

## ASSEMBLY OF MANITOBA CHIEFS



*In a press release on April 13, 2021, Grand Chief Dumas stated that the province is still attempting to legislate while ignoring the constitutionally protected rights of First Nations.*

### Bill 56 - The Smoking and Vapour Products Control Amendment Act

Sponsored by the Honourable Ms. Gordon, Minister of Mental Health, Wellness and Recovery

First Reading: November 2, 2020

Second Reading: March 25, 2021

Social and Economic Development Committee: April 13, 2021.

Royal Assent: May 20, 2021

#### About the bill

- The tabling of Bill 56 is the province's latest attempt to ban smoking on First Nations reserves. In July 2020, Manitoba banned smoking in VLT areas on First Nations reserves under COVID-19 emergency orders.
- This bill goes further and removes the exemption of "lands reserved for Indians and federal lands" from the rules regarding smoking and vaping and the advertising and sale of tobacco and vapour products.

#### How the bill affects First Nations

- This bill attempts to bypass First Nations' inherent rights to self-government and by-laws made by Chief and Council under the *Indian Act*.
- It is also an attempt by the provincial government to make laws in areas where it has no jurisdiction by using "health of all Manitobans" as a justification.

#### AMC's position on the bill

- The AMC ECC opposed this bill as part of the current suite of legislation because of the lack of consultation and the effects on First Nations and their rights.
- As this matter relates to the COVID-19 provincial health order banning smoking on-reserve in VLT areas, the ECC has already supported the opposition to this bill through legal measures.
- The AMC takes the position that this matter is not about smoking, but is about the Province of Manitoba overstepping into First Nations jurisdiction. This would be an unacceptable precedent.

#### AMC activities on the bill

- On April 12, 2021, Grand Chief Dumas and Chief Deborah Smith of the Brokenhead Ojibway Nation appeared before the Standing Committee and opposed Bill 56.
- In a press release on April 13, 2021, Grand Chief Dumas stated that the province is still attempting to legislate while ignoring the constitutionally protected rights of First Nations.
- If Bill 56 becomes law, the AMC will seek instructions for a legal challenge to the bill.



Press conference on the smoking bill with Chief Hudson, Chief Dennis Meeches and Chief Deborah Smith