



STATE OF MICHIGAN
DEPARTMENT OF TREASURY
LANSING

GRETCHEN WHITMER
GOVERNOR

RACHAEL EUBANKS
STATE TREASURER

August 1, 2022

Craig Johnson
Executive Director
Streamlined Sales Tax Governing Board, Inc.
100 Majestic Drive, Suite 400
Westby, WI 54667

Re: Michigan's 2022 SSUTA Compliance Recertification

Dear Mr. Johnson:

Pursuant to Section 803 of the Streamlined Sales and Use Tax Agreement (“Agreement”) and Rule 803.1, on behalf of the state of Michigan, a Streamlined Sales Tax Governing Board member state, and as Treasurer of the Department of Michigan, I hereby certify to the Streamlined Sales Tax Governing Board that Michigan is in substantial compliance with the terms of the Agreement as of August 1, 2022.

No changes have been made to Michigan's statutes, rules, regulations, or other authorities that could affect Michigan's compliance with the terms of the Agreement since August 2, 2021. However, on November 19, 2020, the Michigan Court of Appeals issued its decision in *Imagine Entertainment Inc v Dep't of Treasury*¹ holding that Mich Admin Code R 205.136(5) was invalid. This rule incorporated the 75% prepared food threshold as required by the Agreement's definition of “food and food ingredients” and Interpretation 2006-4. Pursuant to Section 805.C of the Agreement, Michigan has until January 1, 2023, to correct this issue before it may be found not substantially compliant. Treasury is currently working with the Michigan Legislature on this matter.

As part of this annual recertification, Michigan updated its Online Certificate of Compliance and Taxability Matrix that reflect Michigan's laws as enacted through August 1, 2022, and has approved them to be published on the Streamlined Sales Tax Governing Board website beginning August 1, 2022. Links to them will be posted on the Department of Treasury's website at: <https://www.michigan.gov/taxes/business-taxes/sales-use-tax/streamlined>.

If you have any questions regarding Michigan's compliance with the Streamlined Sales and Use Tax Agreement, please contact Lance Wilkinson at 517-241-4611.

¹ 334 Mich App 658 (2020).

As the chief executive of the Michigan Department of Treasury, I also declare that the Online Certificate of Compliance and Online Taxability Matrix are true, correct, and complete to the best of my knowledge and belief.

Rachael Eubanks

Rachael Eubanks

State Treasurer

Title

8/1/2022

Date