



SENATE  
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CANADA

# On the Outside Looking In: The Implementation of the *Cannabis Act* and its effects on Indigenous Peoples

Interim report of the Standing Senate  
Committee on Indigenous Peoples

The Honourable Brian Francis, *Chair*  
The Honourable David M. Arnot, *Deputy Chair*

JUNE 2023



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## THE COMMITTEE MEMBERSHIP

The Honourable Brian Francis, *Chair*

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### **The Honourable Senators**

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The Honourable Marc Gold and/or The Honourable Patti LaBoucane-Benson

The Honourable Donald Neil Plett and/or The Honourable Yonah Martin

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***Other Senators who have participated in the study:***

The Honourable Gwen Boniface  
The Honourable Bev Busson  
The Honourable Daniel Christmas  
The Honourable Sandra M. Lovelace Nicholas  
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## ORDER OF REFERENCE

Extract from the *Journals of the Senate* of Thursday, March 3, 2022:

The Honourable Senator Francis moved, seconded by the Honourable Senator Cordy:

That the Standing Senate Committee on Aboriginal Peoples be authorized to examine and report on the federal government's constitutional, treaty, political and legal responsibilities to First Nations, Inuit and Métis peoples and any other subject concerning Indigenous Peoples;

That the documents received, evidence heard and business accomplished by the committee since the beginning of the First Session of the Forty-second Parliament be referred to the committee; and

That the committee submit its final report no later than December 31, 2023, and that the committee retain all powers necessary to publicize its findings for 180 days after the tabling of the final report.

The question being put on the motion, it was adopted.

Gérald Lafrenière

*Interim Clerk of the Senate*

## Executive Summary

In 2022, the Standing Senate Committee on Indigenous Peoples (the committee) examined the implementation of the *Cannabis Act* and how the legalization of cannabis has affected Indigenous peoples. It also wanted to better understand how the Government of Canada addressed recommendations from the committee's 2018 report on the subject matter of the cannabis bill.

The committee found that many of the pressing problems identified by witnesses before cannabis was legalized have not been addressed. The report contains 13 recommendations to the Government of Canada and the Expert Panel. Recommendations are largely focused on First Nations' testimony as the committee was unable to hear from many Inuit and Métis witnesses due to the COVID-19 pandemic. The committee recognizes that Inuit and Métis perspectives related to cannabis are critical, and encourages the Expert Panel to hear from these groups.

First Nations need authority under federal law to regulate the possession, sale and distribution of cannabis. First Nations want to be able to enforce cannabis laws on their lands. This requires increased funding and training for First Nations police services.

Also, for cannabis sale and distribution, some First Nations are completely blocked from participating in the cannabis market. First Nations want to be involved in the cannabis market to ensure that cannabis distribution meets the needs of their communities.

An excise tax-sharing framework for First Nations should be developed to share revenues more broadly. Cannabis licensing schemes need to be reviewed to increase the numbers of Indigenous businesses to be licensed as cannabis producers.

Research needs to be conducted to understand the effects of cannabis legalization on the health of Indigenous peoples, including youth and women. This research should be owned and used by Indigenous communities to inform public health education and approaches.

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Finally, the committee urges the Expert Panel charged with reviewing the cannabis legislative framework to explore the recommendations set out in this report by engaging with different Indigenous peoples and organizations.



## Introduction

In the 42<sup>nd</sup> Parliament, on 13 April 2017, [Bill C-45, An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts](#), was introduced in the House of Commons. The *Cannabis Act* received Royal Assent on 21 June 2018. In 2018, the committee studied the subject matter of the bill as it relates to Indigenous peoples and tabled its report.<sup>1</sup>

In 2022, the committee decided to examine the implementation of the *Cannabis Act* ('the Act') and how the legalization of cannabis has affected Indigenous peoples. In particular, the committee was interested in how the Government of Canada addressed the committee's 2018 recommendations which include that:

- culturally appropriate public education materials about cannabis should be developed and disseminated;
- Indigenous communities require mechanisms to restrict cannabis on their lands;
- Indigenous governments should establish their own cannabis and taxation laws and penalties and take advantage of tax revenue sharing, along with enabling by-law and ticketing regimes for cannabis-related offences;
- funding for mental health and addictions programs and policing be increased and that research is needed on the effects of cannabis use on diverse populations; and
- Indigenous communities should retain at least 20% of cannabis production licenses.

Based on testimony from 29 witnesses, this report first provides an overview of the challenges First Nations experienced in the regulation or restriction of cannabis on reserve. Next, it outlines the limited ways First Nations can enforce laws and by-laws, along with commentary from policing professionals. The report also provides an

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<sup>1</sup> On 1 May 2018, the committee tabled its [report on the subject matter of the bill](#) which included several policy recommendations and recommended amendments. In [correspondence to the committee on 6 June 2018](#), the Minister of Health and Minister of Indigenous Services committed to provide a full report back to both Chambers, around progress on action areas identified in the committee's report, in addition to tabling a government response. The [government response to the committee's report](#) was tabled and referred to the committee on 28 September 2018. The [Progress Report on Priorities Identified in the Eleventh Report of the Standing Senate Committee on Aboriginal Peoples](#) was provided to the committee in June 2019.

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overview of some of the economic opportunities in the cannabis marketplace and discusses public health in Indigenous communities.

In 2022, in accordance with provisions of the *Cannabis Act*, the Government of Canada announced the establishment of an independent Expert Panel to assess the cannabis legislative framework, gather perspectives to inform its review, and provide expert advice to the Minister of Health and the Minister of Mental Health and Addictions about how to fulfill the Act's purpose.<sup>2</sup> The committee has drafted this report with the Expert Panel process in mind, as it hopes to see the Panel consult substantively with Indigenous peoples to improve the operation of the federal regulatory regime with respect to cannabis.

## Consultation

Some witnesses argued that the federal government did not adequately engage in substantive consultations with First Nations communities before decriminalizing cannabis. The committee finds that the federal government has not meaningfully consulted First Nations governments since the Act came into force. Chief Darcy Gray of Listuguj Mi'gmaq First Nation reported that consultation sessions before the Act came into force focused specifically on health and well-being and the safety of products for consumers. However, these consultations left out important topics like economic opportunities for First Nations. He reported that First Nations seemed to be an afterthought, "something to be dealt with once things were set up and the market secured by others."<sup>3</sup>

The lack of substantive consultations by the Government of Canada may be resolved by hearing solutions from First Nations peoples and governments regarding the issue of primary concern raised by leaders in this study: the regulation, operation and enforcement of cannabis activities on their lands. The impact of these matters extend beyond cannabis and are long-standing challenges for First Nations communities. Witnesses strongly recommended that Indigenous peoples should

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<sup>2</sup> See, [Expert panel: Cannabis Act legislative review](#).

<sup>3</sup> The Standing Senate Committee on Indigenous Peoples [APPA], [Evidence](#), Darcy Gray, Chief, Listuguj Mi'gmaq First Nation, 18 October 2022.

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participate in the work of the Expert Panel and be funded to do so.<sup>4</sup> The committee agrees and finds that the Expert Panel's consultations ought to try to resolve the problems outlined in this report related to the exercise of jurisdiction by First Nations governments under the federal cannabis framework; enforcement of First Nations cannabis laws and by-laws and inclusion in the marketplace; and Indigenous mental health and substance abuse problems arising from decriminalization.

Other witnesses highlighted best practices at the provincial level to be considered by the Expert Panel. These matters could be raised during federal, provincial and territorial discussions, such as the regulatory frameworks that First Nations have undertaken related to jurisdiction over gaming in Manitoba, Ontario and Saskatchewan. The proposed amendments to the *Cannabis Control (Saskatchewan) Act* could be a model for other provinces and territories in Canada.<sup>5</sup> Based on this testimony, the committee recommends:

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### Recommendation 1

**That the Expert Panel engage in substantive consultations and propose solutions to the problems raised by Indigenous peoples related to legal jurisdiction, enforcement, equity and inclusion in the industry, and mental health and substance abuse and that funding be made available to Indigenous peoples during this process.**

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## Authority to regulate, operate and enforce cannabis laws on reserve

For First Nations, jurisdiction is a complex and contentious issue involving multiple orders of government, making it unclear where law-making authority resides. Discussions related to federal and provincial responsibilities for Indigenous peoples

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<sup>4</sup> APPA, *Evidence*, Allan Polchies Jr., Sakom/Chief, St. Mary's First Nation; Nola Jeffrey, Executive Director, Tsow-Tun Le Lum Society; Dr. Kate Elliott, Minister of Mental Health and Harm Reduction and Chair of Women and Gender Equity, Métis Nation British Columbia, 4 October 2022.

<sup>5</sup> *Brief*, Darcy Bear, Chief, Whitecap Dakota First Nation, 19 December 2022.

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have typically minimized First Nations' inherent rights, including the right of self-government and, in this case, the right to manage their economic affairs. While the constitutional division of powers delineates exclusive areas of federal and provincial jurisdiction, the federal government retains exclusive power to regulate matters pertaining to First Nations and their reserve lands. However, provincial laws of general application also apply to First Nations people living on and off reserve. This may result in a mixture of federal, provincial, and First Nations laws in effect in one community.

The Act includes a provision that decriminalizes the possession, sale and distribution of cannabis by a person authorized to sell cannabis under provincial and territorial legislation that meets specific criteria. Through the Act, the federal government used its criminal law powers to set out the scope for the legal sale and distribution of cannabis. The regulation of legal activity was left to the provinces and territories. The problem for First Nations, however, is that the Government of Canada decided not to exercise its powers over First Nations and their lands. Instead, the federal government chose to let the provinces and territories determine the sale and distribution of cannabis for First Nations. In 2018, witnesses argued that the recognition of Indigenous governments' jurisdiction over the possession, sale and distribution of cannabis would ensure Indigenous peoples' full participation in the retail and growing sectors as the "green rush" of cannabis legalization began.<sup>6</sup>

Instead of heeding this advice, the Government of Canada chose not to include a mechanism in the Act enabling First Nations governments to regulate and enforce cannabis on First Nations reserve lands. Witnesses reported that the situation differs for First Nations by province or territory resulting in inconsistent cannabis distribution for First Nations.<sup>7</sup> In some cases, this has created conflicts between First Nations and provincial and territorial governments.<sup>8</sup>

First Nations have responded to this reality in various ways. Some have chosen to work with provincial or territorial governments by participating in their cannabis

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<sup>6</sup> APPA, *11<sup>th</sup> Report*, 42<sup>nd</sup> Parliament, 1<sup>st</sup> Session, May 2018.

<sup>7</sup> APPA, *Evidence*, Sara Mainville, Partner, JFK Law LLP, 25 October 2022.

<sup>8</sup> *Brief*, Saskatchewan Liquor and Gaming Authority; APPA, *Evidence*, Drew Lafond, President, Indigenous Bar Association, 23 November 2022.

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frameworks.<sup>9</sup> Some provincial and territorial legislation related to cannabis includes provisions for governments to enter into agreements with First Nations for the regulation and sale of cannabis. The committee heard that agreements have been concluded in some provinces, like British Columbia, Ontario and Saskatchewan.<sup>10</sup> However, not all communities have been successful in reaching agreements with provincial or territorial governments.

Certain provinces and territories have not responded to First Nations governments' requests for agreements to produce and sell cannabis, effectively leaving First Nations out of the cannabis market. These jurisdictions have retained government-owned monopolies on the retail cannabis stores excluding First Nations from the cannabis marketplace. For example, in Quebec and the Northwest Territories, no agreements have been negotiated with First Nations.<sup>11</sup> Chief Wilbert Kochon from Behdzi Ahda First Nation in the Northwest Territories, has not been able to reach an agreement with the territorial government. He argued "no principled justification was provided for giving these regulatory powers over cannabis activities to provincial governments but not to Indigenous governments."<sup>12</sup> According to Chief Tonya Perron, Mohawk Council of Kahnawà:ke, the lack of agreements for First Nations in some jurisdictions must be considered by the Expert Panel.<sup>13</sup>

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<sup>9</sup> See, for example, Government of Ontario, *Cannabis Control Act, 2017, S.O. 2017, c. 26, Sched. 1*, article 26 (1-3) sets out the Minister can enter into agreements with a First Nation band council; Government of British Columbia, *Cannabis Control and Licensing Act*, SBC 2018, c. 29, s. 119(1) sets out that the Minister can enter into agreements with an Indigenous Nation with respect to cannabis.

<sup>10</sup> APPA, *Evidence*, Wahmeesh [Ken Watts], Elected Chief Councillor, Tseshaht First Nation, 5 October 2022; APPA, *Evidence*, Dwayne Nashkawa, Strategic Advisor, Nipissing First Nation, 18 October 2022; *Brief*, Darcy Bear, Chief, Whitecap Dakota First Nation, 19 December 2022.

<sup>11</sup> APPA, *Evidence*, Tonya Perron, Chief, Mohawk Council of Kahnawà:ke, 5 October 2022; APPA, *Evidence*, Darcy Gray, Chief, Listuguj Mi'gmaq First Nation, 18 October 2022; APPA, *Evidence*, Wilbert Kochon, Chief, Behdzi Ahda First Nation, 16 November 2022.

<sup>12</sup> APPA, *Evidence*, Wilbert Kochon, Chief, Behdzi Ahda First Nation, 16 November 2022.

<sup>13</sup> APPA, *Evidence*, Tonya Perron, Chief, Mohawk Council of Kahnawà:ke, 5 October 2022.

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“The *Cannabis Act* itself disregards the First Nations’ rights to self-determination and jurisdiction in that it [did not] create a possibility for First Nations to actually regulate the industry outside of the federal and provincial legislative frameworks.”

Chief Tonya Perron, Mohawk Council of Kahnawà:ke

In some cases, First Nations have exercised jurisdiction over cannabis and complied with provincial licensing regimes, such as in Tseshaht First Nation, British Columbia, Whitecap Dakota First Nation, Saskatchewan, and Nipissing First Nation, Ontario.<sup>14</sup> First Nations told the committee about their experiences working with provincial governments. Dwayne Nashkawa of Nipissing First Nation noted, “[t]o make our regime work, we effectively had to adopt most of the elements of Ontario’s regime.”<sup>15</sup> Councillor Wahmeesh [Ken Watts], from Tseshaht First Nation, British Columbia, stated that the provincial licensing regime can be costly, resulting in higher prices for cannabis products in the licensed store than those available from the grey market suppliers.

First Nations appearing before the committee also highlighted the establishment of a ‘red market’ or a First Nations marketplace, and related regulatory frameworks including cannabis control bodies, as well as laws related to the regulation, sale and safety of cannabis. These cannabis frameworks were described by First Nations as exercising their inherent right of self-government.

The committee was presented with greater details about a promising example of provincial and First Nation collaboration. Whitecap Dakota First Nation noted that it is using its law-making powers established under the *Framework Agreement on First Nation Lands Management Act* to enact a cannabis law and related legislative and administrative structures. Whitecap Dakota First Nation explained its wish to “to assert its jurisdiction...rather than having provincial law apply, but doing so in a way that worked with and respected the federal and provincial cannabis laws.”<sup>16</sup>

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<sup>14</sup> APPA, *Evidence*, Wahmeesh [Ken Watts], Elected Chief Councillor, Tseshaht First Nation, 5 October 2022.

<sup>15</sup> APPA, *Evidence*, Dwayne Nashkawa, Strategic Advisor, Nipissing First Nation, 18 October 2022.

<sup>16</sup> *Brief*, Darcy Bear, Chief, Whitecap Dakota First Nation, 19 December 2022.

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Whitecap Dakota First Nation and the Saskatchewan Liquor and Gaming Authority explained their work with the Government of Saskatchewan to amend the *Cannabis Control (Saskatchewan) Act*. Introduced in the provincial legislature in December 2022, Bill 125 proposes to support First Nations to regulate cannabis sales on reserve and enable First Nations retailers to access cannabis products from federal cannabis licensees.<sup>17</sup> Once in operation, the proposed model would enable the establishment of First Nations Cannabis Authorities to issue permits and regulate businesses with mechanisms for the Saskatchewan Liquor and Gaming Authority to enter into agreements with interested First Nations. The proposed model also defines the powers of First Nations Cannabis Authorities, sets out principles for establishing good character of potential applicants, and describes the application process and fee structures, among other matters. The proposed amendments to the *Cannabis Control (Saskatchewan) Act* could be a model for other provinces and territories in Canada.

“Cooperative federalism is a framework for cannabis reform.”

Sara Mainville, Partner, JFK Law LLP

In addition to the proposed framework in Saskatchewan outlined above, several additional solutions were offered to address the absence of a mechanism in the *Cannabis Act* enabling First Nations governments to regulate and enforce cannabis on their reserve lands. A few witnesses identified examples of existing legislation that addresses First Nations jurisdiction and may be a model for potential reforms related to cannabis. These include:

- *An Act respecting First Nations, Inuit and Métis children, youth and families* which provides law-making authority in legislation and includes a provision granting the paramountcy of Indigenous laws over federal/provincial ones;<sup>18</sup>

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<sup>17</sup> [Brief](#), Saskatchewan Liquor and Gaming Authority and [Brief](#), Darcy Bear, Chief, Whitecap Dakota First Nation, 19 December 2022.

<sup>18</sup> At the time of writing, provisions of *An Act respecting First Nations, Inuit and Métis children, youth and families* are currently being considered by the Supreme Court of Canada.

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- legislation and agreements enabling First Nations to establish law-making authority related to matrimonial real property or lands management by opting out of portions of the *Indian Act* such as the *Family Homes on Reserves and Matrimonial Interests or Rights Act* and the *Framework Agreement on First Nation Land Management Act*;
- opt-in powers over financial administration and taxation of land outside of the *Indian Act* in the *First Nations Fiscal Management Act*; and
- negotiated self-government agreements which establish that Indigenous governments have control over their internal affairs, including decisions about program and service delivery in areas such as language, culture and education.

Witnesses also suggested amending the *Cannabis Act* so that First Nations can exercise their regulatory jurisdiction.<sup>19</sup> For example, Chief Wilbert Kochon suggested amending section 69 of the *Cannabis Act* to allow the possession, sale or distribution of cannabis by persons authorized under laws made by First Nations governments.<sup>20</sup> The committee also heard that it may be possible to permit First Nations governments to regulate the possession, sale and distribution of cannabis if the Governor in Council makes regulations, under section 140 of the Act. These regulations could exempt First Nations governments from the application of certain provisions of the Act. However, this approach was described as being “fraught with legal uncertainty.”<sup>21</sup>

Based on the evidence, it is clear to the committee that First Nations require mechanisms to control cannabis on their lands. The committee therefore recommends:

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<sup>19</sup> APPA, *Evidence*, Drew Lafond, President, Indigenous Bar Association, 23 November 2022.

<sup>20</sup> APPA, *Evidence*, Wilbert Kochon, Chief, Behdzi Ahda First Nation, 16 November 2022.

<sup>21</sup> APPA, *Evidence*, Drew Lafond, President, Indigenous Bar Association, 23 November 2022.



## Recommendation 2

**That the Minister of Health introduce legislation in Parliament to amend the *Cannabis Act* to permit First Nations to regulate the possession, sale and distribution of cannabis on their lands.**

## Recommendation 3

**That the Government of Canada convene a meeting with First Nations, federal, provincial and territorial governments in the spirit of cooperation and collaboration to solve jurisdictional challenges to enable First Nations to exercise their rightful place in the cannabis marketplace.**

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## Enforcement

Witnesses argued that First Nations governments and police services are under-resourced and require federal support to create an effective regulatory and enforcement framework for cannabis.<sup>22</sup> Several witnesses raised legal and funding challenges for the enforcement of their laws and by-laws<sup>23</sup> related to cannabis activities. Sakom/Chief Allan Polchies Jr. explained that St. Mary's First Nation, for example, has limited capacity to enforce its regulations and ensure the safety and legality of the cannabis supply.<sup>24</sup> As the *Cannabis Act* does not specifically provide First Nations with authority to oversee cannabis activities, police and prosecutors do not have the ability to enforce First Nations' laws and regulations. Frustrating matters further, First Nations police services cannot lawfully enforce First Nations laws that are not authorized under the relevant provincial regulatory framework for

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<sup>22</sup> There are 36 First Nations police services throughout Canada, with the majority in operation in Ontario and Quebec and six in the Western provinces.

<sup>23</sup> Under the *Indian Act*, First Nations can exercise law-making authority according to sections 81, 83 or 85.1. Section 107 provides that Justices of the peace can be appointed to deal with offences outlined in federal acts. Self-governing First Nations have law-making authority according to the terms of their self-government agreement. First Nations that have opted into the *Framework Agreement on First Nation Lands Management Act* can make laws about their lands.

<sup>24</sup> APPA, [Evidence](#), Allan Polchies Jr., Sakom/Chief, St. Mary's First Nation, 4 October 2022.

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cannabis regulation.<sup>25</sup> These examples suggest First Nations require greater support for governance and enforcement.

“They have no problem enforcing Ontario laws or federal laws, but they effectively won’t enforce a First Nation cannabis law. However, they will go along to keep the peace while someone else does the work. That’s not what we envisioned First Nation policing to be.”

Dwayne Nashkawa, Strategic Advisor, Nipissing First Nation

Illicit cannabis stores operating on First Nations lands can create problems for community leadership and police, alike. For example, Edward Lennard Busch, of the First Nations Chiefs of Police Association, explained that First Nations police services have noted that illicit dispensaries are operating on their territories and “some of them complain that these often become the targets of armed robberies and break-ins.”<sup>26</sup> Rob Monteforte of the Six Nations Police Services noted there were a large number of illicit cannabis stores that opened while the Six Nations band council was developing its regulatory framework. He observed the police service did not have problems executing *Cannabis Act* search warrants. However, in his view the penalties for operating illicit dispensaries may not dissuade individuals from continuing to operate, “it’s anywhere from a \$1,000 to \$5,000 fine. A lot of these dispensaries make that in a day. The majority of the dispensaries open the same day or the next day after we execute a search warrant on the premises.”<sup>27</sup> Due to staff shortages, the Six Nations Police Services focuses its drug enforcement resources on for example the trafficking of fentanyl.<sup>28</sup>

The lack of coordination or information sharing between First Nations police services and provincial or federal agencies regarding illicit substances impedes enforcement as “[p]olice services have to be able to work together in order to ... adequately

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<sup>25</sup> APPA, *Evidence*, Dwayne Nashkawa, Strategic Advisor, Nipissing First Nation, 18 October 2022; APPA, *Evidence*, Rob Monteforte, Detective-Sergeant, Drug Enforcement Unit, Six Nations Police Service, 25 October 2022 and APPA, *Evidence*, Edward Lennard Busch, Executive Director, First Nations Chiefs of Police Association, 16 November 2022.

<sup>26</sup> APPA, *Evidence*, Edward Lennard Busch, Executive Director, First Nations Chiefs of Police Association, 16 November 2022.

<sup>27</sup> APPA, *Evidence*, Rob Monteforte, Detective-Sergeant, Drug Enforcement Unit, Six Nations Police Service, 25 October 2022.

<sup>28</sup> *Ibid.*

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enforce drug laws.”<sup>29</sup> Edward Lennard Busch, First Nations Chiefs of Police Association, noted that many First Nations police chiefs agree with the findings in the report titled *Summary from engagement with First Nations, Inuit and Métis Peoples: The Cannabis Act and its impacts* published by Health Canada in October 2022:

The lack of enforcement of criminal prohibitions in the *Cannabis Act* within many First Nation communities [is] due to the sensitive relationship between First Nations and Canadian law enforcement. This can lead to tension between police and the community around enforcement activities, including differences between Chief and Council and police as to what is an “illicit” activity, and whether First Nation or federal/provincial/territorial laws should be enforced.

As a result, in many communities, there are increased opportunities for organized criminal activity, health risks due to consumption of untested, illicit products, and a growing dissatisfaction with the application of the Act. In some communities, the presence of illicit operations results in outside traffic and unwanted visitors coming into the community looking to buy illicit cannabis products.<sup>30</sup>

The committee agrees that First Nations require greater support to permit or restrict cannabis activities on their lands including for the enforcement of laws related to cannabis. The committee therefore recommends:

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<sup>29</sup> APPA, [Evidence](#), Edward Lennard Busch, Executive Director, First Nations Chiefs of Police Association, 16 November 2022.

<sup>30</sup> Health Canada, [Summary from engagement with First Nations, Inuit and Métis Peoples: The Cannabis Act and its impacts](#), 2022.

#### Recommendation 4

**That the Government of Canada, as it develops legislation related to First Nations policing, in collaboration with the provinces and the territories and First Nations governments, establish legislative mechanisms for the enforcement of band by-laws and other laws related to cannabis by all police services and to ensure that related offences can be investigated and prosecuted effectively.**

#### Recommendation 5

**That the Government of Canada furthermore ensure adequate funding is available to Indigenous communities for the policing and enforcement of band by-laws related to cannabis.**

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When the *Cannabis Act* came into force, the First Nations Chiefs of Police Association received funding for programs about impaired driving related to cannabis. Impaired driving can involve both drugs such as cannabis and/or alcohol. Edward Lennard Busch explained that there is a shortage of trained drug recognition experts in First Nations police services leading to challenges in enforcing impaired driving. The committee heard that First Nations have difficulties accessing training in this area. The Royal Canadian Mounted Police offers drug recognition expert training for police services in Canada. However, the limited space is often allocated to members from larger, non-First Nations police services.<sup>31</sup> As Chief Tonya Perron noted, impaired driving is a problem for our police force, there is inadequate equipment to operate the tests, difficult to obtain training in English and there has been an increase in calls for drug-related incidents and illegal activities.<sup>32</sup>

The committee acknowledges the challenges in enforcing impaired driving and therefore recommends:

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<sup>31</sup> APPA, [Evidence](#), Edward Lennard Busch, Executive Director, First Nations Chiefs of Police Association, 16 November 2022.

<sup>32</sup> APPA, [Evidence](#), Tonya Perron, Chief, Mohawk Council of Kahnawà:ke, 5 October 2022.

## Recommendation 6

**That the Royal Canadian Mounted Police provide dedicated space for First Nations police services to undertake Drug Recognition Expert Training and that Public Safety Canada provide additional funding to First Nations policing to support this work.**

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## First Nations Participation in the Cannabis Market

For the last 150 years, First Nations have been excluded from economic opportunities on their lands.<sup>33</sup> The committee heard that this exclusion continues today in fisheries, forestry and the cannabis market.<sup>34</sup> First Nations missed out on significant economic opportunities, which are no longer available now that the cannabis market is largely saturated.<sup>35</sup>

Provincial and territorial governments are responsible for establishing provisions concerning the sale and distribution of cannabis within their jurisdictions. The committee heard that First Nations faced challenges accessing provincial licenses, which can be subject to lengthy delays.<sup>36</sup> Although some First Nations have chosen to assert what they consider to be their inherent jurisdiction by developing their own licensing regimes, these licenses are not recognized. Without a recognized license, First Nations businesses have difficulties accessing start-up capital, loans from banks, insurance for their business properties, and an auditor to provide financial statements for their business.<sup>37</sup>

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<sup>33</sup> APPA, *Evidence*, Dwayne Nashkawa, Strategic Advisor, Nipissing First Nation and Darcy Gray, Chief, Listuguj Mi'gmaq First Nation, 18 October 2022.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> For example: APPA, *Evidence*, Wahmeesh [Ken Watts], Elected Chief Councillor, Tseshah First Nation, 5 October 2022.

<sup>37</sup> APPA, *Evidence*, Dwayne Nashkawa, Strategic Advisor, Nipissing First Nation, 18 October 2022; APPA, *Evidence*, Drew Lafond, President, Indigenous Bar Association, 23 November 2022.

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“Provincial and territorial governments can issue licenses for cannabis use, including how it is grown, sold and distributed. Indigenous governments cannot. Once again, Indigenous people are afterthoughts. The [cannabis] act also permits provincial and territorial governments to authorize certain activities and oversee retail distribution and the sale of cannabis in their jurisdictions, but it recognizes no similar ability for Indigenous governments. The decision to leave out Indigenous governments dishonours our government-to-government relationship. It brings to mind colonial laws and ways of doing things, which have no place in the era of reconciliation.”

Wilbert Kochon, Chief, Behdzi Ahda First Nation

The degree of Indigenous participation in the cannabis market varies across the country. As noted previously, the committee heard that communities who obtained provincial licenses had to adopt most elements of the provincial regime, which incurred significant costs. Ultimately, this made certain cannabis products offered legally more expensive than illicit cannabis.<sup>38</sup>

Some First Nations noted that cannabis dispensaries created jobs for community members.<sup>39</sup> Revenues were also used for community priorities and to make up for the shortfall in funding for federal programs and services.<sup>40</sup> Ultimately, First Nations want to be able to participate in the cannabis market on a level playing field as other Canadians.<sup>41</sup> Witnesses proposed a number of solutions to set First Nations up for success in a market where their jurisdiction was recognized. Sara Mainville suggested that Canada could look at building social equity policies into cannabis regimes like in California where a social equity applicant can work with a licensed holder to build the

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<sup>38</sup> APPA, [Evidence](#), Dwayne Nashkawa, Strategic Advisor, Nipissing First Nation, 18 October 2022; APPA, [Evidence](#), Wahmeesh [Ken Watts], Elected Chief Councillor, Tseshaht First Nation, 5 October 2022.

<sup>39</sup> APPA, [Evidence](#), Dwayne Nashkawa, Strategic Advisor, Nipissing First Nation, 18 October 2022.

<sup>40</sup> APPA, [Evidence](#), Dwayne Nashkawa, Strategic Advisor, Nipissing First Nation, 18 October 2022; APPA, [Evidence](#), Allan Polchies Jr., Sakom/Chief, St. Mary’s First Nation, 4 October 2022.

<sup>41</sup> APPA, [Evidence](#), Dwayne Nashkawa, Strategic Advisor, Nipissing First Nation, 18 October 2022.

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technical capacity in producing cannabis.<sup>42</sup> Several witnesses raised the idea of a ‘red market’ where Indigenous nations or communities can partner to learn how to manage or expand business or trade with each other.<sup>43</sup>

“If we had the tools, First Nation governments could be models of productive, responsible and economically sustainable communities. The promise of cannabis’s green rush has been overexaggerated, for sure, but the promise of equity and opportunity has certainly not been made, either in 2018 or 2022, for Indigenous peoples generally and First Nations specifically.”

Sara Mainville, Partner, JFK Law LLP

Revenues from cannabis sales could provide important opportunities for First Nations community development. Currently, cannabis is subject to sales tax as well as excise taxes. As noted by Statistics Canada, “excise taxes are product-specific taxes on goods, and are levied on products such as tobacco, alcohol and fuel. [Sales] taxes on goods and services are non-product specific taxes, and include taxes such as the Harmonized Sales Tax...Goods and Services Tax...Provincial Sales Tax...or the Quebec Sales Tax.”<sup>44</sup>

The committee heard that First Nations communities do not receive a portion of the excise tax on cannabis products which is shared between the federal, provincial and territorial governments.<sup>45</sup> First Nations noted that receiving a share of the excise tax could fund the creation of a cannabis regulatory system and enable First Nations governments to leverage the revenues for other economic development opportunities.<sup>46</sup> Ultimately, as explained by Wahmeesh [Ken Watts], Canada must review policies and laws with respect to taxes and work on a new federal framework

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<sup>42</sup> Sara Mainville also referred to social equity policies in place in cannabis regimes in Oregon and how New York is considering reforms to help with equity investments into the cannabis industry. APPA, *Evidence*, Sara Mainville, Partner, JFK Law LLP, 25 October 2022.

<sup>43</sup> APPA, *Evidence*, Allan Polchies Jr., Sakom/Chief, St. Mary’s First Nation, 4 October 2022.

<sup>44</sup> Statistics Canada, *At a glance: Government revenues from the sale of cannabis, March 2019*.

<sup>45</sup> APPA, *Evidence*, Jack Glick, Senior Policy Advisor, Excise Policy, Tax Policy Branch, Finance Canada, 19 October 2022.

<sup>46</sup> APPA, *Evidence*, Dwayne Nashkawa, Strategic Advisor, Nipissing First Nation, 18 October 2022.

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for cannabis taxation.<sup>47</sup> Manny Jules outlined a seven part proposal to implement First Nations cannabis fiscal and regulatory jurisdiction.<sup>48</sup> This proposal includes:

- an optional fiscal regulatory system for First Nations;
- amendments to the *Cannabis Act* “to support a First Nations-specific cannabis regulatory framework;”
- fiscal jurisdiction and First Nations receiving excise taxes through an agreed upon formula;
- First Nations cannabis distribution warehouses that could coordinate with provincial distribution systems;
- A distinct First Nations cannabis stamp on cannabis produced by First Nations;<sup>49</sup>
- Need for legislation to create a First Nations institutional framework for cannabis regulatory jurisdiction; and
- 20% of cannabis production be reserved for First Nations producers, referencing the committee’s 2018 recommendation.<sup>50</sup>

The committee believes that the Government of Canada plays a vital role in economic reconciliation with Indigenous peoples. Sharing the excise tax, as suggested by witnesses, could be a fundamental part of economic reconciliation. The committee is pleased to see that Finance Canada is working with Indigenous governments and organizations on the development of a fuel, alcohol, tobacco and cannabis sales tax framework. However, the committee believes that this work could advance further to include discussions around sharing excise tax on cannabis products. For this reason, the committee recommends:

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<sup>47</sup> APPA, *Evidence*, Wahmeesh [Ken Watts], Elected Chief Councillor, Tseshaht First Nation, 5 October 2022.

<sup>48</sup> APPA, *Evidence*, Manny Jules, Chief Commissioner, First Nations Tax Commission, 5 October 2022.

<sup>49</sup> As noted by the Government of Canada, “Cannabis licensees that package cannabis products must affix cannabis excise stamps to the packaging of cannabis products intended for retail sale in Canada.” Further, “the purpose of the cannabis stamping regime is to: show that the product was produced legally, and applicable duties are paid; allow law enforcement agencies, retailers and consumers to more easily identify counterfeit and contraband products.” (Government of Canada, *Cannabis duty – Register for the cannabis stamping regime*).

<sup>50</sup> APPA, *Evidence*, Manny Jules, Chief Commissioner, First Nations Tax Commission, 5 October 2022.



## Recommendation 7

**That Finance Canada work with First Nations to identify options for the development of an excise tax-sharing framework as part of its discussions on the fuel, alcohol, cannabis and tobacco tax.**

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The committee heard about First Nations taking different approaches to participate in the cannabis market and support their businesses. First Nations should have a mechanism to support one another, share best practices and access technical expertise to participate in the cannabis market.<sup>51</sup> The committee notes that this institutional support is available in other areas, such as First Nations land management. The committee therefore recommends:

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## Recommendation 8

**That Finance Canada and Indigenous Services Canada work with First Nations communities to identify options for the establishment of a First Nation-led agency to support First Nations participation in the cannabis market.**

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Anyone wishing to operate within the cannabis industry requires two federal licenses to operate - one from Health Canada and the other from the Canada Revenue Agency.<sup>52</sup> Federal licenses have application fees, which vary based on the type of license the applicant is seeking.<sup>53</sup>

As of 30 September 2022, there were:

- 55 Indigenous-affiliated applicants for commercial cannabis licenses, with 12 of those located in First Nations communities (33% of total applications) and

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<sup>51</sup> In 2019, [Resolution 36/2019](#) adopted by the Assembly of First Nations (AFN) Special Chiefs Assembly noted the need to recognize First Nations' jurisdiction over cannabis as well as the establishment of a structure within the AFN to serve as a clearinghouse for First Nations interested in becoming educated and informed about the cannabis industry.

<sup>52</sup> APPA, [Evidence](#), Jack Glick, Senior Policy Advisor, Excise Policy, Tax Policy Branch, Finance Canada, 19 October 2022.

<sup>53</sup> For example, please see: Government of Canada, [Cannabis Fees Order Guide](#).

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- 47 Indigenous-owned or affiliated businesses that have received commercial licenses, including 6 located in First Nations communities (5% of total licenses).<sup>54</sup>

There are also requirements, such as the need for a completed site to operate, that must be fulfilled before applicants receive a license.<sup>55</sup> The Committee recognizes that Health Canada has an Indigenous navigator service that guides applicants to answer questions they may have about the cannabis regulatory process.<sup>56</sup> However, the committee is concerned about the small number of Indigenous-owned or affiliated businesses that have received commercial licenses from federal regulators. The committee believes that Indigenous businesses may face additional barriers in the licensing process. For this reason, the committee recommends:

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### Recommendation 9

**That Health Canada and the Canada Revenue Agency work with Indigenous peoples and communities to undertake a review of their application processes for all cannabis-related licenses and report the findings back to the committee by December 2023.**

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## Public Health

The federal policy of assimilation of Indigenous peoples and related colonial policies, such as residential schools, have contributed to a complex legacy of intergenerational trauma that affects Indigenous peoples to present day.

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<sup>54</sup> APPA, *Evidence*, Kendal Weber, Assistant Deputy Minister, Controlled Substances and Cannabis Branch, Health Canada, 19 October 2022.

<sup>55</sup> APPA, *Evidence*, John Clare, Director General, Strategic Policy Directorate, Controlled Substances and Cannabis Branch, Health Canada, 19 October 2022.

<sup>56</sup> APPA, *Evidence*, Kendal Weber, Assistant Deputy Minister, Controlled Substances and Cannabis Branch, Health Canada, 19 October 2022.

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“[L]ike many Indigenous communities, our communities struggle with the legacy of colonization, residential schools, relocation, oppression and racism. The impacts can be seen in struggles with addictions, family violence, overrepresentation in the justice system, and the list goes on.”

Michelle Kinney, Deputy Minister, Nunatsiavut Health and Social Development, Nunatsiavut Government

The committee heard that “within the network of federally funded treatment centres for First Nations and Inuit, cannabis consumption is consistently one of the top three substances for which...both adults and youth seek treatment.”<sup>57</sup> However, Indigenous communities lack equitable access to treatment services for mental health and addictions more broadly.<sup>58</sup>

The committee was pleased to see that an agreement was reached between the Government of Canada, Government of Nunavut and Nunavut Tunngavik Inc. to fund the construction, operations and maintenance of the future Nunavut Recovery Centre.<sup>59</sup> The committee understand that construction has been delayed due to the COVID-19 pandemic; and that the budget estimates for the capital costs have now increased due to inflation and supply chain issues. The committee hopes that the increased costs will be addressed by the Government of Canada.

The committee heard examples of culturally appropriate treatment programs offered by Indigenous organizations. For example, the Ilisaqsivik Society in Clyde River, Nunavut offers Inuit-led culturally appropriate mental health and healing programs featuring counselling services in Inuktitut.<sup>60</sup> The Tsow-Tun Le Lum Society is a healing house in Lantzville, British Columbia that offers a substance misuse program and a trauma recovery program for Indigenous peoples.<sup>61</sup> The Thunderbird Partnership

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<sup>57</sup> APPA, *Evidence*, Dr. Evan Adams, Deputy Chief Medical Officer of Public Health, Director General’s Office of Population and Public Health, First Nation and Inuit Health Branch, Indigenous Services Canada, 19 October 2022.

<sup>58</sup> APPA, *Evidence*, Carol Hopkins, Chief Executive Officer, Thunderbird Partnership Foundation, 4 October 2022; APPA, *Evidence*, Colin Stonechild, Headman, Peepeekisis Cree Nation, 4 October 2022.

<sup>59</sup> Government of Canada, *Recovery Centre Coming to Nunavut*, 19 August 2019.

<sup>60</sup> APPA, *Evidence*, Jukeepa Hainnu, Vice-Chair, Ilisaqsivik Society Board of Directors, Ilisaqsivik Society, 23 November 2022.

<sup>61</sup> APPA, *Evidence*, Nola Jeffrey, Executive Director, Tsow-Tun Le Lum Society, 4 October 2022.

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Foundation is a national non-profit organization that promotes holistic approaches to healing and wellness while supporting capacity development in First Nations communities to address substance use and addiction. Carol Hopkins, Chief Executive Officer of Thunderbird Partnership Foundation recommended that more funds should be invested in these types of Indigenous land and culture-based mental health services.<sup>62</sup>

The committee also heard of some of the benefits of harm reduction initiatives that rely on cannabis. For example, several witnesses suggested that cannabis has the potential to be used as an alternative to substances like alcohol.<sup>63</sup> Carol Hopkins told the committee that families of people who use opioids or methamphetamines believe cannabis is less harmful than these substances.<sup>64</sup> The committee also heard about the potential of cannabis to decrease opioid withdrawal symptoms.<sup>65</sup> However, medicinal cannabis is not currently covered by Indigenous Services Canada's Non-Insured Health Benefit Program. The lack of access to medical cannabis may hamper these harm reduction approaches. The Nunatsiavut Government in northern Labrador would like to move forward with a managed alcohol program that substitutes cannabis for alcohol. However, cannabis is only available via mail order in Nunatsiavut communities and there are no private retailers. Few individuals have credit cards to purchase cannabis online.<sup>66</sup> The committee heard that First Nations may not have the resources to purchase cannabis for medical purposes, which has affected substance use treatment.<sup>67</sup>

The Nunatsiavut Government called for medical cannabis, prescribed by a physician, to be covered under Indigenous Services Canada's Non-Insured Health Benefits Program.<sup>68</sup> Indigenous Services Canada has previously considered covering medical cannabis under the program. However, in 2018, the department told the committee

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<sup>62</sup> APPA, *Evidence*, Carol Hopkins, Chief Executive Officer, Thunderbird Partnership Foundation, 4 October 2022.

<sup>63</sup> APPA, *Evidence*, Carol Hopkins, Chief Executive Officer, Thunderbird Partnership Foundation, 4 October 2022; APPA, *Evidence*, Michelle Kinney, Deputy Minister, Nunatsiavut Health and Social Development, Nunatsiavut Government, 26 October 2022.

<sup>64</sup> APPA, *Evidence*, Carol Hopkins, Chief Executive Officer, Thunderbird Partnership Foundation, 4 October 2022.

<sup>65</sup> Ibid.

<sup>66</sup> APPA, *Evidence*, Michelle Kinney, Deputy Minister, Nunatsiavut Health and Social Development, Nunatsiavut Government, 26 October 2022.

<sup>67</sup> APPA, *Evidence*, Carol Hopkins, Chief Executive Officer, Thunderbird Partnership Foundation, 4 October 2022.

<sup>68</sup> APPA, *Evidence*, Michelle Kinney, Deputy Minister, Nunatsiavut Health and Social Development, Nunatsiavut Government, 26 October 2022.

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that medical cannabis could not be covered because cannabis does not have a notice of compliance and is not considered a medication.<sup>69</sup> The committee believes that Indigenous peoples should be able to access cannabis for medical purposes if prescribed by a physician. For this reason, the committee recommends:

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### **Recommendation 10**

**That Indigenous Services Canada cover cannabis for medical purposes under the Non-Insured Health Benefits Program.**

### **Recommendation 11**

**That the Government of Canada work with cannabis producers to ensure the product is available for medical coverage under Indigenous Services Canada's Non-Insured Health Benefits.**

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## **Health Data on Cannabis Use**

Gaps in health data for Indigenous peoples “mask inequality and reduce the potential to develop effective policies that address existing socio-economic and health inequalities.”<sup>70</sup> The committee heard about gaps in health data about First Nations,

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<sup>69</sup> As noted in a brief received by the committee in 2018, “the Non-Insured Health Benefits (NIHB) program maintains a list of drugs [known as the drug benefit list] provided as benefits to eligible First Nations and Inuit clients.” For a drug to be included on this list it must: “(1) be approved by Health Canada under the Food and Drugs Regulations, and have a Notice of Compliance (NOC) signifying compliance with the Regulations, and have a Drug Identification Number (DIN) signifying the product passed a review of its formulation, labelling and instructions for use and serving as a tool to help in the follow-up of the product on the market, recall of products, inspections, and quality monitoring; (2) be prescribed by a licensed practitioner and dispensed by a pharmacist; and (3) be reviewed by the Canadian Agency for Drug Technologies in Health’s (CADTH) Common Drug Review process and/or NIHB’s expert committee, DTAC [Drugs and Therapeutics Advisory Committee].” The brief also explains that: “Medical cannabis does not meet these requirements: there is no DIN or NOC; medical cannabis is not dispensed by a pharmacist; and neither CADTH nor DTAC would review medical cannabis for listing recommendation because of its regulatory status and the lack of quality evidence as to its safety and effectiveness. In addition there is a lack of information around its indications for use, therapeutic and toxic dosages, and knowledge of interactions with other medications.” *Brief*, Indigenous Services Canada, 19 April 2018; APPA, *Evidence*, Valerie Gideon, Acting Senior Assistant Deputy Minister, First Nations and Inuit Health Branch, Indigenous Services Canada, 27 February 2018.

<sup>70</sup> APPA, *Evidence*, Dr. Evan Adams, Deputy Chief Medical Officer of Public Health, Director General’s Office of Population and Public Health, First Nation and Inuit Health Branch, Indigenous Services Canada, 19 October 2022.

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Inuit and Métis cannabis use post-legalization including the effects of cannabis use on pregnant women and youth.<sup>71</sup>

While research is currently ongoing, the committee believes that a coordinated approach is necessary to ensure the availability of Indigenous-specific data on cannabis use in order to inform policy and build effective public health initiatives.<sup>72</sup> In the committee's view, filling these data gaps has the potential to support Indigenous-led approaches to public health challenges facing Indigenous people and communities. For this reason, the committee believes that the federal government should work with Indigenous peoples and communities to develop a research strategy that will identify and fill gaps in Indigenous-specific data related to cannabis. This strategy could address matters raised by witnesses, including ensuring effective data collection based on Indigenous peoples' priorities, the sovereignty of such data for use in policy and program planning by Indigenous communities and Indigenous participation in data collection.<sup>73</sup> These principles are enshrined by ownership, control, access and possession (OCAP) of data collection and that First Nations own and control how such data is used. The committee therefore recommends:

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## Recommendation 12

**That Health Canada and Indigenous Services Canada work with Indigenous peoples and communities to establish and fund a research strategy on cannabis and its effects on Indigenous peoples and communities.**

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The federal government has provided funding for culturally appropriate public education materials about cannabis. Health Canada has also translated existing public education resources into Indigenous languages.<sup>74</sup> However, witnesses

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<sup>71</sup> APPA, *Evidence*, Dr. Evan Adams, Deputy Chief Medical Officer of Public Health, Director General's Office of Population and Public Health, First Nation and Inuit Health Branch, Indigenous Services Canada, 19 October 2022; APPA, *Evidence*, Carol Hopkins, Chief Executive Officer, Thunderbird Partnership Foundation, 4 October 2022; APPA, *Evidence*, Dr. Kate Elliott, Minister of Mental Health and Harm Reduction and Chair of Women and Gender Equity, Métis Nation British Columbia, 4 October 2022.

<sup>72</sup> APPA, *Evidence*, Carol Hopkins, Chief Executive Officer, Thunderbird Partnership Foundation, 4 October 2022.

<sup>73</sup> Ibid.

<sup>74</sup> APPA, *Evidence*, Kendal Weber, Assistant Deputy Minister, Controlled Substances and Cannabis Branch, Health Canada, 19 October 2022.

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identified a need for additional distinctions-based, age appropriate, and gender-specific public health information on cannabis for Indigenous peoples and communities.<sup>75</sup> Existing materials require updating to incorporate information about new and different product formats such as edibles.<sup>76</sup> Based on this testimony, the committee recommends:

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### **Recommendation 13**

**That Health Canada and Indigenous Services Canada provide funding for the development and update of Indigenous-led public health information on cannabis.**

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<sup>75</sup> For example, APPA, [Evidence](#), Dr. Kate Elliott, Minister of Mental Health and Harm Reduction and Chair of Women and Gender Equity, Métis Nation British Columbia, 4 October 2022; APPA, [Evidence](#), Allan Polchies Jr., Sakom/Chief, St. Mary's First Nation, 4 October 2022; APPA, [Evidence](#), Tonya Perron, Chief, Mohawk Council of Kahnawà:ke, 5 October 2022.

<sup>76</sup> APPA, [Evidence](#), Dr. Kate Elliott, Minister of Mental Health and Harm Reduction and Chair of Women and Gender Equity, Métis Nation British Columbia, 4 October 2022.

## List of Recommendations

### Recommendation 1

**That the Expert Panel engage in substantive consultations and propose solutions to the problems raised by Indigenous peoples related to legal jurisdiction, enforcement, equity and inclusion in the industry, and mental health and substance abuse and that funding be made available to Indigenous peoples during this process.**

### Recommendation 2

**That the Minister of Health introduce legislation in Parliament to amend the Cannabis Act to permit First Nations to regulate the possession, sale and distribution of cannabis on their lands.**

### Recommendation 3

**That the Government of Canada convene a meeting with First Nations, federal, provincial and territorial governments in the spirit of cooperation and collaboration to solve jurisdictional challenges to enable First Nations to exercise their rightful place in the cannabis marketplace.**

### Recommendation 4

**That the Government of Canada, as it develops legislation related to First Nation policing, in collaboration with the provinces and the territories and First Nations governments, establish legislative mechanisms for the enforcement of band by-laws and other laws related to cannabis by all police services and to ensure that related offences can be investigated and prosecuted effectively.**

### Recommendation 5

**That the Government of Canada furthermore ensure adequate funding is available to Indigenous communities for the policing and enforcement of band by-laws related to cannabis.**



### **Recommendation 6**

**That the Royal Canadian Mounted Police provide dedicated space for First Nations police services to undertake Drug Recognition Expert Training and that Public Safety Canada provide additional funding to First Nations policing to support this work.**

### **Recommendation 7**

**That Finance Canada work with First Nations to identify options for the development of an excise tax-sharing framework as part of its discussions on the fuel, alcohol, cannabis and tobacco tax.**

### **Recommendation 8**

**That Finance Canada and Indigenous Services Canada work with First Nations communities to identify options for the establishment of a First Nation-led agency to support First Nations participation in the cannabis market.**

### **Recommendation 9**

**That Health Canada and the Canada Revenue Agency work with Indigenous peoples and communities to undertake a review of their application processes for all cannabis-related licenses and report the findings back to the committee by December 2023.**

### **Recommendation 10**

**That Indigenous Services Canada cover cannabis for medical purposes under the Non-Insured Health Benefits Program.**

### **Recommendation 11**

**That the Government of Canada work with cannabis producers to ensure the product is available for medical coverage under Indigenous Services Canada's Non-Insured Health Benefits.**

### **Recommendation 12**

**That Health Canada and Indigenous Services Canada work with Indigenous peoples and communities to establish and fund a research strategy on cannabis and its effects on Indigenous peoples and communities.**

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**Recommendation 13**

**That Health Canada and Indigenous Services Canada provide funding for the development and update of Indigenous-led public health information on cannabis.**

## **APPENDIX A – Witnesses**

### **Tuesday, October 4, 2022**

Dr. Kate Elliott, Minister of Mental Health and Harm Reduction and Chair of Women and Gender Equity, Métis Nation British Columbia

Allan Polchies Jr., Sakom/Chief, St. Mary's First Nation

Carol Hopkins, Chief Executive Officer, Thunderbird Partnership Foundation

Nola Jeffrey, Executive Director, Tsow-Tun Le Lum Society

Colin Stonechild, Headman, Peepeekisis Cree Nation

### **Wednesday, October 5, 2022**

Tonya Perron, Chief, Mohawk Council of Kahnawà:ke

Wahmeesh [Ken Watts], Elected Chief Councillor, Tseshaht First Nation

Manny Jules, Chief Commissioner, First Nations Tax Commission

David Joe, Operational Manager, Miawpukek First Nation

### **Tuesday, October 18, 2022**

Dwayne Nashkawa, Strategic Advisor, Nipissing First Nation

Darcy Gray, Chief, Listuguj Mi'gmaq First Nation

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**Wednesday, October 19, 2022**

Dr. Evan Adams, Deputy Chief Medical Officer of Public Health, Director General's Office of Population and Public Health, First Nation and Inuit Health Branch, Indigenous Services Canada

Jack Glick, Senior Policy Advisor, Excise Policy, Tax Policy Branch, Finance Canada

Brent Almond, Director, Indigenous Taxation Policy, Tax Policy Branch, Finance Canada

Norma Won, Senior Counsel, Health Canada Legal Services, Justice Canada

Kendal Weber, Assistant Deputy Minister, Controlled Substances and Cannabis Branch, Health Canada

John Clare, Director General, Strategic Policy Directorate, Controlled Substances and Cannabis Branch, Health Canada

Chris Moran, Assistant Deputy Minister, Indigenous Secretariat, Public Safety Canada

Kristin McLeod, Director, Drug Policy Division, Crime Prevention Branch, Public Safety Canada

Maryanne Pearce, Acting Director, National Crime Prevention and Indigenous Policing Services, Royal Canadian Mounted Police

Mathieu Bertrand, Superintendent, Acting Director General of Serious and Organized Crime and Border Integrity, Federal Policing Criminal Operations, Royal Canadian Mounted Police

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**Tuesday, October 25, 2022**

Rob Monteforte, Detective-Sergeant, Drug Enforcement Unit, Six Nations Police Service

Sara Mainville, Partner, JFK Law LLP

**Wednesday, October 26, 2022**

Michelle Kinney, Deputy Minister, Nunatsiavut Health and Social Development, Nunatsiavut Government

**Wednesday, November 16, 2022**

Wilbert Kochon, Chief, Behdzi Ahda First Nation

Nick Leeson, Legal Counsel, Behdzi Ahda First Nation

Edward Lennard Busch, Executive Director, First Nations Chiefs of Police Association

**Wednesday, November 23, 2022**

Drew Lafond, President, Indigenous Bar Association

Jukeepa Hainnu, Vice Chair, Board of Directors, Ilisaqsivik Society

## **APPENDIX B – Briefs**

**Briefs are available online: APPA, [Briefs and Other Documents](#)**

Ross Perley, Chief, Tobique First Nation

Wilbert Kochon, Chief, Behdzi Ahda First Nation

Darcy Bear, Chief, Whitecap Dakota First Nation

Saskatchewan Liquor and Gaming Authority





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