

Community Consultation on Cannabis

A community perspective on cannabis governance



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Acknowledgement

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Finally, we would like to extend our appreciation to Scott Robertson for the facilitation of our community consultation sessions. Scott’s thoughtful oversight, knowledge and experience contributed greatly to the focused discussions and identifying key issues.

Millbrook First Nation acknowledges the unceded, occupied territory of the Mi'kmaq peoples on which we all gathered, and which continues to sustain us and provide for us. It is our responsibility as Mi'kmaq people to protect these lands and ensure we pass them onto our children.

A Note on Terminology

Community consultation on cannabis is a new endeavour due to the historical illegality of the substance, as such there can be challenges associated with language use in conversations about cannabis as common terms and concepts have yet to be clearly defined within communities of practice. Therefore, during the consultations sometimes colloquial terminology was used instead of preferred terminology to ensure common understanding and promote discussion. See below for discussion of the terms used within the community consultation and the report.

Consumption

Refers to the act of taking a substance into the body by ingestion, inhalation, injection, or absorption via mucous membranes or through the skin. The colloquial term often substituted for consumption is “use.” Although the word “use” is not necessarily problematic, the term “user” can be stigmatizing. Therefore, wherever possible we strive to use the term “consumption” to constantly engage in a process of de-stigmatization.

Medical Consumption

Medical consumption of cannabis refers to the prescribed consumption of cannabis or the chemicals contained within it to alleviate the symptoms of certain conditions or diseases. Some people who consume cannabis do so to alleviate symptoms but may not have a prescription. These people would not be defined as medical consumers within the term “medical consumption.” However, some participants may have been indicating these people as well as those with cannabis prescriptions within their discussion of “medical use.”

Non-Medical Consumption

Non-medical consumption of cannabis refers to consumption of cannabis or the chemicals contained within it without medical justification. Colloquially however, consumption that is not prescribed is often termed “recreational use.” Some people may also consume non-medical cannabis for “self-medicating” or “therapeutic” purposes.

Cannabis Dispensary

A naming convention used by some cannabis retail outlets. Cannabis dispensaries were originally intended to serve medicinal cannabis patients and require medical documentation. More recently, retail outlets using the naming convention “dispensary” have opened across Canada that are intended for recreational consumers of cannabis.

Preamble

In order to address the current state of the developing cannabis economy in Millbrook First Nation, under the direction of Claire Marshall, engaged the services of a facilitator, Scott Robertson to direct community consultations. The purpose of the consultations was to obtain the knowledge, thoughts, experiences, comments, concerns, advice and direction of community members to address issues, challenges and opportunities related to cannabis.

By engaging community members from several different cohorts, ages, and backgrounds, Millbrook aimed to facilitate increased collaboration among all community members. Millbrook intends to use the information collected through the community consultations to develop a community response to cannabis.

Community Consultation Sessions

On December 8, 9, and 10, 2021 Millbrook First Nation community members participated, in person¹ facilitated consultation sessions on the topic of cannabis. Participants represented a variety of roles within the community including Seniors/Elders, Youth, Administration Employees, Health and Social Service providers, Community Business Owners and Dispensary Owners. In addition, an on-line zoom consultation was conducted for all members on January 10, 2022

The in-person consultation sessions opened with round table introductions having participants share where they are from and how they are connected to the topic of cannabis. Following the round table, the facilitator presented 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.

Throughout the consultation sessions, participants were encouraged to engage in dialogue with both the facilitator and with other participants. The objectives of the facilitator were to obtain data to learn more about:

- i) Perspectives and perceptions related to cannabis use, sale and distribution in the community;
- ii) Current and desired programs, services, and economies for cannabis;
- iii) Current and desired approaches to local monitoring and regulating cannabis; and
- iv) Desired information, tools, barriers and supports to build community capacity to develop a cannabis regime.

¹ Due to a snowstorm, which closed the Administration Office on December 9, 2022, in person consultation sessions for Administration Employees and Health and Social Service Providers were conducted online. All other consultations sessions were conducted in person.

Outlined in this report is the summary of these consultation sessions to inform the community's future work and ongoing conversations regarding cannabis.

Introduction

Canada's *Cannabis Act* came into force on October 17, 2018, legalizing the possession, use, cultivation and purchase of limited amounts of cannabis for adults aged 18 and older for recreational purposes. The *Cannabis Act* creates a legal framework controlling the production, distribution, sale and possession of cannabis across Canada. The purpose of the *Cannabis Act* is to protect public health and safety, and, particularly, to protect young people, prevent illicit activities relating to cannabis, ensure the quality of cannabis being supplied to the public, and enhance public awareness of the health risks associated with cannabis use.

In addition to the laws set out in the *Cannabis Act*, the Act delegates the authority for each province and territory to establish the distribution and sale of cannabis within their regions, creating rules about how and where cannabis can be sold.

The legalization of cannabis has prompted many First Nations from across Canada to consider developing their own cannabis laws to ensure specific needs and goals of their communities are served. Many of the laws developed to date are grounded in inherent jurisdiction, asserting an aboriginal right to self-government and/or using powers as set out under the *Indian Act*, of *First Nations Lands Management Act*. Each of these options has its own advantages, as well as potential drawbacks.

Current State of Cannabis Jurisdiction in Millbrook First Nation

At present, there are several cannabis dispensaries offering cannabis for sale in Millbrook without any formal licensing regime, approvals, regulations or oversight from Chief and Council. In the absence of asserting its own laws, Millbrook members are governed by the Provincial Cannabis Law and the Canadian Criminal Code.

The legalization of cannabis and the associated development of an unregulated cannabis economy within the community has prompted Millbrook to initiate consultations with community members on developing its own cannabis laws/regulations/guidelines to ensure the specific needs and goals of all community members are respectfully addressed.

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 prevent criminal and harmful activity. In order to achieve this goal, it is essential that Millbrook have a comprehensive legal framework in place to address both federal and provincial laws and ensure these goals are still achieved. The current legal vacuum within the community has the potential to harm members and disrupt public safety.

Summary of Community Perspectives and Perceptions Related to Cannabis

Overall, participants shared their perceptions related to the use and consumption of cannabis in the context of legalization, and how their perspectives may impact the development of a regulatory regime to assist with the uncertain elements of operating dispensaries, products, ingredients, ownership and benefits to the community.

When participants were asked about cannabis consumption or use within the community, participants had mixed responses. While some participants indicated they were able to have an informed discussion with other community members (including legal status; methods of consumption; product information; and access to cannabis), others felt that they did not have enough resources or education make informed decisions. These participants indicated Millbrook needed to provide more information and resources to community members.

The majority of participant perspectives on the use of cannabis, both recreationally and medicinal were speculative. Most viewed cannabis as a substance that offered more harm, than benefits. For example, participants shared concerns about the importance of consumers being able to make informed decisions when it came to cannabis consumption, such as how to reduce potential harms. Several participants specifically raised the importance of education on CBD, THC, stating that the general population does not understand the difference between their effects, which can have unintended results, on both Seniors and youth. Other concerns related to:

- Workplace safety;
- Youth recreational use of cannabis;
- Escalating mental health issues amongst community members;
- Escalating violence amongst community members;

When reflecting upon perceptions related to the regulation of cannabis, an overwhelming majority of participants expressed positive opinions and agreed that cannabis should be regulated. Many participants viewed that cannabis should be regulated for public health and safety purposes, while others expressed the desire to regulate to allow access to a greater cannabis economy.

The perceived benefits of regulating cannabis identified by participants included:

- Reduced criminal activity;
- Reduced potential for incarceration of community members and the negative consequences associated with a criminal record;
- Improved product regulation and consumer safety;
- Increased economic opportunities for community members;
- Increased public awareness and safety protocols for youth and Seniors.

Among those participants who commented on regulating cannabis there were some concerns raised. For example, some participants indicated that Council should not be solely responsible for regulating cannabis without consulting the community.

“There is a need for more consultations like this – more discussions with community members are required prior to Chief and Council developing a law to control cannabis... helping everyone feel like they have contributed.”

The question, “What would the regulation of cannabis look like in Millbrook?” prompted much discussion. Participants identified the need for more consultation, information, and evidence; tools, resources, and policies; and information on developing laws. On this point, there was a concern expressed by some participants that Council would develop regulations for their own personal benefit, thereby shutting out community members from benefitting from a cannabis economy. Dispensary owners were concerned that regulations would be implemented to negatively impact their existing operations and jeopardize their personal investments.

Not all participants perspectives of cannabis consumption were negative. For example, among participants, cannabis for medical purposes was viewed as a natural substance for pain reduction, effective for palliative care, anxiety, and muscle and bone aches.

A common theme amongst most, if not all, participants was a general malaise or mistrust of Chief and Council’s ability to regulate cannabis in the community. For example, many participants indicated they had previously attempted to address cannabis at Council meetings and engage in dialogue but were either ignored or stifled in their submission. In addition, participants expressed concern that Council members may be in a conflict of interest because some Council members were actively engaged in the cannabis economy and were therefore making decisions for their own personal benefit. While other participants indicated there appeared to be a fragmented perspective on a cannabis strategy coming from Chief and Council which continually leads to lack of decision making and inconsistent messaging amongst community members.

“We need our Chief and Council on the same page.”

Finally, many of the participants indicated that the regulation of cannabis was an Aboriginal right protected under s.35 of the Constitution and therefore the community should be responsible for creating its own laws and guidelines for using, selling and producing cannabis.

Millbrook First Nation Elder Engagement

Consultation with the Elders took place on the morning of Wednesday, December 9th, 2021. The group consisted of 6 participants. Although the group was small in numbers, the conversation was fruitful and very critical of the post-cannabis legalization climate. The Elders provided the following themes and recommendations to address issue of cannabis in the community.

Need for more targeted consultations

The Elders appreciated the opportunity to provide their perspective on cannabis governance and noted that outside of the Health Centre's Seniors group there are not many opportunities in Millbrook for public engagement, especially since the COVID-19 state of emergency. Participants informed the facilitator Elders should be engaged directly more often – not just for the cannabis strategy. In the past, groups have presented to the Seniors group during lunch and learns, but they have not been "consulted with" to garner an Elder's perspective on policy or program development. The Elder's indicated the consultation session was a positive first step.

"All community Elders should be consulted on policies that affect our community."

What is Cannabis?

The conversation started with a question from the Elders, "what is cannabis?" several of the attendees said that they did not know what cannabis was and asked to have it defined. Scott provided an explanation about what cannabis is as a drug, its legal history, its potential medicinal and therapeutic uses, and capped things off with a brief summary of the legal status of cannabis in Canada, along with the steps that were taken to see it decriminalized. The group talked about how they had not realized that cannabis, marijuana, pot and weed were the same thing. Once these connections were made the discussions unfolded.

The lasting legacy of cannabis stigmatization

The group talked about how cannabis has been illegal for most of their live, only seeing cannabis legalized in the last 3-4 years. With such a long and complicated legal history, it has become difficult to break away from the stigma associated with cannabis usage. Some of the participants mentioned that they had friends who would have attended the consultation session, but were afraid to be outed as cannabis users, or being labelled as "pot heads." Some went so far as to suggest that the lasting stigma could have contributed to the session's low participation numbers that day.

Understanding cannabis opposition

When discussing the presence of cannabis in the community, some of the Elders voiced their opposition to the substance, despite being legalized. Their objections stemmed from an array of concerns including:

1. Cannabis is a gateway drug that can lead to harder, more illicit substances;
2. Cannabis is a mind-altering drug that is not being regulated in Millbrook. The Elders said that this is something you do not see with other regulated substances and resources like tobacco, alcohol, gambling. On the topic of cannabis regulation in Millbrook, participants felt that the Chief and Council at the time should have done something when the dispensaries first started opening; and
3. Having cannabis dispensaries throughout the community and having people using cannabis publicly is normalizing cannabis use for their grandchildren (children and youth more broadly). One Elder mentioned how they have spoken to their grandchildren about the safety issues associated with cannabis use.

Impressions of cannabis dispensaries

Elders were asked to share their impressions of the cannabis dispensaries in the community. They unanimously felt that there were too many dispensaries in the community. Especially, in such a small space. The group took issue with the fact that there were so many dispensaries on and near Willow Street. One Elder asked why one community needs to have a cannabis shop every so many feet?

Concerns were raised about the fact that these businesses have been operating in residential areas and near community spaces, most notably the Youth centre. Some Elders were worried that the proximity to the youth centre could normalize cannabis use for Millbrook youth. Some Elders said that their families no longer let their children go to the Youth centre because the dispensaries attract “a certain crowd” and create an unpleasant atmosphere for the Youth to enjoy safely. Some of the dispensaries have customers who loiter around outside the dispensaries. Families may not feel safe sending their kids to the Youth centre if there are strangers lingering about. For the most part, they have kept their concerns to themselves, as they are worried about violence and retaliation if they speak out against the dispensaries.

Since the dispensaries are unregulated and selling unlicensed cannabis (by current provincial standards) Elders were concerned that “we don’t know where its coming from,” “we don’t know what else they’re selling,” and “we don’t know what’s in it.” Participants were worried that some dispensaries may be affiliated with organized crime, that they may be selling more than just cannabis products and that the products may be laced with harder drugs to make their products more potent, in turn making their business more competitive among the other dispensaries. The fact that several dispensaries were raided and removed from the community was cited as justification for their concerns. During this part of the discussion, connections were drawn

between organized crime and human trafficking, which highlighted the importance of keeping our women and girls safe.

A new social divide

It was suggested that the cannabis industry is a lucrative one and that many of the dispensaries are thriving. "Everyone wants to get rich and say they contribute to the community." Some Elders said that this desire to get rich has only added to the economic divide on-reserve, between the have's and have not's. On the reserve it's either "feast or famine." The dispensary operators were said to be using their money to "buy people," by giving money away and donating to sales to help with their perception. It raised the question, "are they doing this out of generosity, or to improve their optics?" Connections to band elections were also drawn, in the sense that donations and giveaways can be perceived as enticing people to support them come election time.

Positive aspects of cannabis

When asked about the positive aspects of cannabis, Elders acknowledged that there are medicinal benefits to cannabis. Benefits that can help individuals deal with the symptoms associated with various chronic health conditions.

The Elders also acknowledged that the dispensaries are creating new jobs in the reserve.

Recommendations from the Elders

It was suggested that an Elders committee, or council be established that gives our Elders the opportunity to provide their insight into matters affecting the community and its membership. Having an Elders committee would be beneficial by providing an inter-generational and historical perspective to the decision-making process. Having Elders involved in the process is also believed to help provide a moral compass to governance processes, by making the present accountable to the past.

It was suggested that a 'bylaw' either be developed, or enforced, that required them to operate in a business area, away from homes and community infrastructure.

When asked how cannabis should be regulated in Millbrook, the Elders suggested that the RCMP could play a role in the process. Maybe on the enforcement side of things. It was also suggested that the cannabis strategy could be carried out by a third-party organization. No concrete direction was provided, but it was agreed that Chief and Council may not be the most appropriate option.

Millbrook First Nation Youth Engagement

Consultation with Millbrook First Nation Youth took place on the afternoon of Wednesday, December 9th, 2021 at the Cobequid Educational Centre's First Nations resource centre. The First Nations support teacher at CEC assisted in recruiting Youth participants for the community consultation. It was important to have the perspectives of the Youth, because they are the future of our community and often bring a more contemporary way of thinking to the table. The group consisted of 11 Millbrook band members who were enrolled in grades 11 and 12. The Youth provided the following themes and recommendations to address cannabis governance in Millbrook.

The Youth consultation session did not have a set list of questions. Instead, the facilitators allowed the discussions to unfold organically. The session started off with a brief history of cannabis legalization in Canada, as well as a description of what cannabis is, followed by a brief synopsis of the Elder's engagement from earlier in the day.

Need for continued targeted consultation

The Youth indicated this was the first time they had been engaged to provide their perspective in a community consultation session. They felt that this was a positive step and a best practice for the community moving forward, to include different groups in the process. It was noted that Canada did not engage with First Nations prior to legalizing Cannabis and the province did not engage the Mi'kmaq when deciding that the Nova Scotia Liquor Commission would be the sole distributor of licensed cannabis in Nova Scotia.

"Youth want to be involved in community discussion
around cannabis."

Cannabis and a *Moderate Livelihood*

Some of the Youth drew parallels between the dispensaries on-reserve and the "moderate livelihood" debate, born out of the Donald Marshall fisheries case law. The group felt that there was a communal right to sell cannabis, since cannabis is organic in nature and can be used as medicine. Moreover, the Youth believed the community should benefit from cannabis sales, not just a handful of individuals. This discussion highlighted the Youths knowledge on the state of cannabis and illustrated how effective they are at drawing connections with the issues facing Indigenous peoples in Canada at large.

Cannabis as medicine

The group drew a distinction between recreational and medicinal cannabis usage, acknowledging that it has practical applications for personal health and wellness. One participant mentioned how hard it is to acquire a medical cannabis license, noting that post-cannabis legalization has made it easier for people to access and treat their conditions with cannabis.

Governance options and recommendations

When asked about regulatory options, Youth said that if the Council were to take the reins on regulation and enforcement then they would be taking opportunities away from people – dispensary owners and employees. If we were to continue down the current road, it would “put more money and power in the hands of band members.”

“Band Council Need to Figure Out a Game Plan.”

On the topic of governance, some Youth felt that nothing has been done to address the cannabis situation in Millbrook because of competing interests at the council table. One participant went so far as to suggest that some members of Council want to shut down the shops to satisfy their own self-interests. There was an assumption that if Council were to regulate cannabis for the community, then members of Council would have access to the revenue generated from the sales of cannabis.

Youth said that regulations should be guided by principles of health and safety to ensure cannabis is kept out of the hands of minors, that its not abused, that people use is responsibly and that we can ensure safe supply. When asked how to ensure a safe supply, they suggested the products be tested to “regulate the ingredients.” They also raised the concern that we need to know what is being sold out of these shops. Concerns were also raised about some dispensaries selling mushrooms.

Like the Elders group, Youth said that it was inappropriate for dispensaries to be operating in residential areas. When asked about other options, they made it clear that it should be regulated by our own people and not non-Indigenous people, or government bodies (provincial or federal). Irrespective of “who” regulates cannabis at the end of the day, the group agreed that there should be regulations in place and that Chief and Council need to figure out a game plan. Participants were hopeful, that the cannabis engagement will lead to a positive solution for the community, but some were admittedly skeptical because nothing was done with the results of the cannabis survey.

Millbrook First Nation Administrative Staff Engagement

Consultation with the Millbrook First Nation administrative staff took place on the afternoon of Thursday, December 9th, 2021. Unfortunately, due to inclement weather, the administration offices were forced to close and as a result consultation with the facilitator was conducted via MS Teams. There were 15 administrative staff who attended the consultation sessions. The administrative staff provided the following themes and recommendations to address cannabis:

Improving Public Image

- Concerns were expressed about Millbrook's overall public image and the potential to negatively impact new businesses from locating within the community.
- Cannabis dispensaries have grown exponentially to the point where everyone in the community "wants to be a part of it".
- The cannabis dispensaries currently operating in Millbrook are reminiscent of bootleggers operating within the community.
- People look down on Millbrook because the cannabis dispensaries are unregulated and unsupervised in the community.
- There is a growing concern that patrons may be dissuaded from attending the Treaty Entertainment Gaming Centre due to its proximity to the unregulated cannabis dispensaries.

"We are getting a bad reputation. It's the wild west."

Creating rules and regulations for cannabis use and sales

- Suggestion of creating an independent body, not associated with Chief and Council, to regulate cannabis.
- Community members have a lack of confidence that Council or the First Nation administration is neutral and objective due to widespread conflict of interest.
- Councilors may already be in conflict of interest for holding tobacco quotas and this in turn enhances their cannabis dispensaries.
- There have been cannabis dealers in the community for many years and they were not trying to kill each other.
- To control the outside influences, there needs to be regulations in place to control where the product is coming from.
- There is also the opportunity to have provincially legislated dispensaries which would start with negotiations with the province.
- Generation of revenue is necessary to pay for the oversight and enforcement.
- Governance over cannabis should be arm's length from Council.

- There is the potential for a monopoly over cannabis sales and all community members should have the opportunity to get involved in the business.
- There should be a limit on the number of licenses issued to dispensaries within the community.
- There is currently a legislative vacuum.
- Chief & Council need to be involved because they have the jurisdiction.
- Uncertainty about how regulations would be enforced.

“We need a commission with expertise,
separate from Chief and Council.”

Establishment of an Employment Policy on Cannabis

- There is no staff policy related to cannabis use during work hours.

Safety and Crime

- Concerns about criticism and safety of staff due to administrative decisions that might have a negative effect on dispensary owners.
- Administration staff expressed concerns about the safety of businesses and residents with the influx of crime and criminals in the community.
- There has been drive by shootings and murders in the community in recent months.
- The drive by shooting and murders in the community are not because of cannabis, it is because of the cocaine and other hard drugs.
- Concerns about security, traffic congestion, the possibility of organized crime, and reports of human trafficking and violence against women related to cannabis sales in the community.
- Fear in the community that dispensaries may be selling other drugs in addition to cannabis.

Testing and knowing the source of the product

- Uncertainty as to where the cannabis products are coming from.
- Without knowing the source of the product, many people make assumptions about it coming from organized crime.
- Questions and concerns about what is in the cannabis products being offered for sale in the unlicensed cannabis dispensaries.

Addressing divisions in the community

- Community connectedness and morale is lacking due to divisions over cannabis.
- Misinformation is widespread with many inaccurately blaming the Chief for the problems in the community related to cannabis.
- Community members are perceived as being anti dispensary if they oppose the views of dispensary owners. Pro-safety is not the same as anti-dispensary.
- Dispensary owners believe that the RCMP and the Council are against them, and the comments and accusations on social media are dividing the community.

Improved communications and more consultation

- People make assumptions because there is a lack of transparency and no information coming from Council.
- Unclear about the role of staff in addressing cannabis regulations and policies.

“We need transparency from council”

Millbrook Health Centre Staff Engagement

Consultation with the Millbrook First Nation Health Centre Staff took place on Thursday, December 9th, 2021. Unfortunately, due to inclement weather, the administration offices were forced to close and as a result consultation with the facilitator was conducted via MS Teams. There were 14 health centre staff in attendance comprised of health care providers and social workers who provide services to Millbrook community members. Through the informative discussions with health professionals, the following themes and recommendations emerged:

Addressing divisions in the community

- Since the cannabis dispensaries opened in the community there has been increased division in the community between those that support cannabis and those that are against it.
- The introduction of an unregulated cannabis economy has created divisions within the leadership, families, and the entire community.
- Some community members, who are in support of cannabis, are bullying people and making unkind remarks on social media if they do not agree with their views which is seen as a form of lateral violence.
- Some community members expressed concern that Chief and Council and community service providers were not providing leadership or direction on implementing a cannabis strategy.

Creating rules and regulations for cannabis use and sales

- Specifically, there was concern expressed on the lack of oversight or regulations on who can operate a cannabis dispensary and what products they can sell – “It is a free for all.”
- Clients are seeking health services because they are consuming too much cannabis. Issues with consumption are related to inadequate labelling, lack of information provided to consumers, and inconsistency on how cannabis is dispensed.
- Community members are unclear as to how much cannabis to take and what the appropriate use is.
- Some people have a higher tolerance than others and some are starting to use cannabis for the first time.
- Some community members that require drug testing claim that they have prescriptions for cannabis for medical use and are only taking cannabis and yet they are testing positive for cocaine.
- Support for the Kahnawà:ke First Nation model where they have their product approved by Health Canada.
- Some communities have health advisory councils that provide advice to Council on products such as cannabis.

- It will be difficult for Chief and Council to regulate the industry because of the conflict-of-interest issues that they experience, consensus is difficult to achieve.

Testing and inspecting the product

- Community members do not know what is contained in the products sold in the dispensaries.
- Concerns about the efficacy and safety of unknown products.

Understanding the potential health effects of cannabis use

- There has been an increase in mental health issues in the community coinciding with the development of the unregulated cannabis economy. There is no evidence that it is related to cannabis, but the health centre has seen an increase of mental health issues in the youth in the community.
- Cannabis has had some adverse health effects on the mental health of clients suffering from depression and anxiety.
- Cannabis works for some people but there is no clear evidence that it has any related health benefits.
- Concern that cannabis may be impacting youths' attendance at school.
- Youth are contacting the health centre to report mental health issues associated with the use of cannabis.
- Some community members are using cannabis as a coping strategy, they self-medicate and then are not motivated to step outside, recreate or go to work.
- Some seniors are taking CBD oil for certain ailments, but they do not know that it can sometimes have THC in it. Family members are giving CBD oil to seniors who are unfamiliar with it and there are reports of people becoming sick from ingesting CBD oil containing THC.
- Seniors are trying random products like gummies without any knowledge of the ingredients or potential effects.

Understanding the correlation between cannabis and hard drugs

- There is a concern that cannabis is contributing to an increase in cocaine abuse and alcoholism amongst community members.
- Health providers have noticed an increase in hard drug usage in recent years.
- Economic prosperity created by the distribution for band members when they turn 19 and the unregulated cannabis is creating cash infusions for young people and those not accustomed to disposable income now have more accessibility to hard drugs (specifically cocaine) and alcohol.
- No one has gone to addictions rehabilitation treatment for cannabis use.

Creating Meaningful Employment

- The dispensary owners are hiring local people and paying good, fair wages.

Sharing of Revenues with the Community

- There is general support for fostering entrepreneurship within the community, however there is concern for the growing disparity in wealth accumulation between community members as a result of the cannabis dispensaries.
- The dispensary owners are making so much money that it creates greater economic inequities in the community.
- Some dispensary owners are trying to give back, but it is inconsistent, ad hoc and perceived as self-serving.

Sharing Cannabis Education Resources

- There is an immediate need to provide communication to community members about the use of cannabis including health impacts and proper dosages.
- More information about harm reduction and making informed choices would be helpful.
- Suggest hosting a community forum to discuss all aspects of cannabis, both positive and negative, and to all sectors of community.
- Divergent views on whether cannabis is considered a traditional medicine and therefore a treaty right.
- There is no established point person on cannabis for the First Nation. "There is no road map to follow right now."
- There used to be a "say no to drugs" campaign and now it is really confusing for the youth. Youth are starting out with shattered, a strong cannabis product. Parents are no longer telling their children not to use drugs, instead they are saying "do you know where your drugs come from?"
- Drugs within the community have become "normalized".
- Education on the terms used to describe cannabis would be useful.

Ensuring Community and Youth Safety

- Concerns expressed regarding the source of the cannabis and whether the dispensaries are associated with crime syndicates/organized crime.
- Concerns of non-band members frequenting the community associated with cannabis dispensaries.
- The recent murders in the region are most likely related to the escalating use of hard drug, not cannabis related.

- The violence in the community has escalated in a similar time frame as the development of the cannabis dispensaries.
- There is concern from parents about youth walking within the community and potentially being exposed to criminal elements associated with unregulated cannabis dispensaries.
- Millbrook has become an unsafe environment.
- There have been incidents of human trafficking which may be related to the criminal association of cannabis.
- Cannabis dispensaries in residential areas should not be allowed.
- Parents cannot let their children go into certain stores where they also sell cannabis because those stores have unsavory characters hanging around them.
- Use of drugs, including cannabis, is impacting people's physical activity because many people are worried to go in the trails because of drug activity happening in the trails. It is important for members to have safe spaces to exercise and recreate.

"What is this bringing into the community?"

On-Going Consultation

- Community members need multiple opportunities and avenues to talk and discuss cannabis, both with health care providers, community leaders and amongst themselves in a safe environment.
- If people are fearful to voice their opinions, there should be a level of anonymity because people are being targeted on social media.
- There are no protocols for consultation in a safe environment.
- There are sitting councilors that criticize community members, and professionals' views on social media.
- There has been no meaningful consultation with health care providers on cannabis.
- Community members and staff have thoughts and ideas on cannabis, but they are not supported by Chief and Council.

"We want our voices heard by council"

Establishment of an Employment Policy on Cannabis

- Employees come to work smelling like cannabis. Managers and directors are unclear what is acceptable and what is not.
- There is no employment policy and sometimes employees are in community member's houses and they smell like cannabis when they leave.

Community Business Owners Engagement

Consultation with Millbrook First Nation community business owners took place on the morning of Friday, December 9th, 2021. The consultation session was attended by 8 participants consisting of both members and non-members currently operating a business within the community. The business owners represented a broad spectrum of business interests, and many had been operating within the community for several years.

While business owners' interests were diverse, their respective issues and recommendations on the topic of cannabis were mostly united which are set out below.

Decisions Should be Made to Increase Economic Development

Business owners overwhelmingly indicated Chief and Council should be protecting all business development and entrepreneurs within the community and that unregulated cannabis threatened to diminish the good will of existing business.

There was concern expressed that historically, First Nations have been effectively legislated out of the mainstream economy through the imposition of laws, regulations and "Indian policies" that were developed and imposed upon First Nations without their consultation or consent. Business owners indicated that Chief and Council should be advocating on their behalf to:

- Remove legislative and regulatory barriers that deter business development;
- Modernize land management regimes to enhance the value of assets and increase economic investment within the community;
- Create a land use management plan so as to provide certainty for business development;
- Strengthen human resources capacity for community economic development;
- Involve community members in decision affecting the development of lands and resources on reserve;

Lack of Communication and Direction from Chief and Council

Many of the comments expressed by business owners were focused on addressing the key impediments to economic development on reserve and to help inform Chief and Council on practical options and recommendations on where the community should focus its efforts to help unlock the full economic potential of Millbrook not only via cannabis but other business opportunities.

"There is plenty of conflict with Chief and Council
including broken trust and hurt feelings."

There was a concern expressed by business owners that Chief and Council were penalizing and punishing current business owners for their own benefit by not regulating cannabis. The sentiment amongst the business community was one of apathy towards Chief and Council because of their inability to effectively address the issue of cannabis. There is a feeling that Council reacts to the whim of community members with no set strategy or direction with respect to economic development. When proposals are presented to Council, they are either ignored or monopolized and taken over by Council members for their own personal gain. The example of the casino located on Millbrook was used as a past example where Council developed the project for their own benefit. As a result, business owners feel there is no “trust with the current Council”.

Invest in Existing and Proposed Economic Development Solution

Business members suggested that Council’s responsibilities must keep pace with economic development on reserve. The Council should properly implement and invest in solutions to overcome the restrictions to economic development inherent within the community, and support entrepreneurs that wish to transition to economies that increase First Nation control and provides benefits to community members.

Community members must have the right skill sets, tools and instruments which will allow them to plan, form partnerships and operate their businesses. Council should be providing, focused and adequately resourced education programming for members to participate in all aspects of Millbrook’s economy.

Recommendations - Develop Council Policies and Procedures to Promote Community Development

Business owners identified a lack of policies and procedures as having a significant and detrimental effect on economic development. Participants in the consultation described the Council’s lack of processes as a limiting factor and noted that they watched development opportunities pass them by as they were waiting for direction or project approval from Council. It was recommended that Council establish internal controls such as service standards and performance targets to ensure a timely, efficient decision-making process and accountability to community members.

It was further recommended that Council engage in a broad review of its policies and processes with the objective of removing unnecessary criteria, removing unwanted interference or oversight where possible, and decentralizing the Council approval processes through the delegation of authorities. A final recommendation included Council developing a comprehensive community plan, strategic plan, and land use plan that included regulations for the location and operation of cannabis dispensaries and all other community businesses.

Community Cannabis Dispensary Owner Engagement

Consultation with Millbrook First Nation cannabis dispensary owners took place on the afternoon of Friday, December 9th, 2021. The consultation session was attended by 11 participants consisting of members currently operating or considering operating a dispensary within the community.

Economic Opportunity

The dispensary owners unanimously expressed the tremendous economic opportunity presented by the growing cannabis economy.

“This is a massive economic opportunity for our community.”

Regulations

Many of the dispensary owners agreed the community should enact some form of regulatory framework to oversee the: i) licensing, ii) product testing and regulation of the sale, production and use of cannabis within Millbrook. There was an overall agreement that a Millbrook cannabis regime would be a better model than signing up for the provincial regulatory regime, which comes with tight margins and high licensing costs. There was also a concern that if Millbrook followed the provincial cannabis regulations that eventually Millbrook dispensaries would be intentionally frozen out of the market.

“We just want to be a legit business that is
Indigenous owned and operated.”

The participants stated that the sale and use of cannabis should be regulated under Millbrook's own self-governing rights and that Millbrook's community leaders should provide support to those members interested in participating in the cannabis industry.

It was suggested that Chief and Council consider enacting its own regulations for cannabis and elect an independent cannabis committee, from diverse groups within the community. The committee would be responsible for all facets of regulating cannabis and would operate at arms length from Chief and Council.

Criminalization of Cannabis Sales

A few of the dispensary owners indicated they were being targeted by Chief and Council in order to further Council members' own dispensary operations. They felt they were being made an example and were being singled out as "criminals" even though other dispensaries were free to operate without seizures and raids by the RCMP.

Chief and Council are in a Conflict of Interest

Dispensary owners indicated that Chief and Council were failing to protect their rights as community members attempting to assert their treaty rights of a moderate livelihood and that Council lacked leadership in providing directions on the cannabis economy. Instead of attempting to quash the dispensaries, Council should utilize the new economy created by cannabis to empower the community. Instead of organizing raids and ignoring the dispensary owner's initiative, Council should clarify their policies on cannabis and develop tools to assist in legitimizing the industry.

"We need clear leadership from Chief and Council."

There was much concern expressed by the dispensary owners as a group that some members of Chief and Council were in a direct conflict of interest with the cannabis portfolio because of their owned interests in existing dispensaries. This has led to a general mistrust of Council and a perception that Council is no longer acting in the best interest of the community.

Many of the participants indicated that this was the first consultation session organized by Council which provided dispensary owners an opportunity to offer their insight and suggestions on cannabis. They also indicated that more consultation was required, and more members of the community should be involved in the discussions to ensure there was a "collective voice."

The dispensary owners explained in addition to selling cannabis they also provided advice to customers on how to use cannabis in a safe manner and were prepared to provide testing to ensure products were safe for consumption.

Online Community Engagement

One message that was consistent throughout the consultation sessions conducted within the community in December 2021 was a request for further consultation. Due to the limitations on gathering imposed by Covid-19, it was decided to host a virtual session for all community members. On January 12, 2022 a Zoom conference was hosted by Claire Marshall, Gerald Gloade and facilitator, Scott Robertson on the topic of cannabis. A total of 40 Millbrook members actively participated in the online sessions and presented the following opinions and suggestions.

Loss of Community

One of the primary concerns coming from the online session was an erosion of Millbrook's sense of community. Specifically, some participants commented on the current division between Council, dispensary owners and the general community on the issues of cannabis. The general feeling is that each of these groups has its own goals and interests without any regard to the others. As a result there is a general loss of the former "community spirit".

"Since this weed issue started, we're not a community."

Some of the participants, spoke of their personal experiences of having lived away from the community for a few years and having recently returned. Upon their return, there was a noticeable riff amongst community members with respect to the issue of cannabis. In addition, participants indicated there was uncertainty as to the actors involved in some of the cannabis dispensaries. This was seen as being, "different from before when everyone in the community knew each other."

Several participants shared a concern that prior to the development of cannabis there was a sense that everyone in the community looked out for each and helped each other in times of need. Now, the feeling is one of mistrust and that some members are only interested in making money and not worrying about other members.

"When cannabis was brought to Millbrook, it wasn't a Millbrook decision...now everyone wants a piece of the pie."

There was a sense amongst some of the participants that the community should look for the common interest among the differing parties and work on building those relationships. Overall, the common theme was a need to get educated about the issues of cannabis and a request for further consultation with all members to ensure their interests were being properly represented.

Illegal Activity

Several participants expressed their concern that the cannabis dispensaries were not wanted in the community and described them as being illegal. One community member went so far as to say they were “disgusted by the weed shops” operating within the community.

There was a general concern by the participants that the dispensaries were attracting a criminal element to the community, including non-band members who are involved in the cannabis trade. This criminal activity includes an escalation of violence, hard drugs (cocaine), human trafficking, threats and intimidation. Some participants identified the lateral violence taking place on social medium platforms such as Facebook, where community members are openly threatening and intimidating anyone who speaks out about the current cannabis situation. As a result, some community members feel they are not able to freely express their opinions.

“The focus on illegal activity prevents unified action.”

Some of the participants stated that the dispensary owners have a responsibility to prevent harm to community members who use their products. Currently, dispensary owners are incentivized to weigh the benefits of operating in an unregulated environment against the probable penalties which may fail to prevent those harms that are likely to be profitable. Community members expressed concern that dispensary owners, at a minimum, should incorporate their own due diligence into their operations and not take actions that will likely result in harm to community members.

Some of the participants, involved in the cannabis industry, shared their concerns of being arrested and charged by the police and treated unfairly by Council and the community for attempting to earn a living. They were disappointed that they have not received any support from Chief and Council for assisting with their criminal matters, in what they see is an assertion of their Aboriginal and Treaty rights. Specifically, these participants indicated they should not be prevented from asserting their right to trade under the Peace and Friendship treaty provisions.

In addition, participants discussed some of the actions taken by those involved in the cannabis trade which were seen as positive in the form of providing employment and “giving back to the community”.

Assertion of Rights/ Governance

While some participants did not agree in principle with the current cannabis regime, they did express support for community members asserting their Aboriginal and Treaty rights to regulate and control cannabis within the community. In order to assist with this process, participants expressed an urgent need for a governance model.

“I want Chief and Council to create community developed Governance that supports our entrepreneurs that put in the sweat equity to develop this incredible retail opportunity.”

Several participants expressed that in order to be successful the regulation of cannabis should be developed by community members and not left to Council to control the process. There was a concern that if Council were to regulate cannabis they would be working in their own best interest and the community interests would not be properly represented. There was also concern expressed that if Council were involved with developing regulations, they would take away the opportunity from those members who had already invested in creating a dispensary.

There was a general mistrust of Council with respect to cannabis and several participants expressed disappointment that Council had not yet developed any regulatory framework for dealing with cannabis. It was undecided if Council was working in their own best interest or lacked the tools to be able to develop the regulations.

Conclusion

Based on the comments, suggestions and advice received by community members, actively engaged in the consultation sessions, it is recommended that Millbrook First Nation develop the following principles: conduct community wide consultation in developing Millbrook laws and regulations; incorporate Mi'kmaq laws and perspectives into community governance and meaningfully address the current power imbalance between Council and community members.

Community Wide Consultation

It is recommended that Millbrook develop a community wide consultation protocol which ensures community members are properly informed of any proposed laws, regulations, rules or policies that may potentially impact them and provides an opportunity to meaningfully accommodate any community concerns or interests.

The precise requirements of the form of consultation will vary with the circumstances of the proposed action. Consultations may entail a spectrum of responses including opportunities to make submission for consideration, formal participation in the decision-making process and provision of written reasons to show how community concerns were considered and reveal how those concerns may have impacted a final decision.

Community wide consultation is not an opportunity to allow members to “blow off steam” but must engage with the effect of the proposed actions on the interests and rights of the community members and must be demonstrably responsive to the concerns of the community.

Finally, representatives from different voices within the community must be consulted including, Elders/Seniors, Youth, administration workers, entrepreneurs, economically disadvantaged, and those members currently living outside of the community.

Incorporate Mi'kmaq Laws and Perspectives

Community members, throughout the consultation sessions consistently referred to asserting their Aboriginal and Treaty rights to address the current issues surrounding the development of a cannabis economy. There is a recognition by community members to include Mi'kmaq laws and perspectives in those decisions that may potentially impact their lives.

A community-centric approach must acknowledge the collective rights of the community members including but not limited Aboriginal and Treaty rights. Millbrook community members possess a perspective and knowledge base that can inform how to effectively address concerns with the development of regulations that may impact them. Community members have firsthand experience with community issues and are better suited to articulate their specific needs, and they

are uniquely equipped to prioritize the concerns that they want addressed. Finally, community members are in the best position to develop solutions to prevent and remedy issues associated with the development of laws, regulations or policies that may ultimately impact their lives.

Address the Current Power Imbalance

Currently, there is a power imbalance between Chief and Council and Millbrook community members. Many of the community members attending the consultation sessions expressed an immediate need to promote reconciliation between the community and the elected Council in order to build stronger long-term relationship. There is a concern amongst community members that the existing power imbalance creates an environment that devalues their collective expertise and input and negatively affects engagement with Chief and Council. This inability to meaningfully interact with Chief and Council inhibits the community members to ensure their interests, rights and values are recognized.

The perception is that Council is not listening to community members, acting in their own best interest and not meaningfully engaging in any discussion on matters of importance such as economic development and the development of governance.

Community participation in developing institutions and processes that oversee decision making on matters that effect their rights is well-established and fully protected in the *United Nations Declaration on the Rights of Indigenous Peoples*. Community members should have clarity about the process for making decisions, who has decision-making power and over what decisions they are exercising that power.

It is recommended that Millbrook actively engage community members in the design of governance solutions that captures their knowledge and insights and incorporates community interests and perspectives. Chief and Council should seek community consultation on incorporating Millbrook Indigenous legal traditions to operate alongside existing governance models. These models should be developed to ensure power structures are balanced between both the elected Council and the community at large.

Appendices

Each of the focused engagement included graphical facilitation. The images below were created by James Neish and represent the themes that were discussed, the questions that were raised and the feedback received from participants.

James is a full-time visual artist, specializing in painting, illustration, art education, and graphic recording. Born and raised in Cebu City, Philippines, James grew up in a highly multicultural setting and graduated valedictorian from the University of the Philippines with a bachelor's degree in Fine Arts. Halifax, Nova Scotia is home to James' room full of plants and aquariums. James works for SeeMeaning.ca, based in Halifax, Nova Scotia. An independent consultant who collaborates to meet your facilitation, graphic recording and illustration needs. SeeMeaning specializes in working with clients to create meaningful dialogue, support knowledge translation, build collaborative plans, and foster social innovation. James has experience with Indigenous organizations, health, development, sustainability, gender justice and women's rights, in addition to LGBTQ2S+ and newcomer communities.





