

February 22, 2021 - WFN Cannabis Law Working Group

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:

RL Robert Louie

**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 5:16pm.

Raf overviews information from the last working group meeting of Dec. 7/21 and advises that we attended to some research to understand the businesses that are up and running. What is working, what is not working and the authority each comes under. We attended a facility run by two members of Okanagan Indian Band (OKIB) and took some time to discuss how they are operating.

We had a face to face meeting with Cindy and Cory Brewer of OKIB they own and run Tupa's Joint (TJ) in the city of Vernon off-reserve. We were able to view all of the products that they sell: cannabis, edibles and a host of other products for sale. We then had a private discussion with them on how they are operating under the UNDRIP legislation, without a business license in the City of Vernon.

(UNDRIP is the United Nations Declaration on the Rights of Indigenous Peoples an international human rights instrument adopted by the United Nations General Assembly on September 13, 2007.)

Prior to opening up TJ, they met with the Mayor and local officials to make them aware of their intent to sell cannabis within their city limits. They also connected with the Community Safety Unit, who carries out compliance and enforcement activities under the Policy and Security Branch of the Ministry of Public Safety.

TJ purchases their product privately and do site visits to make sure the place they are purchasing from is suitable. TJ uses their own discretion on how they do business, their sale quantities and volumes. They can test the products they purchase and label the products if necessary.

There is now schooling available for those wanting to sell product; Cannabis Health Specialist Diploma.

TJ connects with the RCMP (regardless of the fact that they are not licensed) and if assistance is needed, the RCMP will attend.

Currently, TJ is working with the BC Summit on a law and are looking to include air transport.

A lot of trust is placed in the growers that TJ's purchases from and provides a non-commercial benefit. You can have higher THC component, a more quality product. Their CBD products are bringing lots of Elders to help alleviate joint aches and pains.

TJ is going to keep moving forward on the inherent right component. They want to create a better product. We did not have the opportunity to discuss pricing.

Further research is required.

Our ultimate goal for the working group is to be able to do a comparison of regulated Provincial Cannabis stores vs. the UNDRIP Cannabis stores and understand where inherent right fits in and how this would work with our Self-Government Agreement jurisdiction. Online research vs. in store discussions.

RL: want to clarify reference to Indigenous Bloom (IB) from the last notes. These concerns noted were with respect to one employee and alleged concerns. IB does business with Osoyoos in two locations. OKIB does not have a fully executed law. The assertion of UNDRIP working on-reserve is to the best approach, being off-reserve may get them into trouble. Any product sold needs to be properly tested, federal tests and we follow the health guidelines. Packaging also needs to meet these guidelines. These guidelines need to be followed as set by Health Canada.

Any seller or producer must have Standard Operating Practices (SOP) in place. IB has spent money to ensure proper regulations and procedure. IB has precedent setting regulations and laws drafted. I would encourage WFN to consider, prior to production and/or retail sale, looking at these developed documents. A proper regulatory scheme should be in place to regulate all sales, supply, production, transport, growth, etc.; all while meeting the health standards. IB is becoming experts in the country and has developed a regulatory process. We are wanting Canada to look to incorporating some of these components when amending the *Cannabis Act* and the regulatory scheme. They need to understand First Nations.

Provincial regulation s.119 states that agreements can be negotiated with First Nations and the first one is Williams Lake Indian Band (WLIB); that allows them to produce the micro grow operations but are limited to who they can sell to. WLIB was successful in receiving grants from the Province and, but they have to compete with the overall market and must follow the Provincial guidelines. Provincial laws apply. Many First Nations don't want to get the Provincial licenses. In Manitoba, they have a similar thing where a licensed facility doesn't make a large profit. IB has been approached by various First Nations in other provinces (Manitoba and Saskatchewan) to come out from under the Provincial legislation and move to IB, under First Nation law.

RD: that is interesting with Manitoba and Chief Darcy Bear.

RL: we met with the Premier and the Justice Minister and provided solutions to them, via a regulatory scheme, health compliance and SOP. These officials work closely with Darcy and don't want to ruffle any feathers. We are using this as one of our models and I wanted to bring this up for WFN's consideration.

RD: our plan now is to do a comparative chart of First Nations (IB structure) vs. First Nation vs. Province and fill in the blanks to see what each is doing. Understand how the Self-Government Agreement fits in.

RL: we are now working with the Sumas First Nation and the store is fully staffed with First Nation peoples. Our other facility is in Stz'uminus First Nation, between Lady Smith and Nanaimo. Our latest store opening was last Friday. I would encourage you taking a tour of that facility.

RD: we want to make the most conscience decision moving forward and have a more educated discussion with members. We can use this chart to ask the same question and

better understanding how each level of government works. Options on how IB is doing it, the province is doing it, etc.

RL: I can arrange a tour of the Penticton retail store, the production facility, and packaging. We are working on patenting.

RD: we may take you up on this in the spring.

Next working date meetings: *tbd*

Meeting ends at 6:09pm.

***Please note that these minutes have been revised for accuracy. The original notes referenced Chemainus First Nation, which was incorrect as the proper First Nation is Stz'uminus First Nation.*