

**BY-LAW NO. 2017-11
of the Fisher River Cree Nation**

**Being a By-Law respecting the Prohibition Against the Inhalation of
Solvent and Gasoline Vapours**

WHEREAS the Council of the Fisher River Cree Nation deems it expedient to enact a By-Law for the purpose of safeguarding its community on the reserve from the serious problems resulting from the unhealthy and destructive practice of inhaling solvents and gasoline for the sole purpose of producing euphoria, hallucinations and intoxication;

AND WHEREAS paragraph 81(1), (a), (c), (d), (q) and (r) of the *Indian Act*, R.S.C. 1985, c. I-5, empower the Council of a Band to make By-Laws to provide for the health of residents, the observance of law and order, the prevention of disorderly conduct and nuisances, with respect to any matter arising out of or ancillary to the exercise of powers under section 81, and the imposition on summary conviction of a fine or imprisonment for violation thereof;

NOW THEREFORE the Council of the Fisher River Cree Nation enacts as a By-Law thereof as follows:

Short Title

1. This By-Law may be cited as the "Fisher River Cree Nation Solvent and Gasoline Abuse By-Law".

Interpretation

2. In this By-Law

"*Community Safety Officer*" means any person appointed by Council or contracted by Council from time to time for the purpose of administering, applying and enforcing this By-Law, and includes any Special or Band Constable, assistant or any person appointed by Council to assist in carrying out the provisions herein;

"*Council*" means the Chief and Council of the Fisher River Cree Nation;

"*intoxicated*" means being under the influence of an intoxicating matter or vapour to the extent that a person's physical and mental functioning is impaired;

"*intoxicating matter*" includes plastic solvents, adhesive cement, cleaning agents, glue, nail polish remover, lighter fluid, gasoline, paint or lacquer thinner, or any other substance which induces a state of impairment;

"*intoxicating vapour*" means any vapour, fume or liquid that is emitted or produced from an intoxicating matter;

"*possession*" means possession as defined in subsection 4(3) of the *Criminal Code* R.S.C., 1985, c. C-46.

"Reserve" means the reserves of the Fisher River Cree Nation and includes the Fisher River Indian Reserve 44 and 44A and any other reserve lands under the authority of Council.

Prohibitions Against Inhalation

3. Everyone on reserve who, for the purpose of inducing euphoria, hallucinations or intoxication
 - a) inhales, administers or otherwise introduces into his respiratory system, or
 - b) assists or causes another person to inhale, administer or otherwise introduce into his respiratory system

an intoxicating vapour is guilty of an offence and liable on summary conviction to a fine not exceeding \$1,000.00 or to imprisonment for a term not exceeding 30 days, or to both.

Prohibitions Against Possession and Possession for Sale

No person on reserve shall have in their possession any intoxicating matter for the purpose of inhaling, administering or otherwise introducing into his respiratory system the intoxicating vapours emitted or produced from the intoxicating matter.

- 4.1 No person on reserve shall have in their possession any intoxicating matter for the purpose of selling, giving, administering, transporting, sending, delivering or distributing the intoxicating matter to a person
 - (i) who is or is believed to be of unsound mind, is impaired by alcohol, drugs or by reason of having inhaled intoxicating vapours, or
 - (ii) who is or is believed to be using the intoxicating matter for the purpose of being intoxicated.
- 4.2 Everyone who contravenes subsection (1) or (2) is guilty of an offence and liable on summary conviction to a fine not exceeding \$1,000.00 or to imprisonment for a term not exceeding 30 days, or to both.

Prohibitions Against Sale

5. Everyone on reserve who sells, gives, administers, transports, sends, delivers or distributes any intoxicating matter
 - (a) to a person who is or is believed to be of unsound mind, is impaired by alcohol, drugs or by reason of having inhaled intoxicating vapours, or
 - (b) who is or is believed to be using the intoxicating matter for the purpose of being intoxicated

is guilty of an offence and liable on summary conviction to a fine not exceeding \$1,000.00 or to imprisonment for a term not exceeding 30 days, or to both.

Exceptions

- 6. Sections 3, 4 and 5 do not apply to any person who
 - (a) manufactures or sells an intoxicating matter for medical purposes,
 - (b) inhales, administers or otherwise introduces an intoxicating vapour into his respiratory system under the supervision of a physician or dentist, or
 - (c) is a physician or dentist or a person acting under the direction of a physician or dentist who assists or causes another to inhale, administer or otherwise introduce into his respiratory system an intoxicating vapour.

Coming Into Force


- 7. This By-Law shall come into force upon it being first published pursuant to subsection 86(1) of the *Indian Act*.

This By-Law is hereby made at a duly convened meeting of the Council of the Fisher River Cree Nation this 23rd of May, 2017

Voting in favour of the By-Law are the following members of the Council:


Chief David Crate


Councillor Vince Crate


Councillor Shirley Cochrane


Councillor Carl Cochrane


Councillor Darrell Thaddeus

Being the majority of those members of the Council of the Fisher River Cree Nation present at the aforesaid meeting of the Council.

The quorum of the Council is three members.

Number of members of the Council present at the meeting: 5