a) “Licenced Processor” meaning a Person or Business Entity holding of a valid standard processing licence or micro-processing licence from Health Canada; and
- (b) “Licenced Cultivator” meaning the holder of a valid standard cultivation licence or micro-cultivation licence from Health Canada;

who has obtained authorization from Council in accordance with the term of this Law;

“**Carrying on a Cannabis Business**” includes without restricting the generality of the term, any Person or Business Entity 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 or Business Entity will be deemed to be carrying on, engaged in or practising within the Shawanaga 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 any public enclosed place or Shawanaga First Nation workplace, including:

- (a) any enclosed place owned by Shawanaga First Nation or any organization, body or entity established by Shawanaga First Nation as a work or meeting space;
- (b) any residential buildings or residential spaces owned by Shawanaga First Nation;
- (c) any vehicle owned, leased or used by Shawanaga First Nation or any organization, body or entity established by Shawanaga First Nation;
- (d) an area within a nine meter radius of any entrance or exit of an Shawanaga First Nation-owned workplace; and
- (e) an area that is within 150 meters from the property line of any school, playground, daycare, health facility, education facility, or place of cultural or spiritual significance, whether on Shawanaga First Nation-owned lands or not.

“**Council**” means the Chief and Council duly elected in accordance with the Custom Election Code by Members of Shawanaga First Nation;

“**Cultivate**” means to grow, propagate, or harvest Cannabis;

“**Enforcement Officer**” means the person appointed by Council, from time to time, to enforce this Law and any other Shawanaga Laws;

“**Industrial Hemp Regulations**” means the federal *Industrial Hemp Regulations*, SOR 2018-145, as amended, under the *Cannabis Act (Canada)*;

“**Interim Period**” means the period:

- (a) until Shawanaga First Nation has its own laws for Cannabis Cultivation and Processing, all business activities relating to Cultivation and Processing of Cannabis shall adhere to this Law and require a Council Authorization and demonstration of valid Health Canada licence;
- (b) during which an entity controlled by Shawanaga First Nation shall act as wholesaler for Persons or Business Entities seeking a Cannabis Licence for retail sale on Shawanaga Lands; and
- (c) until such time as Shawanaga First Nation puts in place a wholesale supply chain, no Cannabis retail businesses shall be permitted to operate on Shawanaga Lands other than SFN Cann Retail LP, a business wholly owned by Shawanaga First Nation;

“**Land Law**” means a law, including, but not limited to, policies, regulations, standards, restricted to Shawanaga First Nation Land, enacted in accordance with the *Shawanaga First Nation Land Code*;

“**Medical Use Cultivator**” means a Person with a Registration Certificate from Health Canada permitted to do Medical Use Cultivation.

“**Medical Use Cultivation**” refers to all Persons who are permitted to Cultivate and Possess Cannabis for personal medical purposes in accordance with the Cannabis Act (Canada) and Part 14 of the Cannabis Regulations;

“**Member**” means a member or members of Shawanaga First Nation;

“**Person**” means any natural person and includes a member of Shawanaga First Nation;

“**Possess**” or “**Possession**” in respect of Cannabis, means to have Cannabis in a Person’s personal possession or knowingly have Cannabis in the actual possession or custody of another Person, or has Cannabis in any place, whether or not that place belongs to or is occupied by the Person, or the use of the Person or of another Person;

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

“**Process**” or “**Processing**” in respect of Cannabis, means the production, packaging, and labelling of Cannabis products;

“**Registration Document**” has the same meaning as in Part 14 of the Cannabis Regulations;

“**Registration Certificate**” has the same meaning as in Part 14 of the Cannabis Regulations;

“**Shawanaga Lands**” means any reserve lands belonging to Shawanaga First Nation and that are governed by the *Shawanaga First Nation Land Code* as amended from time to time;

“**Shawanaga Law**” means all applicable laws, by-laws, codes, regulations that have been duly enacted by the Council for Shawanaga First Nation;

“**Use**” in respect of Cannabis, means to smoke, vape, inhale, ingest, absorb or otherwise consume.

### **3. Interpretation**

3.1 The purposes of this Law are to:

- (a) enact a Land Law to protect the health and safety of Members and other Persons resident within, or visiting, or doing business within the Shawanaga Lands and promote overall health and safety awareness of personal Use restrictions for Cannabis Use;
- (b) establish jurisdictional integrity in respect of Cannabis Use, Possession, Cultivation, Processing and sale on Shawanaga Lands for the overall well being of Members and sustainability of Shawanaga Lands, including the promotion and enhancement of the socio-economic development and the fiscal self-sufficiency of Shawanaga First Nation; and
- (c) provide rules and restrictions for the issuance of Council Authorizations and Cannabis Licences for Cannabis Businesses on Shawanaga Lands.

3.2 In this Law,

- (a) the word “shall” signifies 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 a Shawanaga, 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 the Shawanaga First Nation 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.

#### **4. Application**

- 4.1 The preamble contained herein shall have the force and effect as if made a part of this Law.
- 4.2 This Law is a Land Law in accordance with the *Shawanaga First Nation Land Code* and applies to all activities related to the Use, Possession, Cultivation, Processing, wholesale and retail sale of Cannabis on Shawanaga Lands.
- 4.3 Retail sale shall be governed by Shawanaga Laws and require a Cannabis Licence issued by Shawanaga First Nation according to the process set out herein.
- 4.4 For the purpose of establishing a local supply chain, an entity controlled by Shawanaga First Nation shall act as wholesaler for Persons or Business Entities who wish to obtain a Cannabis Licence for retail sale on Shawanaga Lands.
- 4.5 Until such time as Shawanaga First Nation puts in place a wholesale supply chain, no retail sale of Cannabis shall be permitted on Shawanaga Lands other than those activities to be carried out by SFN Cann Retail LP.
- 4.6 This Law applies to all Members, occupants, Business Entities and other Persons situated on Shawanaga Lands.
- 4.7 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 Regulations solely for the purposes of having a record of Medical Use Cultivators and to ensure Medical Use Cultivation is restricted for safety and security purposes on Shawanaga Lands.
- 4.8 This Law does not apply with respect to the Cultivation and Processing of Industrial Hemp under the Industrial Hemp Regulations.
- 4.9 Shawanaga Laws and the *Shawanaga First Nation Land Code*, are paramount in the event of an inconsistency with all applicable federal and provincial Cannabis laws.
- 4.10 Federal laws related to criminal activity will continue to apply to the extent that they are consistent with this Law.



## **PART II – PROHIBITIONS & PERMITTED ACTIVITIES**

### **5. General Prohibitions**

- 5.1 Subject to section 6.1, no Person under 19 years of age shall Use or Possess Cannabis.
- 5.2 No Person, Business Entity or Cannabis Business shall sell, distribute or provide Cannabis to an individual who is under 19 years of age.
- 5.3 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.
- 5.4 No Person shall purchase Cannabis on Shawanaga Lands except from a Cannabis Business holding a valid Cannabis Licence obtained in accordance with this Law.
- 5.5 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.
- 5.6 No Person shall Use Cannabis in a Controlled Area.
- 5.7 No Person shall Use or be under the influence of Cannabis when in or operating a motor vehicle or a boat.
- 5.8 An offender under section 5.7 may be charged and prosecuted under Applicable Law.
- 5.9 No Person shall sell Cannabis, other than a Cannabis Business that is in possession of a valid Cannabis Licence obtained in accordance with this Law.

### **6. Permitted Activities**

- 6.1 A Person who is 19 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 section 8(1)(a) the Cannabis Act (Canada).

### **7. Medical Use Registration, Medical Use Cultivators and Medical Use Cultivation**

- 7.1 Where a Person is a client of a medical sales licence holder under the Cannabis Regulations and holds a valid Registration Document from the medical sales licence holder, the terms of the Person's Registration Document will prevail over the Use of Cannabis and Possession of Cannabis restrictions contained in sections 5 and 6 of this Law.
- 7.2 Section Where a Person is a client of a medical sales licence holder under the Cannabis Regulations and holds a valid Registration Document from the medical sales licence holder, the terms of the Person's Registration Document will prevail over the Use of Cannabis and Possession of Cannabis restrictions contained in sections 5 and 6 of this Law.7.1 applies solely to the Use of Cannabis and Possession of Cannabis by the Person

for medical purposes, requires that the Person be in possession of a hard copy or digital copy of their Registration Document and an original copy of government-issued photo identification.

- 7.3 Sections 7.1 and 7.2 apply to any Cannabis products or other Cannabis, regardless of the source of the Cannabis products or other Cannabis.
- 7.4 A Medical Use Cultivator who intends to engage in Medical Use Cultivation shall provide a copy of their Registration Certificate to the Cannabis Board on behalf of Shawanaga First Nation and shall be subject to the following restrictions:
- (a) no Medical Use Cultivation shall be permitted within residential buildings owned by Shawanaga First Nation;
  - (b) Medical Use Cultivation that is outdoors at a property where Persons reside shall be limited to Medical Use Cultivation for the medical use of a maximum of two (2) Persons, who must both live at a residential address where the Medical Use Cultivation is taking place;
  - (c) Medical Use Cultivation that is indoors at a property where persons reside may be for up to four (4) Persons at a single address, in accordance with the Cannabis Regulations; and
  - (d) Medical Use Cultivation that is on Shawanaga Lands that are vacant lands and not within an area of other residences, may be for up to four Persons at a single address, in accordance with the Cannabis Regulations.

### **PART III – LICENCE ISSUANCE, RENEWAL AND TERMINATION**

#### **8. Requirements for a Cannabis Licence or Council Authorization**

- 8.1 Every Person or Business Entity Carrying on a Cannabis Business on Shawanaga Lands must hold a valid Council Authorization and/or Cannabis Licence obtained in accordance with this Law.
- 8.2 A Cannabis Licence shall be required for any Cannabis Business for retail sales on Shawanaga Lands and shall be issued by Council according to the process set out in Part III of this Law.
- 8.3 Every Cannabis Licence issued pursuant to this Law shall authorize the Cannabis Licensee to carry on the Cannabis Business and shall state:
- (a) the category and description of the Cannabis Business;
  - (b) the location of the business;
  - (c) the hours of operation;
  - (d) the length of term; and

- (e) any other conditions deemed necessary by Council in order for the Cannabis Business to be carried out on Shawanaga Lands.
- 8.4 No Person shall publish or cause to be published any representation that a Person or Business Entity has the requisite Cannabis Licence and/or Council Authorization under this Law unless such Person or Business Entity is so permitted.
- 9. Application and Issuance**
- 9.1 Every Person applying for a Cannabis Licence or Council Authorization must complete Form 2 and shall, at the time of making such Application, give true and correct details of the Cannabis Business, ownership structure and other declarations for which the Application relates.
- 9.2 Each Application shall also be subject to the requirements set out in section 6 of the *Shawanaga Business Licence Law, 2021*, as amended.
- 9.3 Each Application shall:
- (a) confirm that the location of the proposed Cannabis Business is not wholly within a Controlled Area;
  - (b) list all ownership interests in the Cannabis Business;
  - (c) demonstrate that Members hold a majority (51% or more) interest in the Cannabis Business;
  - (d) provide an organization chart to confirm ownership holdings in the Applicant; and
  - (e) be signed by each owner of the Cannabis Business or the owner's duly authorized agent, who is authorized in writing, to make such Application on behalf of the owner, provided that:
    - (i) in the case of a corporation, the Application may be signed by a director or officer of the corporation in accordance with the corporation's laws; or
    - (ii) in the case of a partnership, limited partnership or joint venture, any one of such partners or joint ventures may apply and such partner or joint venture will be deemed to be duly authorized by all the remaining partners or joint ventures.
- 9.4 The Application shall be delivered to the Cannabis Board and must be accompanied by the established non-refundable fee prescribed in Schedule A and any supporting inspection certificates, approvals and confirmations required under this Law.
- 9.5 It is an offence to provide any false or misleading information in order to obtain a Cannabis Licence or Council Authorization.
- 9.6 Every Cannabis Licence or Council Authorization granted under this Law is valid and permits the Person or Business Entity to carry on the Cannabis Business in a lawful manner, according to its conditions.

- 9.7 A Cannabis Licence may be issued with conditions, including but not limited to:
- (a) a requirement to obtain an exemption from Health Canada to permit sales of its product by wholesale to Shawanaga First Nation for distribution to Cannabis Businesses for retail sale of Cannabis on Shawanaga Lands;
  - (b) a specific insurance be obtained relevant to the Cannabis Business;
  - (c) an agreement to indemnify Shawanaga First Nation for any losses incurred by Shawanaga First Nation as a result of the Cannabis Business; and
  - (d) a setting of a maximum number of occupants allowed on the Premises.
- 9.8 Council is authorized to deny, issue, transfer or revoke Cannabis Licences and Council Authorizations.
- 9.9 In denying a Cannabis Licence or Council Authorization duly applied for in accordance with this Law, Council shall provide the Applicant with written reasons for such refusal using Form 3, including a copy of the Cannabis Board Recommendation.
- 9.10 Pursuant to this Law, it is an offence to carry on a Cannabis Business at different premises than the Premises specified in the Cannabis Licence or Council Authorization.

#### **PART IV – CANNABIS BOARD**

##### **10. Cannabis Board**

- 10.1 Shawanaga First Nation shall establish a regulatory body to be known as the “Shawanaga Cannabis Board”.
- 10.2 The Cannabis Board shall not be an approval body, but will assist Council to oversee the process of issuing Cannabis Licences by carrying out the duties and responsibilities such as set out in section Duties and Responsibilities12.

##### **11. General Mandate**

- 11.1 The Cannabis Board will administer this Law in the best interests of Shawanaga First Nation, its Members, and in accordance with the seven grandfather teachings and highest principles of health, safety, security and integrity.

##### **12. Duties and Responsibilities**

- 12.1 In addition to any other duties and responsibilities that may be provided to it in this Law, the Cannabis Board will:
- (a) review and consider the Applications for Cannabis Licence;
  - (b) provide Cannabis Board Recommendation to the Council regarding the issuance of Cannabis Licences;

- (c) assist Council in the establishment of a Shawanaga-driven supply chain for wholesale and retail distribution of Cannabis to Cannabis Businesses;
- (d) assist Council in the establishment of Shawanaga's own laws for Cultivation and Processing of Cannabis on Shawanaga Lands; and
- (e) provide updates to the community on its activities on an annual basis, or upon request from Council, as part of Shawanaga's annual meetings.

### **13. Structure of the Board**

- 13.1 The Cannabis Board shall be comprised of three (3) Persons appointed by Council.
- 13.2 Council shall determine the composition of the Cannabis Board based on their knowledge of health and safety and/or knowledge of the Cannabis industry, and who may or may not be Members.
- 13.3 The Cannabis Board shall be subject to section 20 of the *Shawanaga First Nation Land Code*. For greater certainty, no member of the Cannabis Board shall be an owner, employee, supplier or vendor in a Cannabis Business.

## **PART V– OPERATION OF LICENCE**

### **14. Term**

- 14.1 All Cannabis Licences issued pursuant to this Law shall terminate one (1) year from the Cannabis Licence issuance date and will be entitled to annual renewal provided the Cannabis Business is in good standing with this Cannabis Law or any other applicable Shawanaga Laws.

### **15. Renewal**

- 15.1 Each Person or Business Entity holding a Cannabis Licence wishing to renew its Cannabis Licence must submit an Application for renewal to the Cannabis Board using Form 2 at least ninety (90) days prior to the expiration of the Cannabis Licence term.
- 15.2 Failure to submit an Application to renew within the prescribed timelines may result in the non-renewal of the Cannabis Licence upon expiry of the term or payment of a late renewal fee prescribed in Schedule A.

### **16. Fees**

- 16.1 All fees under this Law shall be non-refundable and are set out in Schedule A.
- 16.2 The yearly licensing fee for a Cannabis Licence shall be payable within ten (10) days of issuance of the Cannabis Licence.
- 16.3 Failure to pay the yearly licensing fee within the time prescribed by section 16.2 shall be grounds for revocation or suspension of the Cannabis Licence.

### **17. Display of Cannabis Licence**

17.1 Every Cannabis Licence granted under this Law shall be displayed in a clearly visible place at the Premises.

## **18. Revocation or Suspension**

18.1 All Cannabis Licences are subject to revocation or suspension in accordance with the terms set out in section 8 of the *Shawanaga Business Licence Law, 2021*, as amended.

18.2 Each Person or Business Entity who wishes to have a revoked or suspended Cannabis Licence reinstated must submit an Application for reinstatement to the Cannabis Board by completing Form 2.

18.3 Reinstatement of a Cannabis Licence that has been revoked or suspended shall be subject to the reinstatement fee set out in Schedule A.

18.4 Any reinstatement of a Cannabis Licence that has been revoked or suspended due to nonpayment of fees shall additionally require payment of all outstanding fees owed under this Law.

## **19. Changes, Alterations or Transfers**

19.1 Changes, alterations or transfers of Cannabis Licences shall be governed by sections 13 and 14 of the *Shawanaga Business Licence Law, 2021*.

## **PART VI – APPEALS AND ENFORCEMENT**

### **20. Appeals**

20.1 An Appellant may appeal a Cannabis Board Recommendation to Council.

20.2 An Appeal shall:

- (a) be made in writing using Form 5 within ten (10) business days of receipt of notice of the decision by the Shawanaga Cannabis Board; and
- (b) state the grounds for reconsideration, together with any relevant supporting information.

20.3 Council shall consider the request for reconsideration within a reasonable period thereafter, may hold a meeting to address the matter, and will provide the Appellant with its decision in writing.

20.4 The decision on an Appeal to Council shall be final and not subject to further appeal. For greater certainty, where Council has made a decision to not approve the issuance of a Cannabis Licence or revoke or suspend an existing Cannabis Licence, Council's decision shall always be final and not subject to appeal.

20.5 All Applicants or Cannabis Licensee can reapply upon making recommended changes to their Application or taking steps to put their Cannabis Licence in good standing.

### **21. Enforcement, Notice of Contravention and Cease and Desist Orders**

- 21.1 Enforcement of this Law shall be subject of to the provisions the *Enforcement Law, 2022*, once enacted.
- 21.2 Enforcement of any Cannabis Licence and/or Council Authorization shall be carried out by the Enforcement Officer in accordance with rights and provisions contained in section 18 of the *Shawanaga Business Licence Law, 2021*, as amended.
- 21.3 If the breach of this Law is criminal in nature, a police force of competent jurisdiction may investigate it, and, where appropriate, criminal proceedings may be initiated and adjudicated in a court of competent jurisdiction.
- 21.4 Subject to section 6.1, any Person under the prescribed legal age who is found to be in Possession of small quantities of Cannabis or using Cannabis within Shawanaga Lands may, if they so elect, to not be subjected to criminal proceedings under the Cannabis Act (Canada), or any other Applicable Law, but shall be provided the opportunity to attend a youth education or prevention program established by a Cannabis Committee, for the purpose of educating young Persons about the risk associated with Cannabis Use.

## **22. Offences and Penalties**

- 22.1 Any Person, Business Entity or Cannabis Business who contravenes any provision of this Law or who takes part in the contravened activity is liable upon conviction under the *Enforcement Law, 2022*, once enacted, to a fine of:
- (a) for Members, Business Entities wholly owned and operated by Members and Cannabis Businesses wholly owned and operated by Members:
    - (i) \$10,000 for a first contravention;
    - (ii) \$25,000 for a second contravention; and
    - (iii) \$50,000 for a subsequent contravention;
  - (b) for all other Persons, Business Entities and Cannabis Businesses:
    - (i) \$50,000 for a first contravention;
    - (ii) \$150,000 for a second contravention; and
    - (iii) \$250,000 for a subsequent contravention.
- 22.2 In addition to section 22.1, a Person, Business Entity or Cannabis Business, including all directors, officers or owners thereof, may be prohibited from Carrying on a Cannabis Business on Shawanaga Lands for a period of twelve (12) months.

## **PART VII – CANNABIS COMMITTEES**

### **23. Cannabis Committees & General Mandate**

- 23.1 Council shall establish one or more “Cannabis Committees” for the purpose of making recommendations relating to Cannabis Use, health, safety, and education.

- 23.2 Each Cannabis Committee so created shall prepare a terms of reference for its proposed activities for approval by Council on an annual basis.
- 23.3 Members of each Cannabis Committee shall be remunerated for their participation in the work of the committee on a meeting by meeting basis according to upset budgets approved by Council in the terms of reference.

#### **PART VIII – COMING INTO FORCE**

#### **24. Coming into Force**

- 24.1 The provisions of this Law shall come into force and effect on the date approved by Council pursuant to section 8.5 of the *Shawanaga First Nation Land Code*.



**SCHEDULE "A" – PRESCRIBED FEES**

APPLICATION FEE:	\$60.00
YEARLY LICENCE FEE:	\$12,000.00
LATE RENEWAL FEE:	\$200.00
REINSTATEMENT FEE:	\$300.00

## **SCHEDULE “B” – LIST OF FORMS**

- FORM 1: Business Licence
- FORM 2: Application, Renewal Application, Transfer or Assignment Form
- FORM 3: Notice of Denial
- FORM 4: Notice of Revocation or Suspension
- FORM 5: Notice of Appeal