

Frequently Asked Questions



Bay Mills Indian Community and the State of Michigan

☐ What is a “tribal marijuana business”?

A tribal marijuana business is defined by statute as a business that engages in the type of activities licensed under the Michigan Regulation and Taxation of Marijuana Act (MRTMA); is not state-licensed; is wholly owned by a tribe that has an agreement under the MRTMA with the Cannabis Regulatory Agency (CRA) and the Dept. of Treasury, the tribe’s enrolled members, or a combination of the tribe and its members; and is located in this state and within the tribe’s Indian lands.

☐ Are tribal marijuana businesses licensed by the CRA?

No. Tribal marijuana businesses are not licensed by the CRA; instead, they are regulated by the tribe. However, they will have an identification number in the statewide monitoring system and interact with CRA-licensed marijuana businesses in much the same way as other CRA-licensed businesses.

☐ How many tribal marijuana businesses are there?

Bay Mills Indian Community (BMIC) is the first tribe to finalize an agreement with the CRA and the Dept. of Treasury. BMIC has existing marijuana grow and retailer businesses that will be authorized to engage in business with state licensees under the agreement, and the tribe may establish a tribal marijuana transporter or other tribal marijuana businesses in the future. Other tribes are expected to enter into agreements under the MRTMA with the CRA and the Dept. of Treasury in the near future.

For State-licensed Adult-use Marijuana Businesses

☐ Can state-licensed adult-use marijuana businesses purchase marijuana from and/or sell marijuana to a tribal marijuana business?

Yes. State-licensed adult-use marijuana businesses may purchase marijuana from and/or sell marijuana to a tribal marijuana business.

☐ What rules must be followed in transactions between a tribal marijuana businesses and state licensees?

All transactions between a tribal marijuana business and a state licensee must comply with the rules and regulations that apply to transactions between state licensees, which includes entering all transactions into the statewide monitoring system.

Marijuana Grown, Processed, or Sold by a Tribal Marijuana Business

☐ **What requirements apply to marijuana grown, processed, or sold by a tribal marijuana business?**

Marijuana sold by a tribal marijuana business to a state licensee must meet the same requirements that apply to marijuana sold by a state licensee, including packaging, testing, and labeling requirements.

☐ **Who is responsible for testing marijuana grown or processed by a tribal marijuana business?**

All testing must be conducted by a state-licensed marijuana safety compliance facility.

☐ **Are there restrictions on the origin of marijuana sold by a tribal marijuana business to a state licensee?**

Yes. Except for an initial transition period during which a tribal marijuana business may sell marijuana from its existing inventory that is entered into the statewide monitoring system and passes all state-required testing, marijuana sold to a state licensee must originate from a source authorized under the MRTMA, i.e., a state licensee or tribal marijuana business.

☐ **Are retail sales of marijuana by a tribal marijuana retailer subject to the 10% excise tax?**

Retail sales of marijuana by a tribal marijuana business are subject to a tribal excise tax, which must be assessed at a rate equal to or greater than 10%.

Transportation of Marijuana

☐ **Can tribal marijuana businesses transport marijuana?**

Under BMIC's agreement with the CRA and Dept. of Treasury, a tribal marijuana transporter may transport marijuana between BMIC land and a state licensee or another tribal marijuana business, provided the origin or destination of the marijuana is BMIC land.

☐ **What requirements apply to BMIC transport of marijuana?**

Under BMIC's agreement with the CRA and Dept. of Treasury, a tribal marijuana transporter must carry a copy of the agreement instead of a copy of a state license. A BMIC tribal marijuana transporter transporting marijuana outside BMIC land otherwise will be required to follow the same requirements that apply to state-licensed marijuana secure transporters.

Compliance with Laws, Rules, and Regulations

☐ **What laws, rules, and regulations must BMIC's tribal marijuana business follow?**

A BMIC tribal marijuana business is required to operate in full compliance with the tribe's laws, rules, and regulations.

☐ **Who ensures that BMIC's tribal marijuana businesses are compliant?**

BMIC is responsible for ensuring that each of its tribal marijuana businesses complies with applicable BMIC laws, rules, and regulations, and the terms of the agreement. BMIC and the CRA will work cooperatively to ensure that all marijuana sold in Michigan's regulated marijuana market has passed all state-required testing.