

DRAFT KAHNAWÀ:KE TOBACCO LAW

FIRST HEARING – Meeting #2

Karonhianonhnha Gym

14, Tsothohrkó:wa/January 2016

6:00 PM– 8:30 PM

RECORD OF DISCUSSION

FACILITATORS:

Joe Delaronde
Ron Skye
Vernon Goodleaf

RESOURCE PEOPLE:

Brian Delormier – KTA
Devery Bauresfeld – KTA
Peggy Mayo-Standup - KTA

CHIEFS:

Chief Gina Deer
Chief Robert Patton
Chief Martin Leborgne
Chief Kahsennenhawe Sky-Deer
Dennis Diabo – MCK Technician

RECORDER:

Kim Beauvais

6:00 P.M. **OPENING** – Chief Kahsennenhawe Sky-Deer

6:05 P.M. **INTRODUCTION/MEETING GUIDELINES** – Joe Delaronde

6:10 P.M. **DRAFT KAHNAWÀ:KE TOBACCO LAW** – Joe Delaronde & Ron Skye

DELIBERATION & DISCUSSION:

SECTION I – JURISDICTION

TO

SECTION VI –KAHNAWÀ:KE TOBACCO REGULATORY COMMISSION

SECTION V – DEFINITIONS (*time permitting*)

8:17 P.M. **NEXT STEPS** – Joe Delaronde

8:20 P.M. **CLOSING** – Leslie Beauvais-Skye

DISCUSSION:

SECTION I – JURISDICTION

- There were no objections to Section 1.

OUTCOME:

- **There was consensus that Section I remain as is.**

SECTION II – PARAMOUNCY

- Section 2 Comment TDT WG2: concerning how non-natives holding outside permits are affected by this law. This law is for people from Kahnawake. Non-Natives have no part in this law. The original wording was accepted.
- 2.2 Comment TDT3: There was objection to the suggestion to change the wording. It was explained that typically, the first time it is mentioned it is spelled out and thereafter referred to as simply ‘the Commission’. Consensus reached to leave it to read Commission.
- 2.2 Comment TDT4: It was previously decided that this Law is applicable to Kahnawake’ro:non only.

OUTCOME:

- **There was consensus that Section II remain as is.**

SECTION III – INTENT AND PURPOSE

- 3.1 Comment TDT WG5: Wordsmithing.
- 3.1 TDT 6: The original wording was accepted.
- 3.1 TDT 7: The original wording was accepted.
- 3.2 TDT 10: The original wording was accepted.
- 3.2 (b) TDT 11: Wordsmithing.

OUTCOME:

- **There was consensus that Section III remain as is.**

SECTION IV – SCOPE

- TDT 13: The original wording was accepted.
- 4.1 (b) TDT 14: The original wording was accepted.

- 4.1 (c) TDT 16: The original wording was accepted. It was decided in Section II that this Law is applicable to Kahnawake'ro:non only.
- 4.2 (a) TDT 17: The original wording was accepted. It was decided in Section II that this Law is applicable to Kahnawake'ro:non only.
- 4.2 (b) TDT 18: The original wording was accepted. It was decided in Section II that this Law is applicable to Kahnawake'ro:non only.
- 4.3 TDT 19: Transportation was originally put in the law, to address transport between communities – it does not apply to non-natives. The KTA stated that it is now meant for transportation within the territory. This is inconsistent with existing wording of 4.3 and the drafting team will need to address this.
- TDT 20: This question about adding a mandate section was in the regulations which were part of the original law. The issue of mandate is not applicable here.

OUTCOME:

- **There was consensus that Section IV remain as is.**

SECTION V – DEFINITIONS

- “Broker” TDT 21: Wordsmithing to be dealt with by the drafting team.
- “Broker” as a noun: The definition was accepted.
- “Business entity”: TDT WG 22 and TDT 23: The wording will be changed by drafting team.
- “Commission”: TDT WG 24: This has been dealt with already in prior section. The original definition was accepted.
- “Contribution Fee”: TDT 25: Applies only to the Kahnawà:ke tobacco law. The definition was accepted.
- “Eligible recipient”: KB 26 and TDT 27: The original wording was accepted.
- “Export”: The definition was accepted.
- “Exporter”: The definition was accepted.
- “Fund”: The definition was accepted.
- “General Commission Member”: KB 28: Refer to Section 6.6 (a). The original definition was accepted.
- “Grow”: The definition was accepted.
- “Grower”: TDT WG 29: The definition was accepted.
- “Immediate family member”: TDT 30: Add grandparent? What is the definition of spouse for example? The original definition was accepted.
- “Import”: This was intended for future transportation from other communities. The definition was accepted.
- “Importer”: TDT 31: The law is for Kahnawake'ro:non only. The definition was accepted.
- “Industry Commission Member”: The definition was accepted.
- “Industry Member”: a) The definition was accepted. b) The definition was accepted.
- “Kahnawà:ke , Mohawk territory of Kahnawà:ke or territory”:
 - a) The definition was accepted.
 - b) The definition was accepted.

- c) The definition was accepted.
- d) The definition was accepted.
- e) The definition was accepted.
- f) The definition was accepted.
- “Kahnawà:ke Tobacco Association or KTA”: TDT 32: This will eventually become the Kahnawà:ke Regulatory Commission. This will require the drafting team to make the change to eventually be consistent with the definition contained later in the draft law concerning a Regulatory Commission. (Section 6.31)
- “Kahnawà:ke tobacco industry”: TDT 33: The original definition was accepted.
- “Kanien’kehá:ka of Kahnawà:ke”: TDT 34 and TDT WG 35: The definition is not the same as in the Kahnawake Membership law. Suggest using a term not causing confusion with KKR. In KTA’s intended definition is that: if you’re from Kahnawà:ke, you grew up here, you are able to participate. Anyone who resides in the community can participate. Kahnawake’ro:non as the suggested term? Membership has not even been resolved yet, and this law will have to be reviewed again in one year – if there is a need to change the law it can be amended at that point. The original wording was accepted.
- “Law”: The definition was accepted.
- “Manufacture”: The definition was accepted.
- “Manufacturer”: TDT 36: The original definition was accepted.
- “Partnership”: TDT 37: The original definition was accepted.
- “Person”: TDT 38: The original definition was accepted.
- “Process”: The definition was accepted.
- “Processor”: TDT 39: Wordsmithing. The definition was accepted.
- “Regulations”: KB 40: The original definition was accepted.
- “Retail”: The definition was accepted.
- “Retailer”: TDT 41: The original definition was accepted.
- “Retail outlet”: The definition was accepted.
- “Sell or sale”: The definition was accepted.
- “Supplier”: TDT 42: If someone gets supplies from an outsider, the Kanien’kehá:ka of Kahnawà:ke becomes the supplier or broker (all the same). The original definition was accepted.
- “Supply”: The definition was accepted.
- “Tobacco or Raw Tobacco”: TDT 43: The original definition was accepted.
- “Tobacco product”: Does Vape need to be in this law? Vape and its products are exempt from this law. The definition was accepted.
- “Transport”: The definition was accepted.
- “Transporter”: The definition was accepted.
- “Wholesale”: The definition was accepted.
- “Wholesaler”: The definition was accepted.

OUTCOME:

- **Consensus has been reached on Section V - Definitions, with wordsmithing suggestions to be dealt with by the drafting team and incorporated into the document.**