

**TERMS OF REFERENCE**  
**Task Force on the Impending Legalization of Cannabis**

**Purpose:**

1. The Assembly of First Nations (the “AFN”) established the Task Force on the Legalization of Cannabis (the “Task Force”) to develop informational materials for First Nation governments to manage emerging issues related to the decriminalization of cannabis.
2. In carrying out its affairs and work, the Task Force will respect and remain mindful of the authority and jurisdiction of First Nation governments.
3. The Task Force is co-chaired by Regional Chief Day and Regional Chief Picard.

**Background:**

4. In April of 2017, the Minister of Justice and the Attorney General of Canada introduced Bill C-45, which would amend the Controlled Drugs and Substances Act, the Criminal Code, and other legislation to enable legal access to cannabis for individuals aged 18 and over through government control over the production, regulation, sale and distribution of cannabis.
5. The stated objectives of Bill C-45 are to prevent young persons from accessing cannabis, to protect public health and public safety by establishing strict product safety and product quality requirements, and to deter criminal activity by imposing serious criminal penalties for those operating outside the legal framework.
6. The Act is also intended to reduce the burden on the criminal justice system in relation to cannabis. At present, 73,000 charges are brought each year for cannabis related offenses, mostly possession. Additionally, over 1.5 million Canadians have criminal records for cannabis possession.
7. Cannabis is the most trafficked drug in the world. In Canada alone, it generates an estimated \$7 billion in revenue per year for organized crime. Its use is prevalent; 11% of Canadians reported using cannabis in the year preceding 2014 and over 40% admit to using it at any point in their lifetimes. Use is similarly widespread among teenagers and young adults aged 18-24. 29% of junior high school students reported cannabis use within the previous year, which is the highest percentage among wealthy industrialized countries.
8. Enforcement of existing cannabis laws is costly; it is estimated that \$1 billion is spent annually by all levels of government to enforce existing criminal laws prohibiting the

use, distribution, purchase, possession and sale of cannabis.

9. The Federal Government intends to bring the proposed Cannabis Act into force no later than July 2018. At that time, adults who are 18 years old or older would be able to legally:
  - **possess** up to 30 grams of dried legal cannabis or equivalent in non-dried form when in public;
  - **share** up to 30 grams of dried legal cannabis with other adults;
  - **purchase** dried or fresh cannabis and cannabis oil from a provincially regulated retailer or purchase online from a federally licensed producer with secure home delivery through the mail or by courier;
  - **grow** up to 4 cannabis plants per residence (not per person) for personal use, from licensed seeds or seedlings supplier, with each plant not to exceed 1 meter in height; and
  - **make** legal cannabis-containing products at home, such as food and drinks, provided that dangerous organic solvents are not used in making them.

#### **Mandate**

10. Please note funding must be obtained for the Task Force to function/operate.
11. The Task Force is established with a mandate to provide advice, develop informational materials and make recommendations to the AFN Executive Committee on a response to Canada's legalization of cannabis. In developing advice, informational materials and recommendations, the Task Force will take into account the role and jurisdictions of individual First Nation governments and institutions in responding to the legalization of cannabis and the value in complementing any activities First Nation government may undertake.
12. The Task Force shall review across-the-board reforms, including the following:
  - i. Each First Nations community's cultural vision of safe and healthy children and families.
  - ii. Potential First Nation health impacts regarding safety and protection.
  - iii. First Nation public security/safety issues.
  - iv. First Nation economic development opportunities.
  - v. Social impacts in First Nation communities and possible mitigation strategies.
  - vi. Federal/provincial/First Nation government authorities, policies and practices;
  - vii. Provincial/territorial variances in regulations and access regimes.
  - viii. Mechanisms to ensure law enforcement communication and accountability to First Nation government relating to public safety matters.

13. The Task Force will provide recommendations on future reforms to First Nations health/addictions programs in a way that promotes the safety and best interests of First Nations, taking account of the distinct needs and circumstances of First Nations.
14. The Task Force will provide recommendations on licensing quotas for First Nation governments who seek to pursue economic development initiatives related to cultivation, manufacturing, sale, and distribution of cannabis products.
15. The Task Force will examine and provide an analysis of any limitations on the force and effect of cannabis legislation and regulations, including any possible exemptions under such laws or regulations.
16. The Task Force will report on its activities to the AFN Executive Committee and Chiefs-in-Assembly who will provide direction and approval of all advocacy positions and documentation.
17. The Task Force's deliberations, and the information provided to and/or produced by the Task Force, will be made available to First Nations.
18. AFN will retain copyright of any materials produced by the Task Force.

#### **Term of the Task Force**

19. The Task Force will commence its work on November 30, 2017 (***subject to funding***) and will complete its recommendations as set out in its mandate by July 4, 2018.

#### **Membership**

20. The Task Force will be composed of the following members:
  - a. Co-Chairs: Regional Chief Isadore Day and Regional Chief Ghislain Picard;
  - b. Three (3) staff representatives of the AFN;
  - c. Five (5) regional representatives selected from AFN Chiefs Committees (Health, Economic Development, Social, and Fiscal Relations);
  - d. One (1) representatives of a First Nations Health Agency;
  - e. One (1) representative of a First Nation police agency;
  - f. One (1) representative from the AFN Elders Council;
  - g. One (1) representative from the AFN Women's Council;
  - h. One (1) representative from the AFN Youth Council; and
  - i. All portfolio holders have standing and may participate in the work of the Task Force.
21. To fulfill its mandate, the Task Force may seek the assistance of and engage with outside parties including representatives of legal profession, economists, law

enforcement, medical professionals and addiction counsellors, as it considers appropriate and subject to available funding.

**Operating Principle**

22. The Task Force will operate on the basis of consensus and any dispute will be resolved by the Chair, with the assistance of an Elder.
23. The costs for representatives of the Task Force shall be borne by the Task Force.