
Assembly of First Nations

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Assemblée des Premières Nations

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**SPECIAL CHIEFS ASSEMBLY
DECEMBER 4, 5, AND 6, 2018, OTTAWA, ON**

Resolution no. 90/2018

TITLE: First Nations Cannabis Jurisdiction

SUBJECT: Health, Economic Development, Social Development, Legal

MOVED BY: Chief Harvey McLeod, Upper Nicola Indian Band, BC

SECONDED BY: Cheryl Casimer, Proxy, St. Mary's Band (?Aqam), BC

DECISION Carried by Consensus

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous People (UN Declaration) states:
- i. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
- B. Call to Action # 18 of the Truth and Reconciliation Commission of Canada calls upon the federal, provincial, territorial, and Aboriginal governments to acknowledge that the current state of Aboriginal health in Canada is a direct result of previous Canadian government policies, including Indian Residential Schools, and to recognize and implement the health care rights of Aboriginal people as identified in international law and constitutional law, and under the Treaties.
- C. In June 2018, the Government of Canada passed Bill C-45, *The Cannabis Act*. The Act legalizes and regulates recreational cannabis.
- D. *The Cannabis Act* states that the federal government will regulate commercial production, while provinces and territories will regulate distribution and retail. As it currently stands, Bill C-45 makes no inclusion for First Nations governments.
- E. The Prime Minister has committed to a new First Nations fiscal relationship that provides for sufficient, predictable and sustainable funding.

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90-2018
Page 1 of 2

- F. The federal and provincial governments have disregarded First Nations jurisdiction in the development of their cannabis fiscal and regulatory framework.
- G. The Standing Senate Committee on Aboriginal Peoples (APPA) , in its May 2018 report on the *Cannabis Act*, supported specific amendments to the *Cannabis Act* and other legislation to enable First Nations cannabis jurisdiction.
- H. The Ministers of Health and Indigenous Services wrote to APPA in June 2018 and committed to providing a report on a First Nations cannabis jurisdiction option by June 2019.
- I. All First Nations pay excise taxes and should share not only in federal cannabis excise tax revenues, but also fuel, alcohol and tobacco excise and sale tax revenues.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

- 1. Support the development of a First Nations cannabis jurisdiction option that includes First Nations distribution centers and retail, a First Nations stamp, cannabis excise tax sharing and a fuel, alcohol, cannabis and tobacco (FACT) tax sharing option.
- 2. Call on the federal and provincial governments to ensure that a quota of the licenses are dedicated to First Nations, as well as ensuring that First Nations in every province have an equitable arrangement regarding revenue-sharing.
- 3. Support the development of necessary amendments or recommendations to any regulations related to the *Cannabis Act*.
- 4. Call on the federal and provincial governments to ensure that the laws of general application do not apply on reserve where First Nations have jurisdiction.
- 5. Support the development of the necessary First Nations institutional framework to implement a comprehensive First Nations cannabis jurisdiction option by summer 2019 for interested First Nations.

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