



CANNABIS TASK FORCE

OVERVIEW

The Cannabis Act received Royal Assent on June 21, 2018 and came into force on October 17, 2018 to legalize and regulate the sale, distribution and taxation of recreational cannabis in Canada. Bill C-46, an Act to Amend the Criminal Code and other legislation to reflect these changes, has also been enacted. These amendments collectively increase penalties for offenders who grow, distribute and sell cannabis outside of the legal framework.

In response to the impending legalization of cannabis and its potential impacts on First

Nations, a Chiefs Committee on Cannabis was established through AFN Resolution 36/2019 to manage emerging issues related to the decriminalization of cannabis. The mandate of the Chiefs Committee on Cannabis is to protect and maintain treaty and Aboriginal rights to exercise self-governance and control over cannabis related matters and to provide advice, guidance and recommendations to the National Chief, AFN Executive Committee, and Chiefs in Assembly.

UPDATE

- Canada recently introduced regulations relating to consumer products containing, edible cannabis, cannabis extracts, and cannabis topicals. Adult consumers can expect new products to appear gradually in government regulated dispensaries and online stores beginning in mid-December 2019.
- The responsibility for regulating cannabis distribution rests with the provinces, who are free to set more stringent limits than the federal minimums. Most provinces have set the minimum age for purchasing cannabis at 19 while the federal minimum stands at 18. Other restrictions may apply, with Quebec and Manitoba choosing to ban any cannabis cultivation in private homes. Manitoba has also announced a zero tolerance policy with respect to impaired driving.
- Some provinces, such as Alberta and British Columbia, will permit the public consumption of cannabis anywhere smoking is permitted, unless children are present. Conversely, in the Yukon, consumption will be restricted to private homes. Certain jurisdictions, namely Manitoba, Quebec and the Northwest Territories, have indicated that municipalities will be able to restrict the sale of cannabis if they so choose. Only Nunavut has proposed that dry First Nations will not permit the public consumption of cannabis. This would impair First Nations control over their own territories and First Nations.

ISSUE UPDATE

November 2019

- The governments of Ontario and Quebec have expressed their willingness to enter into agreements with First Nations to share profits from the sale and distribution of cannabis.
- The AFN Chiefs Committee on Cannabis is currently chaired by British Columbia Regional Chief Terry Teegee.
- The AFN Chiefs Committee on Cannabis, had their inaugural meeting on September 4, 2019.
- The Chiefs Committee on Cannabis has been working to facilitate communications, coordinate dialogue and engage with First Nations to better consider the implications related to the legalization of cannabis.
- To date, preliminary discussions have begun with the Non-Insured Health Benefits Joint Review Steering Committee to add medical cannabis to the formulary.
- The Chiefs Committee has also begun discussions on supporting First Nations law making authority over cannabis and cannabis products within their territories.

NEXT STEPS

- Develop a tri-lateral round table including federal, provincial and territorial governments.
- Distribute cannabis infographics and informational materials to First Nations.
- The AFN Chiefs Committee on Cannabis will develop a national advocacy plan to support First Nations jurisdiction over cannabis.

