



CHIPPEWAS OF RAMA FIRST NATION  
Being a Band within the meaning of the *Indian Act*

**RAMA FIRST NATION  
Cannabis Control By-Law**

**By-Law No 19-01**

**Being a By-Law to REGULATE THE USE AND SALE OF CANNABIS.**

This By-Law shall come into force and effect on July 8, 2019.

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**WHEREAS** the Chippewas of Rama First Nation has and recognizes its inherent right of self-government, and its jurisdiction to pass laws and powers within the First Nation;

**AND WHEREAS** the aforementioned rights of the Chippewas of Rama First Nation have been recognized and affirmed in the domestic laws of Canada, including the *Constitution Act, 1982* and other federal and provincial legislation;

**AND WHEREAS** Bill C-262 requires the Government of Canada to take all measures necessary to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples;

**AND WHEREAS** the Parliament of Canada recognizes that the principles set out in the United Nations Declaration on the Rights of Indigenous Peoples should be enshrined in the laws of Canada, specifically Articles 3 & 4;

**AND WHEREAS** Canada and other states worldwide reaffirmed their solemn commitment to respect, promote and advance the rights of indigenous peoples and to uphold the principles of the United Nations Declaration on the Rights of Indigenous Peoples;

**AND WHEREAS**, in regard to Indigenous peoples, it is important for Canada to reject colonialism and engage in a contemporary approach based on good faith and on principles of justice, democracy, equality, non-discrimination, good governance and respect for human rights;

**AND WHEREAS**, the By-Laws enacted by Rama First Nation remain in accordance with section 81(1) of the *Indian Act* which empowers the First Nation to create By-Laws providing for the health and safety of the residents on and visitors to Rama First Nation;

**AND WHEREAS** cannabis has been found to potentially have traces of dangerous substances;

**AND WHEREAS** Chief and Council seek to establish access to safe environments as well as safe access to regulated, quality controlled and managed cannabis;

**NOW THEREFORE** the Chief and Council of the Chippewas of Rama First Nation hereby make the following By-Law:



## 1. PREAMBLE

1.1. Principles of promoting a healthy community and prevention of health risks are essential to establishing a safe work environment and places of public assembly. Whereas it is believed that Cannabis measures are needed to consider the health of members, Employees, and visitors to the Chippewas of Rama First Nation, it is also imperative to pursue economic projects to financially assist and maintain the First Nation. This is a First Nation enacted Law respecting the production, distribution, sale, possession and use of Cannabis within and from Rama First Nation.

## 2. SHORT TITLE

2.1. This law may be cited as the "RFN Cannabis By-Law".

## 3. APPLICATION

3.1. This Law applies to:

- (a) All activities related to the production, distribution, sale, possession and use of cannabis within, into, and from the First Nation; and
- (b) All persons and business entities situated or found within the First Nation.

## 4. DEFINITIONS

4.1. In this law:

- (a) "**Building Inspector**" means the Chippewas of Rama First Nation Building Inspector or any other person so appointed by the Chippewas of Rama First Nation Chief and Council;
  - (b) "**cannabis**" means a plant that belongs to the genus *Cannabis* and includes:
    - i. 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 part of the plant referred to below;
    - ii. any substance or mixture of substances that contains or has on it any part of such a plant; and
    - iii. any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained;
- But does not include:
- i. A non-viable seed of a cannabis plant;
  - ii. A mature stalk, without any leaf, flower, seed or branch, of such a plant;

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- iii. Fibre derived from a stalk referred to above; and
- iv. The root or any part of the root of such a plant;
- (c) **“Cannabis Accessory”** means anything, including rolling papers or wraps, holders, pipes, water pipes, bongs and vaporizers that are represented to be used in the consumption of cannabis or a thing that is represented to be used in the production of cannabis.
- (d) **“Cannabis by-products”** includes the production, distribution, sale, purchase and possession of any product that contains cannabis in any amount or which is made from cannabis as defined in this by-law, including edible products.
- (e) **“Consumer”** means an individual that purchases Cannabis for personal use;
- (f) **“Council”** means the Chief and Council of the Chippewas of Rama First Nation;
- (g) **“ Dwelling-house ”** means each single unit being a fully detached home, a semi-detached home, a multiple attached home, an apartment, trailer, tent and any building, facility or vehicle used or intended to be used for human habitation in which normal or temporary domestic functions may be carried on;
- (h) **“Distribute”** includes administering, giving, transferring, sending, delivering, providing or otherwise making available in any manner, whether directly or indirectly, and offering to distribute;
- (i) **“Employer”** includes any person who as an owner, proprietor, manager, superintendent or overseer of any activity, business, work, trade occupation, or profession has control over or direction of, or is directly or indirectly responsible for the employment of a person therein, and where the context so requires, includes the Council; and is not limited to Rama First Nation Administration but any Employer of any Employees employed within the jurisdiction of Rama First Nation. All employers must comply with the provisions of this By-Law unless this By-Law otherwise specifies;
- (j) **“Employee”** includes any person who is acting in the capacity of the course of their occupation, work and job, and any person who is employed within Rama First Nation regardless of who their employer is. Every Employee, unless otherwise stated in this By-Law, must comply with all provisions contained within this By-Law;
- (k) **“First Nation”** means the lands contained within Rama First Nation Reserve no.32 which are vested in Her Majesty and have been set apart by Her Majesty for the use and benefit of the Chippewas of Rama First Nation;
- (l) **“Illicit Cannabis”** means cannabis that is or was sold, produced or distributed by a person prohibited from doing so under this By-Law or any federal or provincial Act or that was imported by a person prohibited from doing so under this By-Law;
- (m) **“Medical exceptions”** means a prescription provided to an individual by a licensed and authorized medical professional;



- (n) **“Motor Vehicle”** means a vehicle that is drawn, propelled or driven by any means other than muscular power, but does not include railway equipment;
- (o) **“Officer”** means a By-Law Enforcement Officer, or a member of the Rama Police Service, or any other person so appointed by Rama First Nation Chief and Council;
- (p) **“Place of Employment”** means any enclosed areas of a building or structure in which an Employee works and includes any areas used exclusively by Employees. It also includes any vehicle, heavy machinery or equipment used in the course of employment, but does not include parts of structures or buildings otherwise provided for within this By-Law;
- (q) **“Place of Public Assembly”** means a building or portion thereof used for the gathering together or persons for purposes such as deliberation, holding a meeting or workshop, entertainment, recreation, playing of games of chance, business or amusement, and includes, but is not limited to, places such as the Band Government Office, recreational center, church hall, and other similar facilities, but does not include private dwellings;
- (r) **“Possess”** 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, for the use of the person or of another person;
- (s) **“Produce”** or **“Production”** in respect of cannabis, means to obtain it by any method or process, including by
  - i. Manufacturing;
  - ii. Synthesis;
  - iii. Altering its chemical or physical properties by any means; or
  - iv. Cultivating, propagating, or harvesting it or any living thing from which it may be extracted or otherwise obtained;
- (t) **“Proprietor”** means the owner, or his/her agent or representative of the premises referred to in this By-Law and includes any person in charge thereof or anyone who controls, governs or directs the activity carried on therein, and, where the context so requires, also includes Council;
- (u) **“Public Place”** includes any place to which the public has access as of right or by invitation, express or implied, and any motor vehicle located in a public place or in any place open to public view;
- (v) **“Regulations”** means any regulation enacted under this By-Law;
- (w) **“Separate Structure”** means a shelter or building that is categorically and structurally separate from a building and does not share entrance or exit with any building, is an enclosure by a building but stands alone at a specified distance from the building;



- (x) **“Sell”** means to transfer ownership or exchange for money or something of value and includes offer for sale, expose for sale and have in possession for sale;
- (y) **“Smoking Kiosk”** means a contained Separate Structure that has its own ventilation system that meets all *American Society of Heating Refrigeration and Air-Conditioning Engineers (ASHRAE) Standard 62-2001, Ventilation for Acceptable Indoor Air Quality* requirements. It is a small enclosed designated cigarette smoking area;
- (z) **“Use”** in respect of cannabis means to smoke, vape, inhale, ingest, absorb or otherwise consume;
- (aa) **“Young Person”** means for the purpose of this By-Law any individual who is under the age of 19 years of age;

## 5. PURPOSE

5.1. The purpose of this By-Law is to:

- (a) Consider the health and safety of the members of Rama First Nation and other persons found within the First Nation and, in particular to protect the health and safety of young persons by restricting their access and exposure to cannabis and cannabis by-products, by establishing prohibitions relating to the sale, distribution, purchase, possession, cultivation, propagation and harvesting of cannabis;
- (b) Consider, assert and uphold the jurisdictional integrity of Rama First Nation by ensuring the control and regulation of cannabis and prevent the interference by external law enforcement in Rama First Nation domestic affairs;
- (c) Provide for the legal production, distribution, sale, possession and use of quality controlled cannabis within Rama First Nation through the regulation and enforcement of this By-law;
- (d) Facilitate a regulated and controlled cannabis industry governed by the First Nation that will promote and enhance socio-economic development, fiscal self-sufficiency and tangible benefits for the members of Rama First Nation;
- (e) Deter illicit and illegal activities in relation to cannabis, including but not limited to;
  - i. Preventing cannabis from being diverted into the illicit or illegal market;
  - ii. Preventing illicit or illegal cannabis from entering the source of supply of the legal cannabis market through appropriate sanctions and enforcement measures;
  - iii. Preventing operators of motor vehicles from driving impaired or under the influence.
- (f) Balance the interests of members of Rama First Nation who, on the one hand are opposed to legal cannabis in the First Nation with the interest of community members

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who support the regulated production and sale of cannabis in the First Nation;

## 6. PERMITTED ACTIVITIES

6.1. An individual is permitted to possess cannabis for their personal use so long that:

- (a) The individual is at least 19 years of age;
- (b) The cannabis has been acquired from a dispensary or from a facility that is licensed by Health Canada; or
- (c) The cannabis has been acquired from home-grown plants; and
- (d) The amount possessed at any given time does not exceed the amount prescribed by the regulations of this By-Law.

6.2. An individual is permitted to use cannabis in private dwellings-houses, or in a unit or on a balcony of a multi-unit residence, subject to a building's rules or a lease. In the event of a conflict between a building's rules or a lease and this by-law, this by-law and any regulations arising from this by-law shall prevail.

6.3. An individual or retailer may provide Cannabis Accessories for sale.

## 7. PROHIBITIONS

### 7.1. RETAIL AND LICENSES

- (a) Unless authorized by this By-Law, medical exceptions or regulations, the production, distribution, sale, possession and use of cannabis within the First Nation is prohibited. For greater certainty, a license issued by a regulatory authority outside of Rama First Nation has no validity within the First Nation.

### 7.2. PLACES OF EMPLOYMENT

- (a) Every Place of Employment on the Chippewas of Rama First Nation shall be designated as a NO SMOKING AND NO VAPING area, except as provided for by this By-Law; and shall display a sign in accordance with Section 8 of this By-Law;
- (b) This prohibition on smoking and vaping includes a presumptively reasonable minimum distance of 9 metres or 29.5 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking and vaping is prohibited so as to ensure that cannabis smoke or vapors does not enter the area through entrances, exits, open windows, or other means.

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### 7.3. EMPLOYEE SMOKING AND CONSUMPTION

For Rama Employees:

- (a) The use of cannabis shall not be permitted at the separate enclosed designated Smoking Kiosks constructed for tobacco use.
- (b) The use of any cannabis by-product shall not be permitted by employees while working.  
Further updates may be provided in the Employee Handbook, as amended from time to time.

### 7.4. PLACE OF PUBLIC ASSEMBLY

- (a) No person shall smoke or vape in an enclosed indoor area used as a Place of Public Assembly, except as provided for in this By-Law. This prohibition on smoking and vaping includes a presumptively reasonable minimum distance of 9 meters or 29.5 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking and vaping is prohibited so as to ensure that cannabis smoke or vapors does not enter the area through entrances, exits, open windows, or other means;
- (b) No person shall smoke or vape cannabis in public areas or places of public traffic, including school zones, sidewalks and roads, or in any building with public traffic. For greater certainty the following places within the First Nation, but not limited to, shall be designated as “No Smoking” and “No Vaping” zones:
  - I. Mnjikaning Kendaaswin Elementary School;
  - II. Binoojiinsag Kinoomaagewgamig (Early Childhood Education Centre);
  - III. Mnjikaning Arena Sports Ki (MASK);
  - IV. Water and Wastewater Treatment Plants;
  - V. All health care buildings as designated by Chief and Council from time to time; and
  - VI. Any building or area that Chief and Council designate as a “No Smoking” or “No Vaping” zone.

### 7.5. PROVISIONS OF CANNABIS

- (a) No person shall sell or supply Cannabis, including cannabis by-products, to a person who is less than 19 years of age;

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- (b) No person shall grow more than four plants per residence, unless otherwise authorized by a medical exception;
- (c) Other than in 7.5 (a), this By-Law does not regulate or enforce the private and individual gifting of Cannabis, including cannabis by-products, between individuals.

#### 7.6. PROMOTION OF CANNABIS TO PERSONS UNDER 19

- (a) No person shall, in any place where cannabis, cannabis by-products, are sold or offered for sale, promote the sale of cannabis or cannabis by-products through product association, enhancement or any type of promotional material, to persons less than 19 years of age. For clarity, this includes any sporting event and any public event as well as any event held at any of Rama First Nation buildings, including events with a building use and event permit.

#### 7.7. OPERATION OF MOTOR VEHICLES

- (a) No person shall drive or have the care or control of a vehicle or boat, whether or not it is in motion, while the person's ability to operate the vehicle, vessel, aircraft or railway equipment is impaired by alcohol, a drug, or a combination of both. For greater certainty, refer to Rama First Nation Employee Handbook, as amended from time to time

### 8. SIGNS AND SYMBOLS

- 8.1. Where, under any section of this By-Law, a sign is to be displayed in accordance with this subsection, the rules and regulations from Rama's Anti-Smoking By-Law No. 06-03 will apply. For greater certainty, such signs shall:

- (a) Carry the text "NO SMOKING" in capital letters;
- (b) Consist of two (2) contrasting colors, or if the lettering is to be applied directly to a surface or to be mounted on a clear panel, the lettering shall contrast the background color;
- (c) With respect to size of lettering, be not less than a letter height of 2.54cm;
- (d) Include the text at the bottom of each sign, "Chippewas of Rama First Nation By-Law 19-01, MAXIMUM FINE \$1,000" in letters not less than one half (1/2) of an inch in height for signs with letter size of one inch (1"), and not less than one-quarter (1/4") of the height of the letters on all other sizes of signs.

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- 8.2. Notwithstanding the provisions of subsection (8.1), the following graphic symbol can be used to indicate no smoking areas:



Chippewas of Rama First Nation Council  
By-Law No. 19-01, MAXIMUM FINE \$1,000

- 8.3. Any such symbol shall be on a white background with the circle and the interdictory stroke in red, with a cigarette, letters and figures in black, and provided that the diameter of the circle is at 15 cm or 5.9 inches.

## 9. ENFORCEMENT

- 9.1. This By-Law shall be enforced by the Rama First Nation By-Law Enforcement Officers and the Rama Police Service.
- 9.2. Employers, Proprietors and Managers are required upon becoming aware of a breach of this By-Law, to notify the offender that they are in contravention of this By-Law and ask them to immediately comply or to remove themselves from the Place of Employment or Place of Public Assembly. In the event that the person fails to comply, the Employer, Proprietor or Manager must immediately report the offence to an Officer and must ensure that the offender does not remain in the Place of Employment or Place of Public Assembly.
- 9.3. A person who fails or refuses to comply with any provision of this By-Law, or who fails or refuses to comply with an order made under this By-Law, or who resists or interferes with an Officer acting under this By-Law commits an offence.
- 9.4. This By-Law is in accordance with section 81 of the *Indian Act* and, pursuant to the provisions of that *Act*, is enforceable in a Canadian court of competent jurisdiction.

## 10. PENALTY

- 10.1. Any person who commits an offence under this By-Law is liable on summary conviction to a fine of not more than \$ 1,000 (one thousand dollars) or to imprisonment for a term of 30 days (thirty days), or to both.
- 10.2. Any Proprietor or Employer who fails or neglects to perform the duties imposed on him by any of the provisions of this By-Law commits an offence and is liable on summary conviction to a fine of not more than \$ 1,000 (one thousand dollars) or to imprisonment for a term of 30 days (thirty days), or to both.

## 11. ELECTION

- 11.1. Any person who receives a ticket under this By-Law shall have the initial right to elect to appear before a justice or provincial court judge, or, alternatively, to appear before a Rama Tribunal.

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11.2. In the event that an election is made to appear before a Rama Tribunal, all related charges will be stayed in provincial court until such time as the matter is finally resolved before the Tribunal and all related fines are paid to the First Nation, at which time the charges will be withdrawn. Failure to comply with the decision of the Tribunal, including non-payment of fine, shall result in the charge proceeding in provincial court.

11.3. Notice of election must be provided within 7 days of the date of the ticket, failing which the charge will be processed through the courts. Decisions of the Rama Tribunal are final and shall not be subject to review.

**12. SEVERABILITY**

12.1. If any section or part of this By-Law is found to be invalid for any reason, such section or part or item shall be deemed to be severable and all other sections or parts of this By-Law shall be deemed to be separate and independent therefrom and to be enacted as such.

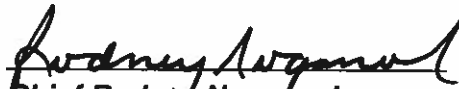
**13. FORCE AND EFFECT**

13.1. This By-Law shall come into effect on July 8, 2019 and shall apply on all Rama First Nation Reserve Lands, Reserve No. 32, as defined in the *Indian Act*.

**THIS BY-LAW IS HEREBY** made at a duly convened meeting of the Chief and Council of the Chippewas of Rama First Nation this day of July 8, 2019.


Voting in favour of the By-Law are the following members of Chief and Council:

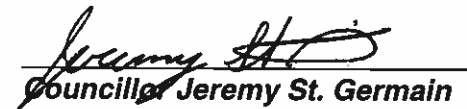
Chief and Council Signatures of Approval

  
Chief Rodney Noganosh

  
Councillor Ted Snache

  
Councillor Ron Douglas

  
Councillor Nemke Quarrington

  
Councillor Jeremy St. Germain

  
Councillor Ted Williams

  
Councillor Tracey Snache

being the majority of those members of the Council of the Chippewas of Rama First Nation present at the aforesaid meeting of Chief and Council.

The quorum of Chief and Council is four members.

Number of members of Chief and Council present at the meeting: \_\_\_\_.

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