

## WASAUKSING FIRST NATION CANNABIS LAW

A law regarding the authorization for sale, production and cultivation of cannabis



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## Wasauksing First Nation Cannabis Law

Whereas Wasauksing First Nation has the inherent right to self-government which emanates from its people, culture, language, aboriginal rights, including title, over its traditional lands, which includes, but is not limited to the lands comprising the Parry Island Indian Reserve No. 16, all as recognized and affirmed by section 35 of the *Constitution Act*, 1982;

Whereas under section 11 of the Wasauksing First Nation Constitution the Wasauksing Council has the authority to develop, pass and implement laws, regulations, codes and policies on the rights and freedoms of the citizens of Wasauksing First Nation;

Whereas Wasauksing First Nation chose to assume control of its reserve lands pursuant to the *First Nations Land Management Act*, S.C. 1999, c. 24 by ratifying the Wasauksing First Nation Land Code, 2017;

Whereas under section 7.1 (a) of the Wasauksing First Nation Land Code, Wasauksing First Nation may make land laws for the development, conservation, protection, management, use and possession of Wasauksing First Nation land;

Whereas the voluntary adoption by Wasauksing First Nation of federal and provincial laws as applicable on reserve does not in any way abrogate or derogate from Wasauksing First Nation's inherent right of self-government or any of its constitutionally protected rights;

Whereas under section 88 of the *Indian Act* provincial laws of general application apply on reserve to the extent that they are not inconsistent with federal law, treaty or aboriginal rights or the bylaws and laws of the First Nation;

Whereas significant federal and provincial financial and human resources are expended to support safety, regulation and enforcement of cannabis related laws, which can include support for on reserve cannabis activities;

THEREFORE, pursuant to its inherent, Aboriginal and Treaty rights recognized and affirmed by section 35 of the *Constitution Act*, 1982 and the Wasauksing First Nation Constitution and Wasauksing First Nation Land Code, 2017, Wasauksing First Nation hereby enact this cannabis law.

### 1. TITLE:

This Law will be cited as the "Wasauksing First Nation Cannabis Law".

## 2. PURPOSE:

This Wasauksing First Nation Cannabis Law is developed for the purposes of improving the health, safety and well-being of our community and citizens and support and manage community and economic development.

## **PART 1 - GENERAL**

### **Definitions**

#### 1. In this Law:

- (a) “Authorized Cannabis Grower” means those authorized by Wasauksing First Nation and holding a licence or permit issued under the *Cannabis Act*;
- (b) “Authorized Cannabis Producer” means those authorized by Wasauksing First Nation and holding a licence or permit under the *Cannabis Act* and that do not grow or cultivate Cannabis, but manufacture and produce Cannabis products;
- (c) “Authorized Cannabis Retailer” means those authorized by Wasauksing First Nation and holding retail store authorization pursuant to the *Cannabis Licence Act*;
- (d) “Cannabis” shall have the same meaning as set out and defined in the *Cannabis Act*;
- (e) “*Cannabis Act*” means the *Cannabis Act* S.C 2018, c.16, and any regulations thereunder, or any successor legislation thereto, all as amended from time to time;
- (f) “*Cannabis Licence Act, 2018*” means the *Cannabis Licence Act, 2018*, S.O. 2018, Chapter 12, Schedule 2 or any successor legislation thereto all as amended from time to time;
- (g) “Cannabis Production Facility” means any land, building or structure used in the growth, cultivation, harvesting, manufacture or production of Cannabis;
- (h) “Cannabis Retail Store” means any land, building or structure used in the course of retail sale of Cannabis;
- (i) “commercial purpose(s)” means owning, possessing, growing, manufacturing, cultivating or producing for the purposes of, or with the intent of, sale to other persons or other similar activities of trade;
- (j) “Council” means the duly elected Chief and Council of Wasauksing First Nation and has the same meaning as “council of the band” under the *Indian Act* (Canada);  
“Lands” means those lands within the Wasauksing First Nation boundaries, comprised of the lands recognized by Order in Council as being the Parry Island Indian Reserve No. 16 and such other lands held by the federal or provincial crown as set aside for the use and benefit of Wasauksing First Nation and its members, and which shall include all adhesions or additions thereto from time to time;  
“Law” means this Wasauksing First Nation Cannabis Law;

- (k) “person” means any natural person, corporation, partnership or other legal entity recognized by the laws of the province of Ontario; and
- (l) “Public Place” means any roads, streets, parks, community centres or complexes, administration offices of Wasauksing First Nation or any other building or space of general accessibility to the members of Wasauksing First Nation;

### **Application of Law**

- 2. This Law shall apply on all Lands until such time that Council rescinds this Law by quorum.
- 3. This Law does not apply with respect to the purchase, possession or consumption of cannabis for medical purposes in accordance with the Cannabis laws and regulations of Canada.
- 4. All applicable federal Cannabis and Ontario Cannabis laws shall apply on the Lands to the extent that they do not conflict or are not inconsistent with this Law.
- 5. To the extent that applicable federal Cannabis and Ontario Cannabis laws are inconsistent with this Law, they shall be of no force or effect on the Lands (to the extent of such inconsistency solely) and the terms of this Law shall prevail.

### **Retail Sales Restricted**

- 6. No person other than an Authorized Cannabis Retailer shall sell, attempt to sell, advertise or solicit any sales or operate any Cannabis Retail Store or other store or other place of business that sells, advertises or purports to carry out retail sales of Cannabis on any Lands.
- 7. An Authorized Cannabis Retailer shall at all times comply with the provisions of this Law and all other Laws of Wasauksing First Nation in force from time to time; and shall sell, advertise and solicit sales of Cannabis only in strict compliance with the terms of this Law.

### **Cannabis Growth, Harvesting and/or Production Restricted**

- 8. No person other than an Authorized Cannabis Grower shall grow, cultivate or harvest Cannabis, or attempt to grow, cultivate or harvest Cannabis on the Lands for the purposes of commercial sale, nor operate a Cannabis Production Facility, nor advertise or commence the construction of any Cannabis Production Facility on the Lands.

9. An Authorized Cannabis Grower shall at all times comply with the provisions of this Law and all other Laws of Wasauksing First Nation in force from time to time; and shall grow, cultivate and harvest Cannabis on the Lands only in strict compliance with the terms of this Law.
10. No person other than an Authorized Cannabis Grower or Authorized Cannabis Producer shall manufacture or produce, or attempt to manufacture or produce, Cannabis of any form for commercial purposes on the Lands.
11. An Authorized Cannabis Producer shall at all times comply with the provisions of this Law and all other Laws of Wasauksing First Nation in force from time to time; and shall manufacture or produce Cannabis on the Lands only in strict compliance with the terms of this Law.

### **Personal Consumption Restricted**

12. No person under 19 years of age shall possess, consume, and/or attempt to purchase Cannabis.
13. No person shall sell, provide or distribute, or attempt to sell, provide or distribute, Cannabis to any person who is under 19 years of age.
14. All persons providing or distributing Cannabis to any other person are required to verify by means of government issued identification that the person receiving it is at least 19 years old.
15. No person shall purchase Cannabis on the Lands except from an Authorized Cannabis Retailer.
16. No person shall consume Cannabis in a Public Place.

### **Personal Cultivation, Harvesting or Production Restricted**

17. No person under 19 years of age shall cultivate, propagate, harvest, manufacture or produce, or attempt or offer to cultivate, propagate or harvest, manufacture or produce Cannabis.
18. No person may cultivate, harvest, manufacture or produce Cannabis for commercial purposes, or attempt or offer to cultivate, propagate, or harvest, manufacture or produce Cannabis for Commercial Purposes in a private dwelling where people normally reside.

## **Landlords**

19. No person shall knowingly, or by wilful blindness, permit a premises of which he or she is a landlord to be used for the purposes of, or in any manner related to, an activity prohibited by this Law.

## **Minors**

20. No person under 19 years of age may enter or attend at a Cannabis Production Facility or a Cannabis Retail Store, and no Authorized Cannabis Grower, Authorized Cannabis Producer and/or Authorized Cannabis Retailer may allow a person under 19 years of age to enter or attend a Cannabis Production Facility or a Cannabis Retail Store, as the case may be.

21. An Authorized Cannabis Retailer shall not employ an individual who is under 19 years of age to perform any services in relation to the operation of a Cannabis Retail Store or business.

22. An Authorized Cannabis Grower and/or Authorized Cannabis Producer shall not employ an individual who is under 19 years of age to perform any services in relation to the operation of a Cannabis Production Facility or business.

## **PART 2 – AUTHORIZED CANNABIS RETAILERS**

23. Any person wishing to become an Authorized Cannabis Retailer shall:

- (i) apply to Council for authorization to operate a Cannabis Retail Store on the Lands, in accordance with the application procedures set out in Appendix 1 hereto, as amended from time to time;
- (ii) pay the prescribed application fee then established by Council; and
- (iii) do and perform such other tasks and meet such other requirements as required by Council pursuant to the authority granted to Council under this Law.

24. No person shall operate a Cannabis Retail Store on any Lands except and until all the procedures and requirements as set out in section 23 and Appendix 1 herein are fulfilled.

25. An Authorized Cannabis Retailer shall carry on business in strict compliance with the provisions of this Law and, if applicable, all rules, regulations and requirements imposed pursuant to the *Cannabis Act* and the *Cannabis Licence Act, 2018*.

26. In addition to any other requirements as set out in this Law, an Authorized Cannabis Retailer shall only operate its Cannabis Retail Store, or business, in such locations as

are permitted under the Wasauksing First Nation Land Laws and/or Wasauksing First Nation Zoning Laws as adopted from time to time, including, but not limited to, operating only in those areas identified in such laws as being commercial use zones.

27. An Authorized Cannabis Retailer may only operate its Cannabis Retail Store and business, between 8:00 a.m. and 11:00 p.m. on any day.
28. An Authorized Cannabis Retailer shall not allow the consumption of Cannabis at its Cannabis Retail Store.
29. Every person employed in the sale of Cannabis in a Cannabis Retail Store may be required to successfully complete a responsible service training program approved and implemented by a band council resolution of Council from time to time.
30. No person may sell Cannabis from a mobile or temporary structure, or a household dwelling where people normally reside. Authorized Cannabis Retailers shall only sell, advertise and/or solicit sales of Cannabis from those Cannabis Retail Stores approved by Council in accordance with the procedures set out in Appendix 1 herein.
31. A Cannabis Retail Store authorization issued by Council is specific to the person and geographic location specified therein and is non-transferrable.
32. An Authorized Cannabis Retailer must be a signatory to an undertaking to maintain and pay the annual community health and benefit fee as more particularly set out and described in Appendix 1 herein.
33. An Authorized Cannabis Retailer shall, on a priority basis, purchase Cannabis from Authorized Cannabis Producers provided:
  - (a) such Authorized Cannabis Producer is not in contravention of this Law and/or any other applicable laws, and is not operating its Cannabis Facility in contravention of this Law or any other applicable law;
  - (b) Authorized Cannabis Producers can provide Cannabis at a fair and competitive price; and
  - (c) Authorized Cannabis Producers are ready, willing and able to provide such quantity and type of Cannabis requested by the Authorized Cannabis Retailer.
34. The issuance of any authorization to carry on a Cannabis Retail Store by shall not be interpreted or construed as:



- (a) Any guarantee or commitment by Wasauksing First Nation that the person so authorized is entitled to be issued will be issued, or is exempt from the issuance of a licence under the *Cannabis Licence Act, 2018*;
- (b) Any exemption or waiver by Wasauksing First Nation of the obligation on the person so authorized to obtain a licence under the *Cannabis Licence Act, 2018*;  
or
- (c) Any acknowledgment, decree, law or order made by Wasauksing First Nation that the person shall be exempt from any requirements made or imposed upon the person under such license or the *Cannabis Licence Act, 2018*.

### **PART 3 – COMMERCIAL CULTIVATION AND PRODUCTION**

35. Any person wishing to become an Authorized Cannabis Grower or Authorized Cannabis Producer shall:

- (i) apply to Council for authorization to operate a Cannabis Production Facility on the Lands, in accordance with the application procedures set out in Appendix 2 herein, as amended from time to time;
- (ii) pay the prescribed application fee then established by Council; and
- (iii) do and perform such other tasks and meet such other requirements as required by Council pursuant to the authority granted to Council under this Law.

36. No person shall operate a Cannabis Production Facility on any Lands except and until all the procedures and requirements as set out in section 35 herein are fulfilled.

37. An Authorized Cannabis Grower and/or Authorized Cannabis Producer shall carry on business in strict compliance with the provisions of this Law and, if applicable, all rules, regulations and requirements imposed pursuant to the *Cannabis Act* and all other terms and conditions as may be imposed in connection with the issuance of the licence or permit under the *Cannabis Act*.

38. In addition to any other requirements as set out in this Law, an Authorized Cannabis Grower and/or Authorized Cannabis Producer shall only operate its Cannabis Production Facility in such locations as are permitted under the Wasauksing First Nation Land Laws and/or Zoning Laws as adopted from time to time, including, but not limited to, operating only in those areas identified in such Laws as being farming, mixed used or industrial use zones.

39. An authorization granted to an Authorized Cannabis Grower or an Authorized Cannabis Producer by Wasauksing First Nation is specific to the person and geographic location named in the authorization and is non-transferable.

40. An Authorized Cannabis Grower and/or Authorized Cannabis Producer must be a signatory to an undertaking to maintain and pay the annual community health and benefit fee as more particularly set out and described in Appendix 2 herein.
41. An Authorized Cannabis Grower may be required by Council to successfully meet product quality, packaging and labelling standards approved by band council resolution of Council from time to time and shall comply with all such standards as prescribed from time to time.
42. In the absence of any product quality standard established by Council, an Authorized Cannabis Grower shall be required to demonstrate its production practices are in compliance with the *Cannabis Act*.
43. In the absence of any packaging and labelling standards established by Council, an Authorized Cannabis Grower shall be permitted to determine and implement its own packaging and labelling standards, provided that the packaging and labelling content:
  - (i) is not false, misleading or deceptive or is likely to create an erroneous impression about its characteristics, value, quantity, composition, strength, concentration, potency, purity, quality, merit, safety, health effects or health risks of Cannabis; and
  - (ii) does not appeal to persons under 19 years of age.
44. An Authorized Cannabis Grower may be required by Council to successfully meet storage and handling requirements approved by band council resolution of Council from time to time.
45. An Authorized Cannabis Grower shall be required to destroy or compost all leftover plant material arising from the cultivation process. An Authorized Cannabis Grower shall destroy Cannabis in accordance with a method approved by band council resolution of Council from time to time or, absent any such methods approved by band council, in accordance with the *Cannabis Act*.
46. Cannabis shall be considered to be destroyed when it is altered or denatured to such an extent that its consumption and propagation is rendered impossible or improbable.
47. The issuance of any authorization to carry on or operate a Cannabis Production Facility by Wasauksing First Nation shall not be interpreted or construed as:
  - (a) Any guarantee or commitment by Wasauksing First Nation that the person so authorized is entitled to be issued, will be issued or is exempt from the requirement to obtain a licence to operate the said facility under any applicable federal or provincial laws;
  - (b) Any exemption or waiver by Wasauksing First Nation of the obligation on the person to obtain a licence or permit under the *Cannabis Act*; or

- (c) Any acknowledgment, decree, law or order made by Wasauksing First Nation that the person shall be exempt from any requirements made or imposed upon the person under such license or permit or the *Cannabis Act*, or any other applicable federal or provincial laws.

## **PART 4 – POWERS OF COUNCIL**

### **Community Benefit**

- 48. All persons applying for an authorization to operate a Cannabis Retail Store or a Cannabis Production Facility shall pay the applicable application fees as determined by band council resolution of Council, from time to time.
- 49. All persons carrying on business as a Cannabis Retail Store or a Cannabis Production Facility shall annually pay the applicable community health and benefit fee as established by band council resolution of Council, from time to time, and such fee shall be paid on or before January 30<sup>th</sup> of each calendar year or as otherwise determined by Council.

### **Powers of Council**

- 50. Council and/or its duly authorized representatives (as appointed by band council resolution) are authorized and empowered to:
  - (a) approve an application for the production, cultivation, processing, purchase, sale or distribution of Cannabis;
  - (b) make or pass any order, by-law, rule or regulation regarding Cannabis on the Lands, or the operation of any Cannabis Retail Store or Cannabis Production Facility including, but not limited to, rules and regulations regulating hours of operation, training, security systems, quality control, packaging and labelling of Cannabis;
  - (c) enter into one or more agreements with any person that propose to operate a Cannabis Retail Store or Cannabis Production Facility, and including, but not limited to, any lease of Lands by the Wasauksing First Nation for such purposes or any agreement for the payment of the community health and benefit fee;
  - (d) establish the application fee for those applications made under Appendix 1 and Appendix 2 herein;
  - (e) establish the annual community health and benefit fee from time to time;
  - (f) prescribe any and all information that any Authorized Cannabis Retailer, Authorized Cannabis Grower or Authorized Cannabis Producer shall supply to the Wasauksing First Nation for the purposes of determining compliance with this

- Law, and the rules or regulations herein, and/or calculating the amount of the community health and benefit fee; and
- (g) do and perform such other acts as deemed necessary or advisable for the purposes of carrying out the foregoing.

### **Coordination with Federal and Provincial Governments**

51. Council is authorized and empowered to enter into such reciprocal agreements or understandings with all federal and provincial governments, ministries, agents or boards in connection with the retail, sale, growth, cultivation, harvesting, production and/or consumption of Cannabis, which shall include, but shall not be limited to any of the following matters:
- (a) the assessment of eligibility for any licences, permits, or authorizations;
  - (b) the establishment of conditions for the issuance of any licences, permits, or authorizations;
  - (c) the procedures and protocols for all inspections of any person or business operating under any licence, permit or authorization;
  - (d) the issuance of any corrective orders, warnings, suspensions, revocations or cancellations of any licence, permit or authorization; and
  - (e) notice of and consultation with Wasauksing First Nation in connection with any of the foregoing.

### **PART 5 – OFFENCES AND PENALTIES**

52. Every person who contravenes section 12 of this Law is guilty of an offence and shall be required to participate in one or more First Nation approved youth education or prevention programs. Any failure to participate in any such program shall be an offence under this Law and subject to the penalties prescribed in section 53 herein.
53. Every person who contravenes a provision of this Law is guilty of an offence and on conviction is liable:
- (a) to a fine of not more than \$10,000 for each day of contravention of any provision contained in Part 2 or 3 of this Law exclusive of costs;
  - (b) in any other case and/or in the alternative, to a fine of not more than \$1,000.00; and/or
  - (c) to the revocation of any authorization granted under this Law.
54. If a charge is laid against a person for a contravention of any provision of this Law, and an enforcement officer has reasonable grounds to believe that any Cannabis Retail Store, Cannabis Production Facility or other non-residential premises was used

in the alleged contravention, the enforcement officer may: (i) cause the premises to be closed immediately and thereafter for a period not exceeding thirty (30) days; and (ii) cause any persons on the premises to be removed.

55. Council may suspend, revoke or cancel any authorizations under this Law at any time with written reasons delivered to the Authorized Cannabis Retailer, Authorized Cannabis Grower or Authorized Cannabis Producer, as the case may be.

56. Council may appoint one or more persons, or class of persons, as enforcement officer(s). Council may establish the powers and responsibilities of such enforcement officers as Council deems necessary for the enforcement of this Law and which may include, but are not limited to the following conferring the following powers:

- (a) Entering into any business or establishment,
- (b) Conducting such searches and investigations as are necessary for ensuring compliance with this Law,
- (c) Seizing any Cannabis in the possession of any person contrary to the provisions of this Law or where the acts or conduct of such person in possession of such Cannabis is contrary to the provisions of this Law; and/or
- (d) Conducting such searches and investigations necessary for the purposes of enforcing the rules and regulations passed hereunder.

57. In designating one or more persons, or class of persons, pursuant to section 56, impose any restrictions on the powers of the person or class of persons that the Council considers appropriate.

## **PART 6 – POWERS OF ENFORCEMENT OFFICERS**

58. For the purposes of administering and enforcing this Law, an enforcement officer employed or engaged by Council pursuant to section 56 may:

- (a) At any time during the normal business hours of a Cannabis Retail Store or Cannabis Production Facility, as the case may be, enter and inspect the premises;
- (b) make inquiries and inspections that the enforcement officer considers reasonable and necessary: (i) for the purposes of determining whether or not the license of an Authorized Cannabis Retailer, Authorized Cannabis Grower or Authorized Cannabis Producer, as the case may be, should be renewed, suspended or cancelled, or (ii) for any other purposes regarding Cannabis licenses under this Law and related activities;
- (c) inspect any record or property that is required to be kept by Authorized Cannabis Retailers, Authorized Cannabis Growers or Authorized Cannabis Producers, as

the case may be, or that relates to the sale, possession, consumption, production, cultivation or distribution of Cannabis;

(d) make a copy of any record described in subsection 58(c) or, if the enforcement officer is unable to make a satisfactory copy, after giving a receipt remove and retain the record for a period of twenty-four (24) hours for the purposes of obtaining a satisfactory copy.

(e) with respect to a person who is in, or has been in, a Cannabis Retail Store and to whom the enforcement officer believes Cannabis may have been provided may ask the person for proof of his or her age.

For the purposes of this section 58, “record” refers to any information that is recorded or stored in any form by means of any device or medium.

59. No person shall obstruct an enforcement officer who is acting pursuant to the authority of this Law.

60. No person shall knowingly make a false or misleading statement to an enforcement officer or produce a false document or thing to an enforcement officer.

#### **PART 7 – COMING INTO FORCE**

61. The provisions of this Law come into force on the day or days to be fixed by band council resolution of Council.

#### **PART 8 - AMENDMENTS**

62. This Law may only be amended in accordance with the Wasauksing First Nation Constitution process for amending laws.

**(signatures of Council on next page)**

**Signature of Council:**

**THIS LAW IS HEREBY** enacted and comes into force this \_\_\_\_\_ of \_\_\_\_\_  
2021 at a duly convened meeting of the Council of Wasauksing First Nation.

Voting in favor of this Law are the following members of the Council:

\_\_\_\_\_  
Chief Warren Tabobandung

\_\_\_\_\_  
Chief Councillor Brent Tabobandung

\_\_\_\_\_  
Councillor Craig Brown

\_\_\_\_\_  
Councillor Joel King

\_\_\_\_\_  
Councillor Chance Pedoniquotte-King

\_\_\_\_\_  
Councillor Lindsay McConnell

Being the majority of those of the Council present at the aforesaid meeting of the Council.

The quorum of the Council is four members. Number of the Council present at the meeting: \_\_\_\_\_.

## **APPENDIX 1 – AUTHORIZED CANNABIS RETAILER APPLICATION**

### **Application and eligibility for Cannabis Retail Store Permit**

1. A person may become an Authorized Cannabis Retailer and may be granted an authorization from Wasauksing First Nation if the following circumstances apply:
  - a) The person is a member of Wasauksing First Nation or is a corporation or partnership in which all the shareholders, directors, officers or partners of which are members of Wasauksing First Nation (each person, shareholder, director, officer or partner hereinafter referred in this Appendix 1 as an “Applicant”);
  - b) Each Applicant has a clear criminal record check;
  - c) The person agrees to possess a Wasauksing First Nation business license;
  - d) Each Applicant is in compliance with all Wasauksing First Nation laws and by-laws;
  - e) The proposed location of the Cannabis Retail Store is permitted by the Wasauksing First Nation Land Laws and/or Zoning Laws, is not in a residential area and can be safely accessed by the public.
  - f) Each Applicant agrees in their application to comply with the applicable federal Cannabis and Ontario Cannabis laws; and Authorizing the Cannabis retail store to the person is in the interests of the community.
  
2. Each application for an authorization to become an Authorized Cannabis Retailer must be in the form as approved by Wasauksing First Nation from time to time, and shall include:
  - (a) a detailed organizational chart or description, detailing each and every shareholder, director, officer, key employee, partner, joint venturer or other person that shall have an ownership interest in the business or is entitled to share in the profits of the business;
  - (b) clear criminal record checks for each Applicant;
  - (c) detailed descriptions and information as to the geographic area(s) the person wishes to locate a Cannabis retail store;
  - (d) an expression of interest that shall set out how the Cannabis retail store will work towards the following objectives:
    - i. Protecting community and citizen health and safety;
    - ii. Protecting youth and restricting their access to Cannabis; and
    - iii. Preventing illicit activities in relation to Cannabis;
  - (e) an undertaking from each Applicant to comply with all Wasauksing First Nation Laws and/or By-Laws and all obligations under its licence issued under the *Cannabis Licence Act, 2018*;



- (f) an undertaking to keep appropriate records respecting their business activities in regards to Cannabis;
  - (g) an undertaking to immediately advise Wasauksing First Nation if its licence under the *Cannabis Licence Act, 2018* is revoked or suspended for any reason whatsoever; and
  - (g) the initial application fee and an undertaking to pay to Wasauksing First Nation the annual community health and benefit fee.
3. As soon as practicable after receiving the application and information set out in section 2 in this Appendix 1, Council shall decide whether or not to approve the application and, without limiting the generality of Council's authority, the Council may:
- (a) approve the application;
  - (b) reject the application; or
  - (c) approve the application subject to any reasonable terms or conditions.
4. For each application, Council shall consider the following general principles and factors:
- (a) the economic benefits to be received by its community and members resulting from the approval of such application;
  - (b) employment and training opportunities for its members;
  - (c) the promotion of health, safety, convenience and welfare of its members and of residents and occupants and other persons who have a lawful interest in the Lands;
  - (d) compliance with any applicable Wasauksing First Nation Land Laws and/or Zoning Laws, other Laws, and applicable federal laws and standards;
  - (e) environmental protection and enhancement of the Lands;
  - (f) protection and enhancement of cultural and heritage resources and sites;
  - (g) minimalization of excessive noise, sound or odour;
  - (h) potential impacts on adjacent uses, owners and occupants; and
  - (i) any other factors that may affect the Wasauksing First Nation community or the Lands.
5. An authorization issued to an Authorized Cannabis Retailer is specific to the person and the geographic location named in the authorization and is non-transferrable.
6. Each application shall contain an acknowledgment that Wasauksing First Nation, or its duly authorized employees or agents as may be appointed from time to time, shall be entitled at all times during normal business hours to enter upon and inspect the Cannabis Retail Store to ensure compliance with all Wasauksing First Nation Laws and all applicable federal or provincial laws and regulations in force from time to time.

## APPENDIX 2 – AUTHORIZED CANNABIS GROWER OR PRODUCER APPLICATION

### Application and eligibility for Cannabis Production Authorization

1. A person may become an Authorized Cannabis Grower and/or Authorized Cannabis Producer and may be granted an authorization from Wasauksing First Nation if the following circumstances apply:
  - a) The person is a member of Wasauksing First Nation or is a corporation or partnership in which a majority of the shareholders, directors, officers or partners of which are members of Wasauksing First Nation (each person, shareholder, director, officer or partner hereinafter referred in this Appendix 1 as an “Applicant”);
  - b) Each Applicant has a clear criminal record check;
  - c) The person agrees to possess a Wasauksing First Nation business license;
  - d) Each Applicant is in compliance with all Wasauksing First Nation laws and by-laws;
  - e) The proposed location of the Cannabis production facility is permitted by the Wasauksing First Nation Land Laws and/or Zoning Laws, is not in a residential area and can be safely accessed by the public;
  - f) Each Applicant agrees in their application to comply with the applicable federal Cannabis and Ontario Cannabis laws; and
  - g) Authorizing the Cannabis retail store to the person is in the interests of the community.
2. Each application for an authorization to become an Authorized Cannabis Grower and/or Authorized Cannabis Producer must be in the form as approved by Wasauksing First Nation from time to time, and shall include:
  - i. a detailed organizational chart or description, detailing each and every shareholder, director, officer, key employee, partner, joint venturer or other person that shall have an ownership interest in the business or is entitled to share in the profits of the business;
  - ii. clear criminal record checks for each Applicant;
  - iii. detailed descriptions and information as to the geographic area(s) the person wishes to locate a Cannabis production facility;
  - iv. an expression of interest that shall set out how the Cannabis production facility will work towards the following objectives:
    - i. Protecting community and citizen health and safety;
    - ii. Protecting youth and restricting their access to Cannabis; and
    - iii. Preventing illicit activities in relation to Cannabis;

(b) an undertaking from each Applicant to comply with all Wasauksing First Nation Laws and/or By-Laws and all obligations under its licence issued under any applicable federal or provincial laws;

- (c) an undertaking to keep appropriate records respecting their business activities in regards to Cannabis;
  - (d) an undertaking to immediately advise Wasauksing First Nation if its licence under any applicable federal or provincial laws is revoked or suspended for any reason whatsoever;
  - (e) an undertaking that no growing or cultivation of, or manufacture or production of Cannabis shall occur in any outdoor areas or spaces generally accessible to the public; and
  - (f) the initial application fee and an undertaking to pay to Wasauksing First Nation the annual community health and benefit fee.
3. As soon as practicable after receiving the application and information set out in section 2 of this Appendix 2, Council shall decide whether or not to approve the application and, without limiting the generality of Council's authority, the Council may:
- i. approve the application;
  - ii. reject the application; or
  - iii. approve the application subject to any reasonable terms or conditions.
4. For each application, Council shall consider the following general principles and factors:
- i. the economic benefits to be received by its community and members resulting from the approval of such application;
  - ii. employment and training opportunities for its members;
  - iii. the promotion of health, safety, convenience and welfare of its members and of residents and occupants and other persons who have a lawful interest in the Lands;
  - iv. compliance with any applicable Wasauksing First Nation Land Laws and/or Zoning Laws, other Laws, and applicable federal laws and standards;
  - v. environmental protection and enhancement of the Lands;
  - vi. protection and enhancement of cultural and heritage resources and sites;
  - vii. minimalization of excessive noise, sound or odour;
  - viii. potential impacts on adjacent uses, owners and occupants; and
  - ix. any other factors that may affect the Wasauksing First Nation community or the Lands.
5. An authorization issued to an Authorized Cannabis Grower or Authorized Cannabis Producer is specific to the person and the geographic location named in the authorization and is non-transferrable.

6. Each application shall contain an acknowledgment that Wasauksing First Nation, or its duly authorized employees or agents as may be appointed from time to time, shall be entitled at all times during normal business hours to enter upon and inspect the Cannabis Production Facility to ensure compliance with all Wasauksing First Nation Laws and all applicable federal or provincial laws and regulations in force from time to time.

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