

Community Consultation on Cannabis (Round 2)

A summary of the March 2022 engagement



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Update on Cannabis Within the Community

At present, there are several cannabis dispensaries offering cannabis for sale in Millbrook without any laws, formal licensing regime, approvals, regulations or oversight from Chief and Council or any other Millbrook decision making body.

As set out in the previous round of consultation (December 2021), the findings from the consultation sessions were unanimous in members requesting a community-led governance model, whereby all Millbrook members, institutions, and entities, including the Band Council, would be accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with recognized and affirmed Aboriginal and Treaty rights and international human rights norms.

Community members overwhelmingly indicated that the overarching goal behind the development of a cannabis regime for Millbrook is to protect public health and safety, protect the youth and Elders, and to prevent criminal and harmful activity.

Community Consultation on Cannabis 2021

In early December 2021, community members from various sectors of Millbrook First Nation participated in facilitated consultation sessions on the topic of cannabis. These consultation sessions took place in person and were held within the community. Scott Robertson was contracted as a facilitator to lead the consultation session and was assisted by Gerald D. Gloade, Claire Marshall and Shelly Martin.

In addition to the in-person sessions, an online Zoom consultation was offered to all community members on January 10, 2022, in order to obtain further insight into the use, sale and ideas with respect to regulating cannabis within Millbrook First Nation.

The findings, themes and discussions from those consultations were recorded both in writing by Gerald D. Gloade and Claire Marshall, in addition to being captured in an artistic form by graphic artist James Neish.

This information was then analyzed and at the end of January 2022 a final report entitled, *Community Consultation on Cannabis: A Community Perspective on Cannabis Governance* was produced and provided to community members. A copy of this report is available at <https://www.millbrookband.com/consultation>

Following these initial community consultation sessions and the release of the above noted report community members, that had not attended the first community sessions in December of 2021, requested a further opportunity to consult and provide more insight on the topic of cannabis. At the request of Chief and Council, a further set of consultation sessions were conducted within the community from March 23rd to 25th, 2022. These sessions were once again facilitated by Scott Robertson with assistance from Gerald D. Gloade, Claire Marshall and Shelly Martin.

In addition to conducting the consultation sessions Claire Marshall and Shelly Martin have met with representatives from the local RCMP detachment to explain the development of the Cannabis Working Committee and the issues identified within the community consultations session from 2021.

March 2022 Consultation Sessions with Millbrook Community Members

Similar to the first round of consultations which took place in December of 2021, Millbrook First Nation, under the direction of Claire Marshall, engaged the services of Scott Robertson to direct community consultations. Consultation sessions were scheduled for health centre staff, Elders and youth members who had not participated in the first round of discussions. The purpose of the consultation sessions was to obtain further knowledge, thoughts, experiences, comments, concerns, advice and direction of a cannabis regulatory regime.

The following report provides a status report on the findings from the March 2022 consultation sessions, followed by an update on the establishment of the Community Cannabis Working Group tasked with reviewing, discussing, and preparing recommendations for the regulation of cannabis in Millbrook First Nation.

Senior Engagement Activity

The in-person Elders consultation session was hosted at the Community Heritage Centre on March 25, 2022. Fourteen Elders were in attendance. The session opened with the facilitator presenting an overview on the development of the law legalizing cannabis, a high-level primer on cannabis, including national and provincial laws on cannabis, updates on the progress of other First Nations development and implementations of cannabis regimes and some of the issues identified within Millbrook First Nation with respect to cannabis in general. The facilitator also set out the summary findings from the first round of consultations, specifically those findings provided by the previous group of Elders.

Following the introduction of the cannabis consultation and the findings from the previous session the facilitator opened the floor to Elders to share their thoughts, experiences and concerns. The Elders provided the following comments, which have been grouped into common themes.

Consultation Must Be Community-Led

The Elders indicated that any decisions with respect to cannabis and a regulatory scheme should be led by community members and not Chief and Council. There was an overriding concern amongst the participants that Council should not be trusted to develop regulatory oversight as they may want to act in their own self-interest.

In addition, the Elders expressed concern that cannabis activity had sprung up in the community without any consultation or discussions, despite the fact that the community held collective rights. Questions were posed as to how the cannabis economy could exist without community involvement and oversight.

Incorporating Mi'kmaq Principles into Cannabis Regulations

Several Elders indicated that any regulations developed for cannabis should be centred around existing Mi'kmaq principles. Cannabis regulations should rely on Mi'kmaq laws to settle disputes and lead discussions on the best way to use, produce and sell cannabis within the community. Specifically, the Elders spoke of the Mi'kmaq principle of "two-eyed seeing," which provides two different ways of looking at things. The Elders also suggested that the Grand Council should be represented at any committee or consultations on the discussion of cannabis.

Need for Clear Regulations

Some of the Elders in attendance indicated that they were not excited about the developments of cannabis. There were initial efforts to attempt to enter into the cannabis economy through negotiations with the province via applications, similar to what Eskasoni First Nation was attempting, however these efforts did not result in any tangible benefits to the community.

There was concern from some Elders that dispensaries were not adhering to building permits, or even more concerning, were not obtaining any permits in order to build and operate their current operations. The example of Keith's Gas Bar was discussed, whereby the owners had to go through the band and there was a referendum 30-years ago. The referendum to open the gas bar was voted on and passed by the community. The owner of the gas bar had to obtain both provincial and federal approval because of the potential environmental concern. But it was the community that voted on it and approved it.

Because of these past practices for opening businesses, several Elders indicated there was inequity in how businesses have been dealt with in the past, compared to how cannabis dispensary owners are being treated today. Millbrook has bylaws that used to be enforced, however, Elders indicated that nobody knows what those bylaws are today and if they're breaking the law or not.

“Laws, have to be stated, they have to be understood.
If you don't know the laws, that's a problem.”

Additionally, concern was expressed over the uncertainty of where the cannabis was being sourced from and that it may be associated with organized crime. A number of the dispensaries have been criminally charged and now the dispensary owners are requesting that Millbrook First Nation support them and pay for their lawyers, but they are not contributing back to the community.

There is an expectation from community members that potential business opportunities will be required to go through a process to operate including obtaining a permit and the community conducting a referendum.

Elders indicated that they felt the current band council and administration are overwhelmed by day-to-day issues and there are no resources to address the concerns created by cannabis. Moreover, several Elders shared that businesses on the reserve were losing staff because they could not compete with the wages being offered by dispensary owners. Businesses operating on the reserve have a limited number of employees to draw from and the dispensaries are taking all the employees.

Finally, there was concern expressed that the community had invested a large sum of money to support Zenabis which was a business venture to grow/produce cannabis. The Elders indicated these decisions were made without any consultation or economic advice.

Suggestions From the Elders Moving Forward

If there was some sort of regulation, say a tax or a percentage, the money generated would go back to the community members for services.

“If you want to operate in our community, we will support you, but we need to know what you're selling and to who.”

The Elders expressed concern that cannabis creates a “social debt”, associated with operating a cannabis economy, (crime, addiction, mental and physical health issues) which creates a burden on Millbrook's social and health services which are already overburdened. This also creates additional

costs for Millbrook community members that are not factored into the revenues being generated by the sale of cannabis within the community (such as paying for extra health care centre staff, and services such as roads, electricity, sewers and access). Elders indicated these social issues must be addressed.

As a solution, the Elders suggested that any expenses associated with regulating cannabis should be offset from the revenues generated within the community.

Youth Engagement Activity

Round 2 youth engagement took place online due to challenges holding in-person sessions at the high school. An online activity was created that asked youth what they would do given the opportunity to develop Millbrook's cannabis governance strategy. The activity went live on March 12th and closed on April 21st (2022) and was made available via QR code, quick link and access through Millbrook's website. The question was framed as follows:

"This exercise is intended to follow up on the Youth cannabis engagement that we did in December, 2021.

Many of you drew connections to cannabis and a moderate livelihood and discussed how cannabis is not just a drug (it's also a medicine). Another key takeaway from the session was that "Chief and Council needs to make a plan" and that conflict of interest is a barrier to cannabis governance in Millbrook.

In your words, please respond to the question below. Try to address the themes that we discussed in December and problem solve for the issues that were raise.

Your answers will be used in the next consultation report. No names will be attached. It will be completely anonymous.

Below is the link to the first Cannabis Report, which has an in-depth summary of our last meeting.

<https://static1.squarespace.com/static/5ad646cb0dbda3cea8b84fd6/t/61f2bb518dcf2e3ec85d29cd/1643297633380/Community+Cannabis+Report+-+PDF.pdf>

If it was my job to develop Millbrook's community cannabis governance plan, what would it look like?

Note: *Use as much or as little detail that you like."*

Once the online portal was closed, only 3 people had completed the exercise. It was suggested that participation was low, because the timing for engagement conflicted with some academic deadlines and the Easter holiday. As a lesson learned, future youth cannabis engagements will prioritize in-person meetings – likely after-hours sessions.

Justifying decisions

Those who completed the activity said that the regulations should provide justifications for each section. One participant said that the cannabis governance plan should have *“some source of information listing off why the rules are why they are.”* If we are going to regulate the use, sale, cultivation, production, and transportation of cannabis, we must justify the rationale.

Need for awareness and education

It was also suggested that work should be done to explain people can and cannot do under the cannabis plan. Ratifying a community law will require education and workshopping to ensure that band members and stakeholders understand the practical implications of the rules. If we use Canada’s recreational cannabis law changes as an example, we know that making significant changes to an area of law without proper awareness creates a great deal of uncertainty.

Similar to the recommendations from the Round 1 consultation report, it was noted that the band should provide informational materials that highlight *“both the positive and negatives of the usage of cannabis.”* If we (the band) are to assume the role of regulation, we then inherit the responsibility of educating. Since decriminalization in 2019, cannabis usage still carries with it the stigma of being an illegal form of escapism. We know now that many cannabis consumers use the substance for a myriad of reasons, many of which are self-reported as being medicinal – treating anxiety, PTSD, depression, etc. As suggested, making educational materials available could help destigmatize cannabis by providing a better understanding of its applications, outside of recreational usage.

Jurisdiction and accountability

One participant said that the cannabis dispensaries should be *“[o]wned by community/band members,”* and felt that owners should be able to keep the revenue generated from sales. However, they said that some of their profits should be earmarked for an unspecified communal benefit, while acknowledging that without a cannabis plan, there is nothing to bind them to a program for communal benefit.

Safety and zoning

Lastly, the youth pointed out that the plan should ensure safety of products and the community. The plan must include *“[p]roduct verification to make sure products are not laced.”*

From a community zoning perspective, it was noted that shops should be operating in a *“Non-residential area”* and that they should not operate in or around families and homes.

Millbrook Health Centre Engagement

Consultation with the Millbrook First Nation Health Centre Staff took place on March 23, 2022. A round table discussion was facilitated by Scott Robertson which included seven participants comprised of health care providers and social workers. Through the informative discussions with health professionals, the following themes and recommendations emerged.

The facilitator reviewed the final report and indicated the following four common points which were identified by most of the previous groups consulted on cannabis within the community:

- i. Health and Safety of community members;
- ii. Development of some regulatory scheme to monitor and control cannabis;
- iii. Community led initiative; and
- iv. Third party oversight of cannabis regulatory scheme at arm's length from Chief and Council.

Overriding concern was expressed by the health care workers of the growing issues related to the physical and mental health of community members in relation to the introduction of cannabis and other more harmful drugs into the community. Health care workers indicated that community members reported being “told” that cannabis was medicine and that it is beneficial to their overall health.

There was additional concern of the marketing of cannabis in the community being directed at young people such as cannabis infused gummies, chocolates, and lollipops. There is a growing concern that these products will be confused as candy by children. Specifically, health care workers stated that all packaging of cannabis products sold in the community should be strictly controlled including listing the contents of all products and the supplier.

Fear of Speaking Out Against Cannabis

Many of the Health Care Workers expressed concern about speaking out against cannabis for fear of reprisal from other community members. As a result, some people are not attending consultation sessions and are refusing to provide any comments or concerns.

“People are talking about moving from here because they’re afraid to raise their kids here.”

Lack of Education in the Community

Health Care workers indicated there is an overall lack of education and awareness with respect to the use and effects of cannabis. This created a situation where many of the people using cannabis within the community have not consulted a health care professional and are relying on the advice of non-certified experts to inform their health decisions.

There is an overriding concern that the cannabis economy is linked to organized crime which potentially exposes the community to other harms beyond the use of cannabis including “harder” drugs, human trafficking and escalating assaults.

Lack of Regulations

Health Care workers expressed a concern with the overall lack of policy, or regulations to deal with the use of cannabis on-reserve within the workforce. It was indicated the health care workers had previously developed a drug policy for fisheries at the request of the captains who had complained about employees on the boats using cannabis.

Going forward there was a call for workplace regulation to ensure employees of the band are fully informed of their rights and responsibilities with respect to the use of cannabis while working.

Cannabis Working Committee

In response to the consultation sessions and the overwhelming request for a community-led initiative to develop a cannabis regulatory scheme, a Community Cannabis Working Group was established.

A call was put out to interested community members to submit their application for consideration to be included on the Committee. All applicants were accepted to sit on the inaugural Working Group and is comprised entirely of Millbrook band members. Membership is currently closed. The Working Group has since met as a group and adopted a Terms of Reference which will guide them on their work. The Working Group will be meeting on a regular basis to discuss and make recommendations related to developing a cannabis regulatory regime.