

**WORKING GROUP ON CANNABIS****OVERVIEW**

Bill C-45 will legalize and regulate the sale, distribution and taxation of cannabis for recreational use in Canada. Furthermore, Bill C-46, which amends the Criminal Code of Canada and other legislation to reflect these changes, is also set to be enacted. The Bills collectively increase penalties for offenders who grow, distribute and sell cannabis outside of the legal framework. The Bill received Royal Assent on June 21, 2018, and came into force on October 17, 2018.

In response to the impending legalization of cannabis and its potential impacts on First Nations, the establishment of a national Task Force has been developed to manage emerging issues related to the decriminalization of cannabis. The mandate of the Task Force is to provide advice, develop informational materials and make recommendations. The Task Force will take into account health and safety, social, jurisdiction and economic factors to First Nations.

UPDATE

- 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. It 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 communities will not be permitted. This would impair First Nations control over their own territories and communities.
- Encouragingly, 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 national Assembly of First Nations (AFN) Task Force on Cannabis is currently chaired by Regional Chief Ghislain Picard, as well as representatives from the AFN's Youth Council, Women's Council and Elder's Council. There are also representatives from a First Nations Health Agency and a First Nations Police Agency.

ISSUE UPDATE

October 2018

- The AFN Working Group on Cannabis, had their inaugural meeting on June 8, 2018. The task force has been working to facilitate communications, coordinate dialogue and engagement with First Nations to better consider 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.
- Supporting documents have been developed including a literature review of medical cannabis, a cannabis primer and infographics on medical and recreational cannabis.

NEXT STEPS

- Developing a tri-lateral round table including federal, provincial and territorial governments.
- Distribution of cannabis infographics and informational materials to First Nations.
- The AFN Working Group on Cannabis will be developing a national summit for input and feedback from First Nations, awareness building and recommendations. This is expected to occur in the fall of 2018/early 2019.

