

November 2, 2020
WFN Cannabis Law Working Group (5:00 – 6:20pm)

Staff Attendance:

RD Raf De Guevara, Director of IGA/ T & Rights
JB Julia Buck, In-House Legal Counsel
Jen Bellingham, SG Implem. Res/Coor

WFN Members:

CD Carol Derickson
BC Barb Coble
BR Billie Russell
NW Nicole Werstuik
AD Angie Derrickson
RL Roxanne Lindley
JM Janice Money

**Note: All comments captured both verbal and written in the chat forum are collected for the record and done as accurately as possible.*

Raf commences working group meeting at 5:06pm. Meetings will be set based on the membership feedback and input.

No Provincial or Federal revenue sharing models exists.

What is the purpose of this law?

- During engagement in 2017 it was determined to approach the sale of cannabis on reserve by amending the following three laws, however were not finalized at the time.
 1. Safe Premises law
 2. Business License law
 3. Land Use law

The draft law is for WFN to govern over retail sales, distribution, cultivation and processing of Cannabis.

- Similar to the Allotment Law with a Cannabis Commission.
- The Commission would develop policy and be the approving body for cannabis related businesses.
- In the first round of community engagement, the community did not like that one person would be controlling decisions.
- Terms of Reference explain this and came as a result of opposition to the first engagement done years earlier. (this document to be circulated to the working group).
- This is just a proposal based on the feed back received by WFN from the first round of community engagement done in 2017.

AD – will this be tied into ticketing law? How would a commission know something is to be enforced?

JB - Maybe a designated staff person

- RCMP and Law Enforcement Officers (“LEO”) will be able to ticket.
- Good point? How would they know?
- Boots on the ground – has yet to be determined.

RD – use the example of the pawn shop (Second Hand Dealers & Pawnbrokers Law)

- We rely a lot on the RCMP and S. Fosbery has to send in reports to them and they track and do follow up.
- LEO’s would be empowered to do spot checks.

RD - the commission could regulate this.

AD - noting in the law requires that other laws are being informed

- s.9.3
- Are their requirements of the commission?
- RCMP members? Who would comprise the commission?

JB - we need to determine this.

RL - specific roles for bylaw, RCMP and the commission would need to be clear.

BC - any discussion about revenue sharing, provincial or federal?

RD - this question was asked at the British Columbia Assembly of First Nation - nothing to date. They are reluctant? It took years to get a revenue share for gaming. Nothing we have seen yet?

BC - we need revenue sharing to get involved. Our law enforcement will increase.

AD - can we put in our own percentage?

RD - potentially we could with businesses, but need to know what the business looks like. We don't know what the margin is and we haven't seen a model?

JM - are we going to be following the provincial legislation under section 119 as to liquor licensing, re: quality assurance, tracking and tracing and enforcement, a liability?

JB - we can exceed their requirement provincially.

JM - If we decide to regulate the lawn won't there be implications with regard to financing with banks and liability insurance.

JB - I cannot predicate what a bank would say.

RL - Councillor Cindy Brewer of Peachland, Okanagan Indian Band can talk about the retail, medicinal and give some pros and cons on cannabis; she operates 3 stores (2 off reserve and 1 on)

JB - advises that WFN will make a note of this for future research.

RD - we are seeing a theme of revenue sharing and I can reach out to Cindy and see what she can share. Also reach out to Chief Clarence of Osoyoos Indian Band and see what the model of revenue sharing is there.

RD - how does the commission consider certain impacts into the community?

JB - it would be up to the commission?

RD - that's a lot of power to a commission.

AD - the commission needs guidance and direction, what are the provincial and federal standards. The commission needs to be provided with a direction.

JB – who is providing this guidance? There is no consistency within the feedback that we have received from the community. This is where the idea of the commission came about. We are trying to respond to the feedback and are open to other ideas.

AD - our government needs to be in control and the law would be the decision-making authority.

JM – Williams Lake is actually having a problem, I have had a conversation with Williams Lake and their problem with their own enforcement was with liability banks would refuse as well as insurance power should remain with WFN, but what does it look like at what cost, WFN should maintain as much control as possible. I feel if we are forming a commission we would be more under federal initiative.

BC – would you need a special license if you were going to sell arthritic creams with cannabis in it?

JB - this is not specifically addressed in the law, but that would require a license for selling.

RD – if the commission was established and we had developed scenarios, that would help. Example: medical sales only on reserve to a max of 3 stores, a part of that business could cover off enforcement and revenue sharing. Is this something the members could consider? We need further options to consider and pre-set the stage for what might be, keeping WFN government in control. Scenarios would provide the membership the ability to see what we could have and after all of the research is done, see a further opportunity.

NW – I don't see in the law sales from home?

- s5.4, I don't see the Youth Center ("YC") identified, can we add in the YC because of the sport court area and this needs to be addressed.
- s13.8 can you add the YC in this restriction as well.

RD – is there any support for the scenarios? I don't hear a lot of support for the commission idea, so what do people think?

JM – I think the commission is an excellent idea. We should be in charge of what we should be doing. Spoke with Williams lake and taking full liability and s. 119 they had problems with no tracking and tracing. Need to have cannabis monitored and tracked. WFN is leading in the nation. We should put more effort and consultation into this with membership and legalities and we could be the leader in this and doing the best job of all. It's a multi-billion-dollar industry. We do have control of our lands. We need to keep discussions alive.

BC – getting back to what Raf's comment, we should regulate how many business-like tobacco licenses?

RD – could we look at some options? Wouldn't businesses flourish better if we limited the amount of businesses' given the population. Maybe we would see a better return and we could get an idea of what it would look like. What is the solution going forward? If we had some scenarios going forward, we could see what the commissions role is and make it easy?

BC – I agree and think that it is a good idea. I don't want to look like other communities and we should, as a community limit the retail outlets. Maybe allow the existing drug stores to carry these products.

JM – exactly

RL - scenarios would be a great, generate discussion.

RD – by limiting the number of business we could see where we are. We need to understand what a business would look like.

AD - we could also have a number of members owed businesses.

RD – when we talk to Osoyoos and Cindy we will see what our neighbors in the business are saying and seeing. We can do a little business venture enquiry and see what is out there. We struggle with privacy in our community and maybe we can close some of those loop holes if we know what we are looking for? Business scenarios are not too hard to flush out.

JM - I am getting certified to apply legislation and quality assurance, taking a certification course and can lend a lot more to this conversation by Dec 10, 2020.

RD – what I can do is send some emails to the folks we talked about earlier and get some basic business understanding and scope a conversation.

JM – I will send an email to Raf and Julia on this and share some contacts and information. I am very interested in this and want to include our cultural aspect.

NW – has Robert Louie (“RL”) been involved in this conversation?

JB – RL reached out to us and shared some laws and an opinion letter. He has been semi active and we incorporated some of that data into this law.

RD – considering he sent that, maybe we could engage with him as well.

JM – RL's sources will be the same as mine. We are moving in the right direction and this can only benefit the band in the long run. We need to know where we are going.

NW – is Council or the Intergovernmental Affairs Department going to other successful First Nations to see what they are doing?

RD - now that this has been raised maybe there is opportunity on other fronts. I think that Osoyoos is involved in the green house component.

RL - hemp would be something else to research, many different uses from clothing to building materials as well as source of CBD (which is cannabidiol).

RD – we have enough research to do between Julia and myself. We can do an information share at the next meeting. I will give an update to council and maybe we can do some scenarios and see where the commission fits in. Let's flush out the business options and what the commission would do and enforce.