

December 7, 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:

AD Angie Derrickson
CA Cane Abel
QS Quinten Scott

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

Zoom link opens at 5:00pm. Raf commences working group meeting at 5:18pm.

Raf overviews information from the last working group meeting of Nov. 2/20 and advises that we have met with Osoyoos Indian Band (OIB), Chief Clarence Louie and Okanagan Indian Band (OKIB), Counsellor Cindy Brewer. Raf and Jen are planning to attend a facility at OKIB.

RD: OIB is in business with Indigenous Bloom (IB) and are following under a model of inherent right. They have a business relationship with IB, and are challenged with the process so far in how its working. They are moving towards the growing and harvesting of cannabis with IB. We were more interested in how the business works and where they get the product. IB is in the advisory role with respect legal challenges with the provincial process under the inherent right. No policing issues to date.

OKIB has 3 stores; 2 on reserve and 1 off reserve under their inherent right. They have been raided once and approximately \$10,000.00, worth of product was taken. They are working with the BC Community Safety Unit to build a relationship for the off reserve store.

If you're under the provincial model you follow a process and pass on a product that follows regulations. On the first nation side, you purchase from vendors or sellers and they meet certain conditions of health standards, however we still don't know where they get the supply from? What the requirements that must be put on the label regarding health standards? We will visit a store and ask these direct questions, hoping to learn information at a face-to-face.

Under WFN, there is a difference as we can create a law and this law has to meet the provincial threshold. If we are using inherent right to, we can't create a law that has enforcement or ticketing. Our laws meet the provincial threshold or are we going to do a cannabis law under the inherent right with no ability to enforce.

On our visit to OKIB, we need to better understand where they purchase from and what requirements do they meet so that no one is hurt, under the inherent right. Once we get this information, we will compare it to the provincial model and look to see what is the best way to move forward. Is it under the inherent right or the provincial model (which is more stringent but keeps health at the forefront).

This continued research is going to provide us with a better understanding and help to bring more information forward to the group and moving forward, a recommendation to Council making sure that we are not doing something that contradicts us.

OKIB has created a law. However, they don't have any law-making authority so we need clarity on how this is going to work for them. We are strictly looking for data, not challenging their law-making authority.

Once we have done further research, we will come back to this group and share.

AD: thank you for bringing this information forward. I like how we are approaching this and reminding ourselves of our law-making authority and that we are not putting ourselves into a situation that could get us into hot water.

RD: that is good to hear. We looking to be guided to a better decision. Anyone who has a health need can purchase product across the street, so we don't have an immediate need. We need to look at the business side and what options are available under the province vs. the inherent right.

OKIB is happy share information with us. We are going to keep conducting our research. We are also going to look into the provincial process and see what is needed? How do you get a license? What specifics are required by province? Currently, stores are open and there is movement and people are selling.

OKIB is focused on UNDRIP legislation and using this as a vehicle to move forward. There is still an outstanding enforcement issue and we need to understand this. They are not following a provincial model, and this leaves them open to not being able to enforcement anything.

It's too early to see the impacts on health, addiction issues, etc., it's just too early to tell.

More work to be done and more knowledge to be gathered. What is the guideline or threshold of what you are allowed to sell? OIB is following the IB model. OKIB's inherent right application seems to not be getting them into trouble, but we still don't fully understand. Are they meeting health standards?

Next working date meetings: January 25, 2021 and Feb 22, 2021

Meeting ends at 5:46pm.