



MOHAWKS OF THE BAY OF QUINTE

KENHTEKE KANYEN'KEHÁ:KA

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STATEMENT TO THE COMMUNITY FROM THE TYENDINAGA MOHAWK COUNCIL AND ADMINISTRATION

In response to the community's concerns regarding the number of marijuana dispensary store fronts that have opened within the community since the Government of Canada has officially announced its intention to legalize the production, sale and distribution of cannabis for recreational use. The dispensary store fronts are not registered businesses with the Mohawks of the Bay of Quinte. The Tyendinaga Mohawk Council has been informed that the operation of a dispensary is not currently legal according to the *Controlled Drugs and Substances Act*.

According to the current laws, only manufacturers and distributors of medical marijuana under the regulatory regime of Health Canada are legal. Based upon the following statement from the department of Justice, "the possession, production and trafficking of cannabis are currently prohibited under the *Controlled Drugs and Substances Act*, except where authorized by exemptions or regulations, such as those for medical cannabis. Under the current law, unlicensed sellers such as "dispensaries" are not licensed by Health Canada and are illegal", the Tyendinaga Mohawk Council has not endorsed any of the dispensaries currently operating on the Tyendinaga Mohawk Territory.

It is important to be aware that despite the fact the federal government has introduced legislation to parliament on April 13, 2017 to legalize the Production, Distribution and Sale of Marijuana for recreational use, it has not yet been passed by the senate, and would still be subject to the regulations. According to Liberal MP Bill Blair, the federal government is hopeful that this legislation will pass through the house by July 2018 with the regulations to follow.

For further information we recommend you visit the government of Canada's webpage regarding the Legalization and Regulation of Cannabis at the following web address;

<https://www.canada.ca/en/services/policing/justice/legalization-regulation-marijuana.html>

or;

The Tyendinaga Police Service by phone at (613) 967-3888 or in person at
6 Meadow Drive, Tyendinaga Mohawk Territory ON, K0K 3A0

The following Q's and A's have been taken from the Government of Canada's website:

Introduction of the Cannabis Act: Questions and Answers

Bill C-45 an Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts (the Cannabis Act) was introduced in the House of Commons on April 13, 2017.

Find answers to your questions about the proposed Cannabis Act.

General

Q1. Why doesn't the Government of Canada decriminalize cannabis for the interim period between introduction and when the proposed legislation comes into force?

The Government of Canada's goal for legalizing, strictly regulating, and restricting access to cannabis is to keep cannabis out of the hands of Canadian youth, and to prevent organized crime from continuing to profit from the illegal cannabis market.

Canadians continue to use cannabis at some of the highest rates in the world. In 2015, 21% of youth and 30% of young adults reported using cannabis within the last year.

Decriminalizing cannabis in advance of legislation that provides for the legal production and sale of regulated, quality-controlled cannabis would only further entrench the existing illegal cannabis market.

Q2. Will law enforcement continue to enforce the current laws until such time that the Cannabis Act receives Royal Assent and comes into force?

Current laws apply until such time that the Cannabis Act receives Royal Assent and comes into force. Cannabis remains illegal unless expressly authorized.

Q3. How does the legislation compare with current tobacco legislation?

The proposed Cannabis Act and the *Tobacco Act* both focus on common public health objectives, such as restricting access to youth and enhancing public awareness of the health risks of use.

The proposed Cannabis Act contains promotion and packaging prohibitions similar to those in the *Tobacco Act*, and includes an amendment to the *Non-smokers' Health Act* to align cannabis restrictions with those in place for tobacco smoking - such as smoking restrictions in the workplace or on public transit.

Legislative Design

Q4. Did the Government of Canada follow the advice of the Task Force on Cannabis Legalization and Regulation in the design of this proposed system of legal access?

The Task Force's advice significantly informed our proposed legislation. The Government of Canada is grateful for the comprehensive and thoughtful advice provided by the Task Force in its [December 13 report](#), following extensive engagement with Canadians, representatives of provincial, territorial and municipal governments, experts on public health, law enforcement and justice, patients, young people, advocates, Indigenous governments and representative organizations, employers and industry.

Q5. When will adult Canadians be able to legally purchase and consume cannabis?

Following Royal Assent, the Government of Canada intends to bring the proposed Cannabis Act into force no later than July 2018. At that time, adults would be able to legally possess, grow and purchase limited amounts of cannabis. This would mean that possession of small amounts of cannabis would no longer be a criminal offence and would prevent profits from going into the pockets of criminal organizations and street gangs.

To deter criminal activity, the Government of Canada is committed to ensuring that there is a legal supply of quality-controlled cannabis available for sale when the Act comes into force.

Upon coming into force, adult Canadians would be able to purchase cannabis from a retailer that has been authorized by the province or territory to sell and distribute cannabis. In those provinces or territories that have yet to authorize retailers, adults would be able to purchase cannabis directly from a federally licenced producer by ordering online with secure delivery at home by mail.

Q6. Why does the proposed legislation allow for personal production of cannabis? Is the Government not concerned that cannabis produced at home would be more easily obtained by Canadian youth? Or that personal producers could widen the illegal market?

As recognized by the Task Force in its report, small amounts of cannabis for personal use can be safely and responsibly cultivated by adults. Adults will want to take suitable precautions to protect children and young persons living in their home as they do now in storing prescription medicine, alcohol or other potentially harmful substances.

The option to cultivate up to 4 legal cannabis plants per residence, regardless of the number of persons living there, that do not exceed 1 metre in height has been included under the proposed Act after careful consideration. A number of factors were considered including advice provided by the Task Force, and actions taken in jurisdictions that have previously legalized cannabis such as Colorado and Washington State. Adults would not be able to transfer or designate this 4-plant limit.

The provisions for personal cultivation under the proposed Act do not preclude law enforcement's ability to take action against illegal producers. The provisions also do not permit individuals who choose to cultivate a limited amount of cannabis to give any amount to a youth.

Q7. Will advertising be allowed?

Proposed restrictions on promotion are intended to protect youth from being persuaded through marketing or advertising to consume cannabis. At the same time, consumers need access to clear, objective information on which they can make informed decisions about consumption.

Therefore, the legislation would permit information-type promotion. In other words, factual, accurate information about cannabis products (ingredients, THC and CBD levels, etc.). Information that allows consumers to tell the difference between brands would also be permitted. In all cases, these types of promotion would only be allowed where they could not be seen by youth. The proposed act includes restrictions on several types of promotional activities, such as:

- Promotion considered appealing to youth;
- Promotion that includes false, misleading, or deceptive information;
- Promotion through sponsorship, testimonials, or endorsements; and
- Promotion using the depictions of persons, celebrities, characters, or animals.

Coming Into Force

Q8. What will an adult in Canada be allowed to do upon the coming into force of the Cannabis Act?

Upon coming into force of the Cannabis Act, adults in Canada will be allowed to legally engage in the following activities:

- Purchase fresh or dried cannabis, cannabis oil, plants and seeds for cultivation from either a provincially or territorially regulated retailer, or where this option is not available, directly from a federally licensed producer;
- Possess up to 30 grams of dried legal cannabis or equivalent in public;
- Share up to 30 grams or equivalent of legal cannabis and legal cannabis products with other adults;
- Cultivate up to 4 plants not exceeding a height of 1 metre in their own residence (4 plants total per household); and
- Alter cannabis at home in order to prepare varying types of cannabis products (e.g., edibles) for personal use provided that no dangerous organic solvents are used in the process.

Q9. Will the sale of cannabis edibles be permitted?

Designing an appropriate regulatory system for cannabis edibles is a complex undertaking and there are unique potential health risks and harms that need to be carefully understood before the development and coming into force of these regulations. For this reason, the Government of Canada will need to take an appropriate amount of time to develop, and implement regulations that will result in safe edible products eventually coming to market.

As such, it is the Government's intention that, upon coming into force of the Act, only dried and fresh cannabis, cannabis oil as well as seeds and plants for personal cultivation will be made available for legal purchase.

Following the coming into force of the Cannabis Act, the Government will develop and publish regulations - in line with the Task Force recommendation - to permit the sale of edible products.

Once regulatory oversight for these products - such as measures to protect public health and safety, standardized serving sizes and potency, child-resistant packaging requirements, and standardized health warnings - has been developed and put in place, it is the intention of the Government to allow edibles to be sold.

Q10. Is the 30 gram limit for all forms of cannabis, or are there equivalencies for things such as edibles?

Throughout the proposed Cannabis Act, possession limits are expressed in terms of dried cannabis. As such, the Government of Canada has developed equivalencies for other cannabis products that can be used to identify what a possession limit would be for those products.

These limits are largely based on equivalencies established in U.S. states where cannabis is legal such as Colorado or Washington State. They specify how other products such as liquids, solids/edibles, and concentrates equate to dried cannabis.

One (1) gram of dried cannabis is equivalent to:

- 5 g of fresh cannabis,
- 15 g of edible product,
- 70 g of liquid product,
- 0.25 g of concentrates (solid or liquid), or
- 1 cannabis plant seed.

Personal Cultivation

Q11. Where will Canadians who wish to cultivate a small number of cannabis plants be able to legally obtain the necessary starting materials?

Once the proposed legislation comes into force, Canadians wishing to cultivate a small personal supply of cannabis would be able to purchase their seeds from a provincially or territorially regulated retailer, or, where this option is not available, from a federally licensed producer.

Q12. Will home cultivators be allowed to grow outdoors on their own property?

The proposed legislation allows for individuals to cultivate up to 4 legal cannabis plants per residence anywhere on their property. Provinces, territories or municipalities may choose to place further restrictions on personal cultivation.

Q13. Why is there a height limit imposed on the plants?

Certain varieties of cannabis plants are able to grow to considerable size. In an effort to balance allowing for limited personal cultivation with an interest to safeguard against problems associated with these large plants, such as the risk of diversion, the Government has accepted the Task Force's advice and is proposing a height restriction of 1 metre.

Q14. Will provinces and territories be able to restrict the number of plants individuals are allowed to cultivate?

Yes, provincial, territorial and municipal governments will be allowed to set further restrictions on personal cultivation beyond what is outlined in the proposed.

Q15. Will adults be permitted to designate or transfer the cultivation of their 4 plant limit to another individual as medical cannabis patients can?

No, individuals wishing to cultivate a limited amount of legal cannabis for personal use must do so themselves and may not designate another person to do so for them. The only exception will continue to be for individuals who have been authorized by their healthcare practitioner to use cannabis for medical purposes. In these situations, they may, if they are unable to cultivate their own cannabis, designate an individual to do so for them. This ensures that an individual who may be physically unable to cultivate their own medical cannabis can continue to have reasonable access to cannabis for medical purposes.

Q16. Will personal cultivation be allowed to continue once the legal supply and distribution systems are set up by the provinces and territories?

Yes. Personal cultivation of a limited number of legal cannabis plants is not a temporary measure. Upon the coming into force of the Act, adults in Canada would be permitted to cultivate up to 4 legal cannabis plants per residence not exceeding 1 metre in height. However, provincial, territorial and municipal governments may choose to set further restrictions on personal cultivation beyond what is outlined in the proposed Cannabis Act.

Cannabis for Medical Purposes

Q17. Will a separate medical cannabis system continue to exist under legalization?

Yes, as recommended by the Task Force, the cannabis for medical purposes regime will continue to exist to provide access to individuals who have the authorization of their healthcare practitioner to use cannabis for medical purposes. The Task Force also recommended that the Government monitor and evaluate patients' reasonable access to cannabis for medical purposes during the implementation of the new law, and then evaluate the medical access framework within five years of implementation of the law, which the Government intends to do.

Protecting Youth

Q18. How does this proposed legislation specifically protect Canadian youth?

The proposed Cannabis Act contains a number of specific provisions designed to help keep cannabis and cannabis products out of the hands of children including the following:

- A prohibition against providing or selling cannabis to youth;
- The creation of a new offence of using a minor to commit an offence relating to the distribution, sale, import, export, or production of cannabis;
- Prohibiting the selling, packaging, and labelling of cannabis products that are considered appealing to youth;
- Prevent youth from being persuaded to use cannabis products by establishing many of the same advertising restrictions as exist for tobacco products;
- Prohibiting the sale of cannabis through a self-service display or vending machine; and
- Allowing the making of regulations that would require such things as childproof packaging and a universal THC symbol.

In addition, the Government of Canada will be undertaking a broad public education campaign to inform Canadians of all ages about the new proposed legislation, including the penalties for providing cannabis to youth, and the risks involved with consuming cannabis. This public education campaign will be focused on helping young Canadians make the best choices about their future and to understand the risks and consequences of, for example, driving under the influence of drugs or alcohol. The Government will also direct funding through Budget 2017 of \$9.6 million to public education and awareness to inform Canadians, particularly young people,

of the risks of cannabis use, as well as surveillance activities. This public education and awareness has already begun, and will be a continuing priority.

Q19. Why is the recommended minimum age of use 18, and not 25 as suggested by multiple experts?

The Government of Canada has accepted the advice of the Task Force, that, in determining the minimum age for consumption of legal cannabis, the Government of Canada should strike a balance between the known health risks of cannabis and the reality that Canadian youth and young adults use cannabis at rates that are among the highest in the world. To address this, the legislation restricts access to cannabis solely to adults. If desired, provinces and territories will be able to set access at a higher age as they deem appropriate for regulating adult consumption. A broad public education campaign will ensure that adults can make informed decisions about their use.

Provinces, Territories and Municipalities

Q20. What role will provinces and territories play under the proposed new system?

Implementing cannabis legalization and regulation will require action by the provinces, territories and municipalities. That's why the Government of Canada will continue to engage them in the days and months ahead. They will be vital partners in the proposed regime. The Bill provides that they may take responsibility for developing, implementing, maintaining and enforcing systems to oversee the distribution and retail sale of cannabis, in close collaboration with municipalities.

The proposed Act would require provinces and territories to enact legislation that contains minimum conditions so that public health and safety objectives are consistently addressed across the country.

Provinces and territories would also have the ability to increase but not lower the minimum age, lower the possession limit, and impose additional requirements on personal cultivation. Finally, provinces and territories, acting on their own authorities, can set additional restrictions and local requirements related to cannabis, such as setting zoning restrictions for cannabis-related businesses and restricting where cannabis can be consumed in public.

Q21. Will Canadians be allowed to consume cannabis in places like cafes and bars, or at music festivals?

Under the proposed Cannabis Act, provinces and territories, under their own authorities, can set additional restrictions and local requirements related to cannabis, including restricting where and how cannabis may be consumed.

Q22. Will municipal governments have a role to play in the system proposed under the Cannabis Act?

Yes, municipalities will be key partners in supporting the implementation of the proposed legislation. It is anticipated that municipalities will work closely with their respective provincial or territorial governments to support the oversight and regulation of cannabis distribution and sales once the Cannabis Act comes into force.

It is also anticipated that municipalities will play an important role in enforcing local zoning and density bylaws, building standards, and matters related to the minimum age of purchase, personal cultivation, personal possession limits, smoking restrictions, and public nuisance complaints. These will be enforced through municipal by-law, health and safety inspectors and police.

Q23. Will the Cannabis Act allow for zoning restrictions to prevent the cultivation or sale of cannabis near schools or other areas where children are likely to congregate?

The proposed Cannabis Act provides that provinces and territories may, acting on their own authorities, set additional restrictions and local requirements related to cannabis beyond what are present in the proposed Act, such as setting zoning restrictions for cannabis-related businesses and outlining specific restrictions on where and how cannabis can be cultivated.

Q24. Will an adult in Canada be allowed to move cannabis between provinces and territories?

Under the proposed Cannabis Act, there would be no inherent barriers to transporting cannabis between provinces and territories. However, the individual must respect the minimum age for cannabis possession in the province or territory that they are in.

“With respect to broader trade in cannabis for non-medical purposes between provinces and territories, the federal government has agreed to work closely with its provincial and territorial partners to determine how the new Canadian Free Trade Agreement would apply to cannabis for non-medical purposes, following Royal Assent of the Cannabis Act.”

Production

Q25. How could an individual or corporate entity apply to be a producer of cannabis? A distributor or retailer of cannabis?

All producers of cannabis or cannabis products will, under the proposed Cannabis Act, need to be federally licensed to operate. Following the coming into force of the proposed Act, the Government of Canada will establish application processes and criteria for those individuals or entities who wish to become producers of legal cannabis.

The provinces and territories in collaboration with municipalities may, under the proposed Act, take responsibility for developing, implementing, maintaining and enforcing systems to oversee

the distribution and retail sale of cannabis. As such, individuals wishing to enter these industries will be required to apply under the systems developed by their province or territory, and to meet the criteria outlined under those systems as well as the federal Act and supporting regulations.

Q26. Could an existing licensed producer open a retail outlet?

Provinces and territories, in close collaboration with municipalities, may under the proposed Act, take responsibility for developing, implementing, maintaining and enforcing systems to oversee the distribution and retail sale of cannabis. All individuals or entities, including federally licensed producers, who wish to pursue a retail operation under the proposed Cannabis Act will be required to meet any criteria that may be set out by their province or territory of residence or operation.

Q27. Will the Government of Canada take issues such as regional economic development or indigenous needs into consideration when granting production licences under the Cannabis Act?

The Cannabis Act provides that the Government of Canada may consider a range of factors, such as health and safety considerations, when granting a licence. As well, the Act provides the Minister of Health with the authority to establish a clear, fair and orderly process for the processing of licences. The Government of Canada has no plans to limit the number of licences that would be issued. Additional details as to how the licensing regime will be administered will be developed further in the months ahead.

Q28. Will the Government of Canada prevent cannabis producer monopolies from controlling the entire, or majority of, the legal cannabis market?

Canada has strong competition legislation already in place that prevents corporate entities from forming monopolies within the Canadian economy. Under the proposed Cannabis Act, legal cannabis producers would be subject to the same anti-competitiveness regulations as any other corporate entity in Canada.

Q29. Will there be restrictions on THC concentration?

Health Canada is evaluating a number of approaches that could be used to effectively manage the concentration of THC in various cannabis products. This evaluation includes reviewing work that has been done in jurisdictions that have already legalized the use of cannabis.

It is the Government's intention to set regulatory requirements that would standardize the amount of THC that could be in a single portion of certain cannabis products (for example, how much THC could be in an edible product) and that THC amounts be clearly stated on product

labels. In this way, consumers will have clear information to make decisions about consumption and the risks they are taking.

Q30. Will persons who have committed cannabis-related offences be allowed to apply to produce cannabis?

In assessing applications for production licences, the Government of Canada may consider a number of factors to protect the health and safety of Canadians. These factors could include whether the applicant has a history of criminal activity. It is the Government's clear objective to protect against the infiltration of the legal supply chain by organized criminals or gangs.

Offences and Penalties

Q31. Why is there a 30 gram limit for public possession of cannabis, and why is there seemingly no limit in a private dwelling? There is no limit for alcohol.

In accordance with advice received from the Task Force as well as experience gained from discussions with jurisdictions that have legalized cannabis, the Government of Canada has proposed that a personal possession limit of 30 grams of legal dried cannabis (or equivalent in other cannabis products) is a reasonable amount to be carried in public by an adult. This reasonable limit also allows adults to carry legal cannabis or cannabis products with them when traveling between private dwellings.

Q32. How will enforcement work? Will police be able to show up at people's houses unannounced and without a warrant?

Law enforcement officers who suspect that an individual is engaging in illegal production and/or sale of cannabis must, under the proposed Cannabis Act, follow all normal law enforcement procedure. This includes obtaining proper judicial authority to enter an individual's private dwelling.

Q33. What happens if an adult is caught with more than 30 grams of legal cannabis in public?

Under the proposed legislation, an adult found by a law enforcement officer to be carrying more than 30 grams of dried legal cannabis or equivalent could face a range of penalties depending on the severity of the infraction.

For example, an adult carrying more than 30 grams of dried cannabis or equivalent, but 50 grams or less of dried cannabis or equivalent could be, at the discretion of the officer, subject to a ticket of \$200. The cannabis over the limit would also be seized for destruction by the law enforcement agency.

For more serious offences, such as possessing significantly more than 30 grams, the Crown may choose to prosecute the individual summarily or on indictment.

Q34. Are these "ticketable offences" considered criminal? Would someone who receives a ticket for cannabis possession over 30 grams of legal cannabis face the possibility of a criminal record?

An individual who receives a ticket from a law enforcement officer for public possession of between 30 grams and 50 grams of legal cannabis would not face a criminal record providing the individual pays the assessed fine within the prescribed time period. This is comparable to receiving a traffic infraction.

Q35. How does this proposed legislation "impose severe penalties" on persons who provide cannabis to youth?

The proposed Cannabis Act maintains many of the existing prohibitions under the *Controlled Drugs and Substances Act* regarding selling, producing, importing and exporting cannabis outside the proposed established regulated system. In addition, the Cannabis Act proposes creating new cannabis-related offences targeting those persons who would distribute or sell cannabis to Canadian youth. These new proposed offences carry a maximum penalty of 14 years' imprisonment.

In addition, the Government of Canada is proposing [updated and strengthened penalties for impaired driving](#), including the possibility of life imprisonment for the most severe offences.

Q36. How many Canadians have been charged and convicted of simple cannabis possession?

More than half of all drug offences reported by police are for cannabis possession. In 2014, this amounted to nearly 60,000 offences reported. Of these, just over 22,000 resulted in charges.

The criminal records that result from these charges have serious, lifelong implications for the individuals involved. People with criminal records may have difficulty finding employment and housing, and may be prevented from travelling outside Canada.

Keeping Canadians, especially youth, out of the criminal justice system for simple cannabis possession is a key goal of the legalization and strict regulation of cannabis.

International Obligations

Q37. Does this proposal put Canada in breach of international conventions?

The Government of Canada takes its international obligations very seriously. Throughout the legislative process, we will continue to communicate our overall objectives for strictly regulating and restricting access to cannabis to the international community, which includes protecting our society from the adverse consequences of illegal drug use and combating international drug trafficking. The Government of Canada will also continue to engage in constructive dialogue with our international partners.

Q38. Does the proposal allow import or export of cannabis for non-medical purposes?

No. Under the proposed Cannabis Act, it will be illegal to import into or export from Canada cannabis and cannabis products except under very specific circumstances: import and export of cannabis or cannabis products for medical and scientific purposes will continue to be allowed with the proper permits issued by the Government. In addition, industrial hemp will be allowed to be imported and exported. The Canada Border Services Agency, the Royal Canadian Mounted Police, and local police forces will continue to work together to uphold laws governing the cross-border movement of cannabis.

Carrying any cannabis or cannabis products (legal or illegal) across Canada's borders will remain a serious criminal offence, with individuals convicted of engaging in such activities liable for prosecution.

Q39. Will this slow the movement of goods and people across the Canada-U.S. border?

Specific attention will be paid to ensuring that Canadians and visitors to Canada are aware of the absolute prohibition against carrying cannabis or cannabis products across international borders, and that doing so is a serious criminal offence. This will be a part of the Government's public education campaign.

Travellers should also remain aware that while some states have legalized recreational cannabis, cannabis remains a controlled substance at the federal level in the United States. Travellers seeking entry into the U.S. may be inadmissible if they admit to having consumed cannabis in Canada, or disclose to U.S. authorities plans to purchase or consume cannabis while in the U.S.

Workplace

Q40. How will legalization impact the workplace?

The Task Force heard from employers who expressed concern with the impact on workplace safety particularly for safety-sensitive industries such as health and the oil and gas industry.

While the legalization of cannabis has highlighted this concern, impairment in the workplace is not a new issue, and is not limited to cannabis. This issue has been a topic of ongoing dialogue among federal, provincial and territorial Ministers of Labour.

Industrial Hemp

Q41. How is industrial hemp implicated in the legislation?

Under this legislation, the federal oversight for hemp will be moved from the *Controlled Drugs and Substances Act* to the new Cannabis Act.

In response to a growing and rapidly changing industry, the Government is committed to ongoing reviews of the existing system with the goal of reducing regulatory burdens for industry and streamlining processes. In fact, changes have already been made to the oversight of hemp to better align regulation of industrial hemp with the demonstrated low public health and safety risk of the crop. For example, we have eliminated the need for THC testing for most crops and adjusted licensing renewal dates to align with product sale cycles.