

COMMUNITY FEEDBACK

DATE RECEIVED	COMMENTS	RESPONSES
July 19, 2014	Proper accounting	All proper accounting TBD
	All Tobacco Stores contribute equally	TBD, once Law is in place and Administrative Office set up.
July 25, 2014	Will non biased Committee make funds for all community members and organizations	The Community and Community organizations will all benefit from the Community Fund
August 2, 2014	Law is needed to ensure the economic base is protected	The economic base will be created once Law is passed and implemented
August 5, 2014	Workers compensation, no mention of labor rights and benefits. No mention of Health Safety and Security and no MSI	All of the comments will be TBD, when the Law is passed and the Regulations that will be drafted will cover the comments for Employee safety and protection and MSI benefits for all.
August 5, 2014	Definition of Kanien'keha:ka of Kahnawake, needs to be clarified as it differs from the KKR.	The purpose of the KTA was to ensure that all Kahnawake:ro'non have the right to participate in Industry. TBD when Law is passed.
August 7, 2014	KTA has no right to be working with illegal band council MCK. KTA/MCK has no right to consult with the people	KTA entered into an MOU with the MCK, to ensure this Law is passed and will benefit the entire Community of Kahnawake. The KTA/MCK made the agreement to work together to protect this Industry and to ensure we as Kahnawake'ro:non benefit.

August 20, 2014	No draft, watermark , appears to be a done deal	Law is to be formatted by legal services.
	Page 3.1 Peace can be achieved by whom, urgency needed for whom	Law will protect the Industry.
	4.1 B not specific enough	TBD during community hearings
	4.1 C, all persons (found) >operate within the Territory of Kahnawake	Will be clarified during the community hearings.
	Page 3 section 5, Business entity (Add provide goods and services).	Will be clarified during the community hearings
	Page 4 Definition of (Grow-op), not defined, will only one growing, why should one have an monopoly.	Whoever has the land to grow, will be eligible to apply for a permit. There will be no monopoly.
	Page 5, the Kahnawake Membership Law should be defined before 1981, and the current KKR has to conform with each other	KTA has in its definition that all Kahnawake,ro:non means a person identified as a member of Kahnawake
	Page 7 (C) unbiased and equitable	KTA will conduct itself in complete transparency.
	Page 8, section 6.16 appointment of the Electoral Officer, add (open selection).	Election procedures will be conducted in complete transparency.
	Page 9, 6.19 within 7 days, add (results in one day). Not appropriate to select the Electoral Officer, add all community members are eligible to vote for whomever they want for the commission	To be discussed during the community hearings.
	Page 10, 6.30, Vacancy, (alternate not clear).	To be discussed during the community hearings
	6.32 Interim Commission not clear, looks like it is set up for NO ELECTION TO TAKE PLACE.	Interim Commission will be in place until such time as the provisions of the Law are in place.
	Page 11, 6.40 Clarify	A quorum of 7 (seven)

	Quorum of (simple majority of its members).	commission members.
	6.43 Clarify monthly meetings (deems appropriate), then they better damn hold the meetings.	The Commission will call monthly meetings within the policies, they will be done.
	Page 13, (i), and (iv) combine the two. (xii) clarify or define the employment standards.	The employment standards will be the same as all the organizations within the Community of Kahnawake.
	(xiii) clarify standards for health, safety, security and environmental protection, more details are needed. Within this Law, no mention is made (employees are protected from any standards).	All standards that exist for health, safety, security and environmental will be followed. KTA mandate is to provide a safe and healthy environmental in the workplace for all employees.
	Page 15 8.11 no mention of APPEAL, appeal section has to be in Law not in the regulations.	To be discussed during the community hearings
	Page 16, 10.4 Commission Report (add) MONTHLY	Will be transparent and reports will be monthly.
	Page 17, section 10.10 (c) to distribute to eligible recipients. Clarify who are these people, who can access the funds, people on the Kahnawake Membership list.	Eligible recipient means a Kanien,keha:ka of Kahnawake or an organization that is recognized by the Commission.
	Page 18, section 10.16 fund to be disbursed to eligible recipients (add) we should know who can access the funds or not.	Will be transparent and reports will be monthly
	Page 18, section XI, 11.5, Inspectors, (add) general duties, we should know what they are doing on the job.	Will be transparent and reports will be monthly.
	Schedule B scope says nothing about the Law,	Law will protect the industry and the CDMP

	can it be applied in our community.	ensured that any Law that is passed through the CDMP will be enforced by the Kahnawake Peacekeepers.
	Intent should mention the KTA who it applies to and to who it does not apply to	Intent could clarify that the KTA is mentioned.
	PURPOSE says nothing (add) ensure that the Industry is fair and equitable to all.	Purpose could be include the comments made by the community member,
	FINAL POINT. Community member agrees Laws have to be done and that the Tobacco Industry has to be accountable to the Community of Kahnawake	
	LAW is good, but needs tweeking and COMMENDS the industry for the work that has been put into this Law.	
August 21, 2014	Do not think Industry should be self regulating	Law has been drafted by the people within the Industry, there they are the experts in the field. All other organization draft their own policies and Terms of References. The Law is now in the CDMP (THE PEOPLE).
	Commission should be made of unbiased participants not from the Industry. Make up should include MCK member, Industry reps, and other professionals.	Commission make up will be discussed during the Community hearings, and the make up may change.
	Section 6.47 Conflict of Interest, someone abstains, if there is a conflict of interest, but the majority of the commissioners are in the	Within the Law, 3 Community members will be part of the commission. To be discussed during the community hearings.

	business, the conflict will remain for most and all decisions. How can they function.	
	Purpose of law, how does the KTA, MCK anticipate this being done, we cannot just pass a law and state what we want and hope it works. For a Law that will truly protect the industry, there must be agreements with outside governments. If not done, the purpose of the law is DEFEATED. It will remain an internal document and for the most part the (STATUS QUO WILL REMAIN).	The Law must be passed by the people, implemented, enforced and ensuring that our economy is safe. The MCK Politicians it is their job to hold discussions with the outside Governments to show that we have a law and we are taking care of it. ie: MIT operates under the sole jurisdiction of Kahnawake and so does the ABC Law. Doing nothing like present status quo will definitely ensure Industry will fail.
August 27, 2014	The community member is in full support of establishing a Law which will assist our community to be able to continue to deal with business relating to tobacco. Concern is the jurisdiction is only for the Territory of Kahnawake. What about companies who transport to other reserves. They are not able to be protected by this Law. The Law should include the above mentioned.	Law has to be passed by the people. Within the Law there are provisions that will deal with businesses who want to apply for a permit. MCK Politicians will also have to work with outside Governments, to ensure that we have a Law in place, and we should be able to do business with our Brothers and Sisters across Turtle Island. Iroquois Caucus is also working on a Free Trade Agreement amongst our Brothers and Sisters in the business.
September 2, 2014	Community Member has made the following amendments to the Kahnawake Tobacco Law.	Community Member has also made the following comments to the Kahnawake Tobacco Law.
KTA Technician, compiled		

all of the information and the majority of comments and amendments can and will be answered during the Community hearings.		
		Comment: Any and all Laws that are sent out for review by the Community for comments, suggestions , etc. should be clearly marked with (DRAFT) to indicate that it is not the final version.
	We the Kanien,keha:ka of Kahnawake are a community of Indigenous peoples within the Kanien,keha:ka Nation and the Rotinohsonnion.	Does the Confederacy agree with this. ANSWER we are stating who we are.
	Section II, 2.2 Kahnawake Tobacco Regulatory.	Will this effect non-native permit holders of outside permits, for example, bond licences. If so how will this be dealt with. Will they be able to hold certification from outside, along with Kahnawake certification. ANSWER the Law is being created and will apply to Kahnawake,ro:non.
	Section III, 3.1 inalienable instead of UNALIENABLE and any instead of AN	
	Section III 3.2 Add is instead of ARE	
	3.2 (B) add AND	
	Section IV 4, add application	
	4.1 (C) all persons and business entities situated or found within the Mohawk Territory of Kahnawake.	Does the reference to (all persons and business entities) refer to non-natives. ANSWER the Law is being created and will apply to

		Kahnawake,ro:non
	4.2 (A)	Does this reference to (Wholesalers, Retailers and Transporters) refer to non-natives. If so, what is the scope of the application to them, will it provide them protection of some sort, if so, should it
	4.2 (B)	4.2 (B) Does this reference to any person or business entity that supplies goods or services to, or has a business relationship with a Broker, Grower, Processor, Supplier, Manufacturer, Wholesaler, Retailer, and Transporter of tobacco products within the Mohawk Territory of Kahnawake including any person or business entity that is in the Territory temporarily for the purpose of conducting any activities to which this Law applies, apply to non natives. If so how. Is it supposed to be providing them with some sort of protection from their own government or laws.
	4.3	Does the reference to a (Transportation Certificate) as being (Effective outside the Territory provided that the holder of the Transportation Certificate is in compliance with the requirements of this Law), apply to non natives. What are the

		<p>(requirements of this law), regarding (Transportation). There does not seem to be any requirements set out anywhere in the law regarding (Transportation) specifically, other than the reference in this section (4.2.C). If the (Transportation Certificate) is issued by the Commission), how can it be issued to non natives. The requirements set out in section VIII 8.4-8.6 for (Eligibility) to (apply for and hold a certificate), state that, 8.4 (page 14) (a person must be a natural person who is Kanien,keha:ka of Kahnawake), and 8.5 (a business entity must be wholly owned and operated by one or more Kanien,keha:ka of Kahnawake). How is this going to work in relation to (Transporters), that are non native. There may be non native (Transporters), who only (transport) products but have no (business relationship) with natives except to (transport) the products. How will this law work for those arrangements. These transporters may be business entities that are considered (legal persons) because they are a company and therefore</p>
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		will not meet the requirement of being a natural person. As well, they may not necessarily be (wholly owned and operated by one or more Kanien,keha:ka of Kahnawake) since they are only hired to (transport) products and may not have formed any type of (partnership) with natives except to merely (transport) products.
	4.5 Mandate	(Should there be a Mandate in this document, especially since one is referred to in 6.5 (C) on page 7 of this Law. If so, should it appear before Scope and or after Scope. If so, renumber Table of Contents of the Law to reflect this change.
	5 (5.1) Kahnawake Tobacco Regulatory Commission, (hereinafter Commission).	Can they be referred to as the (KTRC) or keep (Commission). It may be confusing since there are other (Commissions) in Kahnawake, such as the Gaming Commission. Should put abbreviation after the definition, either, (KTRC), or the word (Commission).
	5.2 has instead of (will have) and shall instead of (will)	
	5.3 and add (and shall answer to the Kanien,keha:ka of Kahnawake as a whole).	
	5.4 And add shall answer and be instead of (is)	
	5.5 (C)	(mandate) is referred to ,

		but there is no (mandate) of reference to (mandate) anywhere else in the Law. If there is to be a (mandate), it should appear at the beginning of the document either before (Scope), or after (Scope).
	5.6 Structure	Will this work. Is it fair representation of all.
	Section VI Powers And Duties Of The Commission, 6.1 (B) (ix) add based on regulations	
	6.1 (B) (x)	To be carried out by whom. Does (E) found below apply here.
	6.1 (D) add and	
	6.1 (E)	If the Commission (grants) the certificates authorization, how can they hear or decide on the matter.
	Section VII 7.2	What exactly does this statement (orderly fashion) mean. What sentiment is trying to be conveyed. How will this be enforced, what if they do not comply.
	7.4 Add Certificate to Eligibility	How will this work in regards to a non native person. For example, section IV Scope, 4.3 states (A Transportation Certificate issued by the Commission is effective outside the Mohawk Territory). What if it an non native transporter. How would they meet the requirements of being (Kanien,keha:ka of Kahnawake). As well,

		what if the non native is in partnership with a Native.
	7.6	How will this be enforced, what if they do not comply.
	(7.13)	WILL THERE BE AN APPEALS PROCESS. If so, where would it go.
	Section VIII 8.1 Add shall instead of may	There should probably be (Regulations) for this whole section.
	8.1 (A)	Non native compliance
	8.1 (B)	Nonnative compliance
	8.2 (A)	Define (tiers), (categories). What are these based on.
	8.2 (B)	(Fluctuation) based on what factors.
	Section IX 9.1	Will other Regulatory based bodies, such as, Poker Houses with ABC & Gaming permits, Restaurants with ABC permits, stores, distributors with ABC permits, be subject to the same or similar requirements of contributing to the (fund).
	9.2	What uses will it be put to, what criterion, who decides where it will be distributed, how much is the limit.
	9.3	Perhaps make another body the (trustee), like Caisse Populaire, for purposes of transparency.
	9.4	What about also stating it will also report to the Industry Members, since that is where the funds will come from.
	9.5	Will it be audited, example of (instrument).

	9.6	What is this based on. By whom, will it be (held) and (administered), if it is, (independent) and (autonomous) from person, group, organization or independent body.
	9.8	What scale will the fees be based on.
	9.9	The fees for stamps do amount to a (STAMP TAX) (LEVY-DUTY) even if they are not actually labeled as such. Will there be a discount for larger orders.
	9.13	What are examples of (arrangements), what are the (arrangements) based on.
	9.15	How will this be enforced
	9.16 Add (and)	
	10.3 (D) Add (and)	
	10.5	Is 1 (one) a realistic number with the amount , type of businesses and different categories of seller, transporter, etc.
	10.7	What defines (breach). Are they responsible for everything, For example, are they responsible for looking at (stamps) like a Customs Officer.
	Section XI add (or) BY-LAWS OF THE COMMISSION (or KTRC) OF COMMISSION MEMBERS	
	11.5 (B) add (when)	
	11.5 (C) add (firearms)	
	11.6 (A)take out and and put (or) and take out (as the case may be)	What about brokers, processors, suppliers, transporters and growers. Should they be on this list.

	11.8 (C) add (by)	
	11.8 (C) (iii) add (and)	
	11.17	The statement is rather large and all-encompassing: It should probably mention here, or somewhere else in the Law, what exactly constitutes a (breach) that would be cause for removal. As well, it might be fairer if there is a statement that goes along with this one stating, if an (Industry Member) commits a breach that industry members will be consulted and informed of the perceived breach and whether they agree. The same can be used for (General Commission Members) and the statement can state, if a General Commission Member commits a breach the Community will be informed of the perceived breach and whether they agree.
	11.20	Who will make up the three (3) person (Interim Commission) will it be both (industry) and (general). If the goal is to have both in the actual Commission it might be wise to have both represented in the (interim) for transparency and fairness.
	11.21	This sentence is redundant; it states the same sentiment twice. The sentence meaning

		<p>would be different if there actually were (specific powers and duties assigned to the Interim Commission. However, the only reference in the Law to the Interim Commission is here, nowhere in the Law does it set out (specific powers and duties assigned to the Interim Commission). If there were (specific powers and duties assigned to the Interim Commission, what are they, where are they found, what should they be.</p>
	<p>11.26 Add (and at least two (2) of which are General Commission Members).</p>	<p>The sentence should be ore specific in regards to the makeup of the seven (7) members. What if the seven (7) members (present) are made up of 6 (Industry Members) and only one (1) General Commission Member. Will it be considered as sufficient representation for the (General Kanien,keha:ka). Perhaps a requirement of having at least two (2) (General Commission Members) (PRESENT) would be fairer.</p>
	<p>11.27 Add four (4), at least two (2) of which are General Commission Members.</p>	<p>The simple majority should be specified, is it 4 or 4+1. Should probably specify that at least two (2) (General Commission Members) required as per previous sentence suggestion.</p>

	11.29 Add two (2)	As per the previous sentence the simple majority, should be stated. In this case there would only be three (3) members, therefore the simple majority would be two (2). As stated above in (Interim Commission), the question is who will make up the interim commission. Will there be an Industry Member, if so, is it a Manufacturer, Retailer, or Wholesaler, and will it be required that one (1) be a General Member.
	11.32	What about meetings, with all Industry Members. There is no mention of meeting with them, which there probably should be if there are major issues that affect them. There should be meetings with them when major decisions should be made and allow them to participate and vote. What are examples of what falls under (DEEMS APPROPRIATE).
	11.34	Will they be open to all (Industry Members).
	11.35	Should they ask (Industry Members) what would be appropriate.
	11.36 add (SPECIFIC)	
	11.37	What constitutes (immediate family member). Does this include (girlfriend), (boyfriend), or (significant

		other).
	Section XII 12.1 Broker, add (as in to broker).	
	Business Entity	Does this apply to a (Transporter) that is a (sole proprietorship, joint venture, partnership or corporation).
	Contribution Fee	Will this same type of fee be applied to other entities in Kahnawake that require permits, such as the Gaming Commission and ABC issued permits. If not, should the (Gaming, ABC) be subject to the same fee, if not why.
	Eligible Recipient	Reference is made to (an organization), maybe for clarity sake some of the names of the organization should be cited-listed as examples, such as the Kahnawake Youth Center. It can state that the examples cited are (not exclusive or limited), meaning that even though some organizations are listed it des not mean that it is limited to only those. What is meant by (external organization). Is it (external) to Kahnawake.
	General Commission Member add (who is not an Industry Member	Add (who is not an Industry Member) to make clear who can and cannot hold this position.
	Immediate Family Member	Should (significant other) be included, since this relates to page 12, Section VI 6.48 Conflict of Interest-whereby members must abstain

		from participating in any portion of a meeting or voting in any decision that affects an immediate family member. Is a common-law partner, significant other, or a boyfriend-girlfriend, considered (an immediate family member).
	Importer	Can this person be a non native.
	Kahnawake Tobacco Association or (KTA)	States it (is open to all Kanien,keha:ka of Kahnawake who are involved in the Kahnawake Tobacco industry). Does (open to all) mean it is optional. If it is not meant to be than it should state that it is (mandatory). However, the question then becomes how to force (all) to become members.
	Kahnawake Tobacco Industry. Add (which is) and (or)	
	Kanien,keha:ka of Kahnawake, take out (by the)	(identified) by whom and under what Law. Where will this be set out. The sentence should read either (of the) or (by the), or both, as it appears in the present Law.
	Manufacturer	Should this list include one of the following, (producing), (production), or (processing). (Processing seems to be fitting since the word (process) and (processor) appear in the Law, but (production) does not. Should the words

		(produce) or (production) appear in the Law.
	Partnership	The word (association) is a tricky word, as seen in outside laws, it is sometimes looked at in a negative way, for example, in the Criminal Code of Canada. Will it be defined by the outside in a negative way implying real or unreal (associations) with what may be considered organized crime organizations, example (BIKERS).
	Persons Add (Natural)	Should this appear in the definitions as (natural person), since that is the wording used on page 14 section 8.4, of this Law. If so, it should move up in the definitions under (Manufacturer). Should a distinction be made, and state, (as opposed to a legal person).
	Processor Add (raw tobacco product).	Should the word (processing) be included if put into the list of the definitions of (Manufacturer). (Processor) – of what.
	Regulations Add (this)	
	Retailer Add Tobacco products to the public for consumption.	For clarity add the words, (tobacco products to the public for consumption).
	Supplier	Can they be non natives. If so, will they need a certificate. If so, will their product be regulated, inspected, certified. If so, by whom and how.
	Tobacco or Raw Tobacco	

	take out (or)	
		SCHEDULE (B) was not attached to the Draft 1 received, however, the word (unalienable) under (purpose), should read (inalienable). As well the words (to make a living) under (purpose), can be removed since (have our own economy), means the same thing. However, if (to make a living) must stay, then replace the word (make) with (earn).
		The margins and numbering do not align in the community members draft and would have to be fixed.
October 9, 2014	Kahnawake Combined Schools Committee	KTA-MCK met on September 22, 2014, meeting was thoughtful and informative. However, as a governing committee, the KCSC does not hold a position on the tobacco legislation, this is not within our educational mandate. At end of meeting KCSC extends its best wishes to the KTA in its future endeavours.
November 24, 2014	Kahnawake Shakotii, takehnhas. Meeting held on November 18, 2014 Community Services- Environmental Health Services. Comments in writing. Lack of regulations supporting the Law. Lack of enforcement procedures for the regulations. Lack of on	It is recommended to set out the certification process and criteria for certification. All the regulations should be created prior to the approval of the law. It is recommended that the Commission hire an occupational hygienist. Infraction codes should be developed and highlighted

	<p>staff occupational therapist. Lack of health and safety standards specific to the tobacco industry. Uncertainty of the certification process. How will health and safety infractions be managed. What are the minimum building requirements.</p>	<p>in the law prior to approval. Given the Environmental Health Services mandate, we are unable to support the Law at this time.</p>
<p>October 16, 2014</p>	<p>Onkawta, karitahtshera, body responsible for global health and social services issues, The Kahnawake Community Health Plan has identified cancer and cardiovascular disease amongst the top health priorities in the Community. Health unit knows that both of these serious health problems are linked to the use of or exposure to tobacco use. They would be hard pressed to support a Law that will further facilitate the manufacturer, sale, and use of tobacco, even without the support for the law, one will be enacted given the vast presence and positive economic impact this industry has on the community.</p>	<p>We should know what impacts this Law will have on the community with regards to health and social services. What will be the impacts to the Fire and Ambulance services in Kahnawake. How will additional inspections be subsidized. How will structural building inspections in the industry for occupational health and safety hazards and fire safety be managed. How will health and safety infractions be managed. The Law should include regulations for identifying and enforcing certain zones for factories, wholesale storage and retail outlets in the community. There should be careful consideration given to protect the health and well-being of community members in residential areas when such commercial zones are determined. Particular attention should be paid to the health and safety of the</p>

		<p>employees in the tobacco industry; example employees should be afforded benefits such as MSI, health, dental insurance, safety programs, pension plans and labour laws should be ensured in the regulations.</p> <p>Social policy planning should be conducted for youth in the industry in the future (education, career, workforce development etc.) (Dividends) as a result of profit generation should be directed to improving health and social services, which may be directly impacted by the tobacco industry.</p>
	<p>Onkwata, karitahtshera does not support this Law. It is in complete contrast to our mandate given that research specifically states that the use of tobacco in any form is detrimental to health, other than that used for ceremonial use.</p>	<p>KTA accepts the position taken by Onkwata, karitahtshera, KTA, MCK, and others have worked over a 20 year period to develop a Law that would be fair and equitable to all Kahnawake, ro:non. KTA, s position has always been to provide a clean and safe environment for all employees, and to address the issues of tobacco use among the young people and to provide an economic base within the community that can be used to develop all programs for health, safety and the</p>

		<p>environment. Policies will be drafted to address all issues and most exist amongst the services, organizations and departments within the Community of Kahnawake. KTA,s mandate is to make a living for all and all to benefit from this Industry and the most important issue that everyone can agree with is we all believe in respecting MOTHER EARTH and ensuring that all Kahnawake,ro:non have a safe and environmentally clean community. There will be Community Contribution Fund established.</p>
	<p>Most of the questions and comments can and shall be answered during the community hearings.</p>	
<p>December 15, 2014</p>	<p>Kahnawake Environment Protection Office. Meeting held on December 15, 2015. KEPO commends KTA on the work that the tobacco association have invested in this initiative and support the goal of better regulations of the industry within Kahnawake. KEPO has reviewed the document and provide comments with a focus on environment aspects. The Commission will establish-follow agreed upon standards for health,</p>	

	<p>safety, security and environmental protection in relation to the Kahnawake Tobacco Industry and persons employed in the Industry. KEPO points out that the body of the Law contains no further comment with respect to health, safety, security and the environment. KEPO recommends that a section be added to the Law reiterating the contents of this section Further it is recommended that specific existing Laws and regulations (Kahnawake or otherwise) be referenced where applicable so that the expected standards with respect to health, safety, security and the environment are known by all parties. For example, applicable environmental policy, law and guidelines that apply in Kahnawake include: The Interim Landfill Policy for Clean Soil. The Interim Landfill Procedures for Clean Soil. The Sanitary Conditions Law. The Best Management Practices Guide for Working in and around Water. Standards should be adhered to concerning the manufacturing industry</p>	
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	(similar to regulations that are being developed for construction, demolition and recycling facilities).	
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