



February 2, 2023

**To:** Indigenous Cannabis Industry Association (ICIA)  
**From:** Robert Pero and Mary Jane Oatman  
**Re:** Summary of Legalization of Cannabis, Hemp or Marijuana in the United States

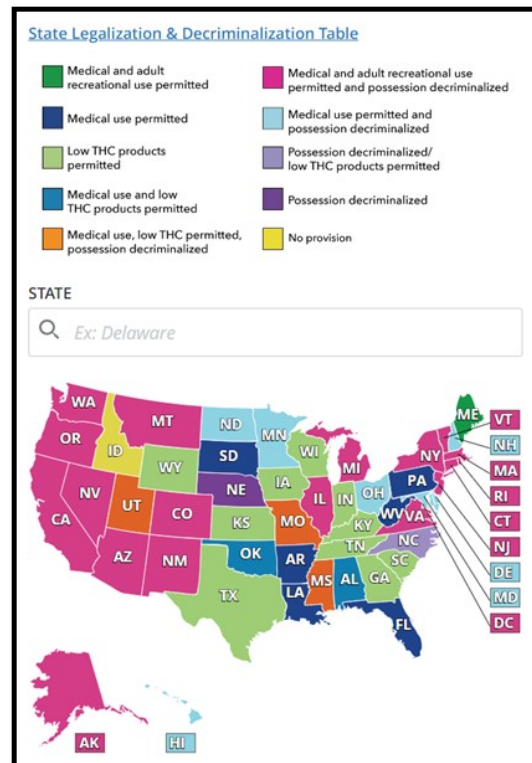
As a service to ICIA members and tribes across the nation, we provide here a summary of the cannabis, hemp and marijuana legal authorities relative to tribes, including but not limited to: compact agreements, state statutes, and tribal codes, along with a brief synopsis. Please find below a general summary of the same, a diligence table organized by state, pending or recent legislation relating to tribes, and tribal code or compact agreements.

**Summary**

Eight states (Connecticut, Nevada, New Mexico, New York, Oregon, Utah, Washington, Wyoming (WY is hemp only)) have existing statutes which permit such a state to enter into a compact agreement with the tribal governments where both governments have cross jurisdictional oversight of the lands. The legislature in four additional states (Kansas, Utah, Minnesota, and Wisconsin) have recently introduced legislation to legalize cannabis and/or hemp products.

In the states that have legalized cannabis or hemp products, many tribes have entered into compact agreements with the respective state government. We have included information about the compact agreements below.

Please note, the information below is an update to previous diligence, and is not encapsulating of all marijuana laws. Many states (Including Alaska, Arizona, Colorado, Massachusetts, Maine, Michigan, Montana, and South Dakota) have legalized the use of cannabis, but do not have any statutory provisions for tribal compacts regarding cannabis, providing fertile ground for the Indigenous Cannabis Industry Association and its membership to seek change.



**Diligence Table**

| <b>COMPACT AGREEMENT STATUTES and RELATED STATUTES</b> |                                   |  |  |
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| <b>State</b>   | <b>Status of<br/>Legalization</b> | <b>Authority</b>   | <b>Notes</b>   |
| Connecticut  | Enacted<br><br>(Cannabis)         | <b>Connecticut General Statutes § 21a-422,</b><br>Compacts, memoranda of understanding or agreements with Mashantucket Pequot Tribe or Mohegan Tribe of Indians of Connecticut re RERACA and possession, delivery, production, processing or use of cannabis, Effective July 1, 2021 | Authorizes the Governor to enter into compacts with Mashantucket Pequot Tribe or with the Mohegan Tribe of Indians of Connecticut, or both, to coordinate the administration of the Responsible and Equitable Regulation of Adult-Use Cannabis (RERACA) and the laws of the Tribes relating to the possession, delivery, production and processing or use of cannabis. |
| Nevada   | Enacted<br><br>(Cannabis)         | <b>Nevada Statutes § 223.250,</b><br>Governor may enter into agreements with tribal governments concerning coordination of cross-jurisdictional administration of state and tribal government laws relating to use of cannabis, Effective July 1, 2020                               | Authorizes the Governor or a designee to enter into a compact agreement with Tribal governments to coordinate the cross-jurisdictional administration of the laws regarding Cannabis.  |

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| <p>New Mexico</p> | <p>Enacted<br/><br/>(Cannabis &amp; Hemp)</p> | <p><b>New Mexico Statutes § 9-11-12.1</b>, Tribal cooperative agreements, Effective June 29, 2021;<br/><b>New Mexico Statutes § 26-2C-41</b>, Indian nations, tribes and pueblos; intergovernmental agreements (cannabis), Effective June 29, 2021;<br/><b>New Mexico Statutes § 76-24-10</b>. Indian nations, tribes and pueblos; no state regulation; cooperative or joint powers agreements; recognition of tribally issued licenses (hemp), Effective July 1, 2019</p> | <p>Under Sec. 9-11-12.1, the Secretary may enter into a cooperative agreement with the Pueblos of Acoma, Cochiti, Jemez, Isleta, Laguna, Nambe, Picuris, Pojoaque, Sandia, San Felipe, San Ildefonso, San Juan, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia and Zuni; the Jicarilla Apache Nation; the Mescalero Apache Tribe, regarding the administration, collection and audit of receipts of the of excise tax.</p> <p>Under 26-2C-41, the Department may enter into one of more intergovernmental agreements to coordinate cross-jurisdictional administration of the use of Cannabis products under the Cannabis Regulation Act and the Lynn and Erin Compassionate Use Acts.</p> <p>Under § 76-24-10, The New Mexico department of agriculture and the department of environment may enter into cooperative agreements or joint powers agreements with federally recognized Indian nations, tribes and pueblos located wholly or partially within New Mexico that seek to regulate hemp products, the manufacturing of hemp products, testing of plants for THC, or the transportation of the above described.</p> |
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| New York | Enacted<br><br>(Cannabis) | <b>McKinney's Consolidated Laws of New York Annotated, Cannabis Law § 10</b> , Powers and duties of the cannabis control board (cannabis), Effective March 31, 2021  | The Cannabis Control Board may enter into compacts with Indian nations and tribes to acquire, possess, manufacture, sell, deliver, transport, distribute or dispense adult-use cannabis and/or medical cannabis.  |
| Oregon   | Enacted<br><br>(Cannabis) | <b>Oregon Revised Statutes § 475C.521</b> , Governor agreements with federally recognized Indian tribes; requirements (cannabis), Effective January 1, 2022.<br><br><b>Oregon Revised Statutes 475C.718</b> , Department of Revenue agreements with federally recognized Indian tribes; rebate payments of estimated tax on marijuana items, Effective January 1, 2022 | Under 475C.521, the Governor may enter into an agreement with a federally recognized Tribe for the purpose of coordinating and enforcing marijuana-related businesses licensed to conduct business on tribal trust land by the governing body of the Tribe.<br><br>Under Sec. 475C.18, The Department of Revenue may enter into an agreement with a federally recognized Indian tribe for the purpose of making rebate payments for an estimate of the tax on marijuana produced on tribal trust land and cannabinoid concentrates that are processed on tribal trust land. |

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| Utah | Enacted<br><br>(Cannabis) | <p><b>Utah Code § 4-41a-105,</b><br/>Agreement with a tribe<br/>(cannabis), Effective<br/>December 3, 2018.</p> <p><b>Utah Code § 26-61a-108,</b><br/>Agreement with a tribe,<br/>(medical cannabis),<br/>Effective December 3, 2018</p> | <p>Under 4-41a-105, the<br/>Governor may enter into an<br/>agreement with a tribe to allow<br/>for the operation of a cannabis<br/>production establishment on<br/>tribal land in Utah.</p> <p>Under 26-61a-108, the<br/>Governor may enter into an<br/>agreement with a Tribe for the<br/>operation of medical cannabis<br/>pharmacies on tribal land in<br/>Utah.</p> |
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| Washington | Enacted<br>(Cannabis) | <p><b>Revised Code of Washington § 43.06.490</b>, Marijuana agreements-- Federally recognized Indian tribes--Tribal marijuana tax--Tax exemption, Effective June 9, 2022</p> <p><b>Revised Code of Washington § 69.50.360 &amp; 69.50.363</b>, Cannabis retailers, employees of retail outlets--Certain acts not criminal or civil offenses Effective: June 9, 2022</p> | <p>Governor of Washington may enter into agreements with Tribes concerning cannabis. Any cannabis agreement relating to the production, processing, and sale of cannabis in Indian country, whether for recreational or medical purposes, must address: (a) Preservation of public health and safety; (b) Ensuring the security of production, processing, retail, and research facilities; and (c) Cross-border commerce in cannabis. Such agreement may allow the exemption of excise tax on cannabis grown, produced, or processed on Tribal lands.</p> <p>Sec. 69.50.360-69.50.360 states that the purchase, receipt, sale, delivery and distribution of cannabis concentrates, useable cannabis, or cannabis-infused products that have been packaged and labeled from a federally recognized Indian tribe is permitted under compact agreements pursuant to RCW 43.06.490.</p> |
| Wyoming    | Enacted<br>(Hemp)     | <b>Wyoming Statutes § 11-51-105</b> , Rules; agreements; research activities (hemp), Effective March 24, 2020   | The Department of Agriculture may enter into agreements with tribal governments related to hemp production and the processing of hemp products.  |

**PENDING OR RECENT LEGISLATION RELATING TO TRIBES**

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| <p>Michigan</p> | <p>Pending/Recent Legislation<br/><br/>(Recreational Cannabis)</p> | <p><b>Michigan H.B. 5706:</b><br/>Engrossed September 21, 2022, Marihuana: other; tribal marihuana businesses; allow marijuana regulatory agency to contract with Indian tribes regarding operation of.</p> | <p>In November 2018, Michigan voters approved the Michigan Regulation and Taxation of Marihuana Act (MRTMA), which legalized adult-use marijuana for individuals 21 and older. The MRTMA, however, does not address how Michigan's tribes can participate in Michigan's marijuana industry.</p> <p>Michigan House Bill 5706 revises the MRTMA to create a new marihuana business category of a “Tribal marihuana business”, defined as a tribal-owned business that operates on that tribe’s Indian Land (references the federal definition of Indian Lands in the Indian Gaming Regulatory Act). Under the bill, tribal marihuana businesses are permitted to do business with non-tribal state licensed marijuana establishments if the tribe enters into a compact agreement with the Marijuana Regulatory Agency.</p> <p>The bill also provides that the excise tax collected on marijuana transactions, if completed on tribal lands, would be returned to the Tribe. The percentage of revenue shared or returned is dependent on the transaction type.</p> |
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| Minnesota | <p>Pending/Recent Legislation</p> <p>(Medical Cannabis)</p> | <p><b>Minnesota S.F. 3981</b>, Introduced March 14, 2022, Tribal medical cannabis program authorization.</p> <p><b>Minnesota H.F. 3162</b>, Engrossed February 17, 2022, Tribal medical cannabis program operation provided, Tribal patient dual registration established, medical cannabis transportation by manufacturers registered with Tribal medical cannabis programs provided, medical cannabis Tribal compacts authorized, and report required.</p> <p><b>Minnesota H.F. 600</b>, Omnibus Cannabis bill, passed as amended May 13, 2021 (featuring a provision on medical cannabis compacts), Companion bill S.F. 757</p> | <p>In May 2014, Minnesota established a patient registry program administered by the Minnesota Department of Health (MDH), and allows qualifying patients enrolled in the registry to possess and use cannabis for medical purposes.</p> <p>S.F. 3981 and its companion bill H.F. 3162 revises the medical cannabis Act to allowing the operating of Tribal Medical Cannabis programs after entering into a compact with Minnesota, and for patients to have dual medical registration under state and tribal registries.</p> <p>H.F. 600 was introduced and co-sponsored by Democratic legislators to legalize recreational marijuana for adults and create a framework for medical marijuana. The bill also authorizes negotiations between the State and Tribes relating to medical cannabis products (but not recreational).</p> |
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| <p>Kansas<br/>*2023<br/>Legislative<br/>Session<br/>Update*</p> | <p>Pending/Recent<br/>Legislation<br/><br/>(Medical<br/>Cannabis and<br/>Authorizes<br/>Compact)</p> | <p><b>Senate Bill 135</b><br/>Introduced February 1,<br/>2023.<br/><br/>Kansas previously<br/>introduced <b>Kansas Senate<br/>Bill 560</b> in March 11, 2022,<br/>enacting the medical<br/>marijuana regulation act to<br/>regulate the cultivation,<br/>processing, distribution, sale<br/>and use of medical<br/>marijuana (features a<br/>provision on tribal<br/>compacts). This legislation<br/>was not passed out of<br/>Committee.</p> | <p>S.B 135legalizes medical<br/>marijuana in Kansas. Under the<br/>bill, patients with certain<br/>conditions would be entitled to<br/>obtain topical, edible, and<br/>other non-smokeable<br/>marijuana. The bill allows the<br/>Secretary of Revenue, in<br/>consultation with the Secretary<br/>of Health and Environment, to<br/>enter into a compact agreement<br/>with nay of the Prairie Band<br/>Potawatomi Nation, Iowa<br/>Tribe of Kansas and Nebraska,<br/>the Sac and Fox Nation of<br/>Missouri in Kansas and<br/>Nebraska, and the Kickapoo<br/>Tribe in Kansas to allow<br/>Kansas licensed and tribal<br/>licensed marijuana businesses<br/>to provide for a free market<br/>exchange.</p> |
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| Wisconsin | Pending/Recent Legislation<br><br>(Cannabis) | <p><b>Wisconsin A.B. 440/S.B. 440:</b> Amended January 25, 2022, Butane extraction of resin from marijuana plants and providing a penalty.</p> <p><b>Wisconsin A.B. 846/S.B. 545</b> Legalizing recreational marijuana, granting rule-making authority, making an appropriation, and providing a penalty, Introduced January 18, 2022 (featuring a provision on agreements with tribes).</p> | <p>440/S.B. 440 created a distinction between traditional flower marijuana and butane hash oil, provided additional penalties for the use of hash oil, and provided that Tribes may enter into a compact with the State to enforce this bill. The legislation was veto'd by Governor Evers as it aimed to limit hash oil use and further criminalized marijuana use.</p> <p>A.B. 846 was introduced and co-sponsored by Democratic legislators to legalize recreational marijuana. In Wisconsin, currently, individuals are prohibited from manufacturing, distributing, or delivering marijuana. Under the bill, Wisconsin residents over the age of 21, or a qualified patient, may possess 2 ounces of marijuana, and non-residents may possess ¼ ounce of marijuana. The bill decriminalizes marijuana related crimes, creates a medical marijuana registry, and provides equity grants based on the excise tax on the marijuana. Additionally, under the bill, Tribes may enter into a compact with the State to provide refunds of the excise tax sold on tribal land or to enrolled members of the Tribe.</p> |
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| <p>Minnesota<br/>*2023<br/>Legislative<br/>Session<br/>Update*</p> | <p>Pending/Recent<br/>Legislation<br/><br/>(Recreational<br/>Cannabis, and<br/>Compact<br/>Provision)</p> | <p><b>Minnesota HF 100</b><br/>Introduced January 5, 2023<br/><br/><b>Minnesota S.F. 73</b><br/>(Companion Bill)</p> | <p>House Bill 100 establishes a regulatory framework for adult-use cannabis and lower dose cannabinoid products, moves the medical cannabis program under the newly created Office of Cannabis Management, establishes taxes on adult-use cannabis, creates grants to assist individuals entering into the legal cannabis market, amends criminal penalties, provides for expungement and resentencing of certain convictions, provides for temporary regulation of hemp-derived edible cannabinoid products, reschedules marijuana, and appropriates money.</p> <p>Authorizes the governor, or the governor’s designee to enter into compacts with Indian Tribes to permit the Tribes to provide medical and recreational cannabis.</p> |
| <p>Utah<br/>*2023<br/>Legislative<br/>Session<br/>Update*</p>      | <p>Pending/Recent<br/>Legislation<br/><br/>(Medical<br/>Cannabis<br/>Compact)</p>                         | <p><b>Utah H.B. 72</b><br/>Introduced December 20,<br/>2023</p>  | <p>Revises the Utah Medical Cannabis Act.</p> <p>Authorizes the governor to enter into agreements with federally recognized tribes to permit the operation of a cannabis production establishment or a medical cannabis pharmacy.</p>  |

**TRIBAL CODE or COMPACT AGREEMENTS**

| State  | Tribe                   | Compact Type and Authority  | Notes  |
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| Nevada | Timbisha Shoshone Tribe | <p><b>Cannabis Agreement,</b> made by and between Timbisha Shoshone Tribe and the State of Nevada pursuant to Nevada Revised Statutes Sections 22.250 and 277.080 through 277.170, dated as of March 26, 2021</p> | <p>The Compact regulates the Tribe and members regarding the cultivation, processing, and sale of medical marijuana and retail cannabis products on Tribal land, provides that the Tribe may sell medical marijuana on Tribal land, and sell medical marijuana and purchase medical marijuana products from state licensees.</p> <p>No excise tax or charge may be imposed collected from the Tribe or related entities on Tribal land, except for sales to state licensed establishments. The Tribe may impose and maintain a Tribal Tax if used for essential government services and community social programs.</p> <p>The term of the compact is 5 years unless terminated or renewed. Compact automatically renews successive 5-year terms unless terminated.</p> |

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| <p>Nevada</p> | <p>Pyramid Lake Paiute Tribe</p>                                 | <p><b>Medical Marijuana Compact</b> between, the Pyramid Lake Paiute Tribe and the State of Nevada, dated as of September 8, 2017.</p>  | <p>The Compact regulates the Tribe and members regarding the cultivation, processing, and sale of medical marijuana products, provides that the Tribe may sell medical marijuana and purchase medical marijuana products from state licensees.</p> <p>No excise tax or charge may be imposed collected from the Tribe or related entities, but the Tribe may impose and maintain a Tribal Tax if used for essential government services.</p> <p>The term of the compact is 10 years unless terminated or renewed. Compact automatically renews successive 10-year terms unless terminated.</p>                                   |
| <p>Nevada</p> | <p>Elko Band Colony of the Te-Moak Tribe of Western Shoshone</p> | <p><b>Cannabis Agreement</b>, made by and between Elko Band Colony of the Te-Moak Tribe of Western Shoshone and the State of Nevada pursuant to Nevada Revised Statutes Sections 277.080 through 277.170, dated as of January 12, 2020.</p> | <p>The Compact regulates the Tribe and members regarding the cultivation, processing, and sale of cannabis products on Tribal land, provides that the Tribe may sell medical marijuana on Tribal land, and sell cannabis products to or buy from state licensees.</p> <p>No excise tax or charge may be imposed collected from the Tribe or related entities on Tribal land, but the Tribe may impose and maintain a Tribal Tax if used for essential government services.</p> <p>The term of the compact is 10 years unless terminated or renewed. Compact automatically renews successive 10-year terms unless terminated.</p> |

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| Nevada | Fallon Paiute-Shoshone Tribe | <p><b>Marijuana Compact</b> between, the Fallon Paiute-Shoshone Tribe and the State of Nevada, dated as of February 20, 2018.</p> | <p>The Compact regulates the Tribe and members regarding the cultivation, processing, and sale of marijuana products on Tribal land, provides that the Tribe may cultivate, process and sell marijuana on Tribal land, and may purchase and sell marijuana products to or buy from state licensees.</p> <p>No excise tax or charge may be imposed collected from the Tribe or related entities on Tribal land, but the Tribe may impose and maintain a Tribal Tax if used for essential government services.</p> <p>The term of the compact is 10 years unless terminated or renewed. Compact automatically renews successive 10-year terms unless terminated.</p> |
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| Nevada | Moapa Band of Paiute Indians | <p><b>Cannabis Agreement</b>, made by and between Moapa Band of Paiute Indians and the State of Nevada pursuant to Nevada Revised Statutes Sections 277.080 through 277.170, dated as of April 16, 2021.</p> | <p>The Compact regulates the Tribe and members regarding the cultivation, processing, and sale of medical marijuana and retail cannabis products on Tribal land, provides that the Tribe may sell medical marijuana on Tribal land and sell marijuana products to or buy from state licensees.</p> <p>No excise tax or charge may be imposed collected from the Tribe or related entities on Tribal land, except for sales to state licensed establishments., The Tribe may impose and maintain a Tribal Tax if used for essential government services and community social programs.</p> <p>The term of the compact is 10 years unless terminated or renewed. Compact automatically renews successive 10-year terms unless terminated.</p> |
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| Washington | Nooksack Indian Tribe | <p><b>Marijuana Compact</b> between the Nooksack Indian Tribe and the State of Washington, dated as of March 25, 2021, pursuant to Section 69.50 and 69.51A of the Washington Revised Code</p> | <p>The Compact permits the Tribe and Tribe enterprises to purchase and sell products from Washington licensed marijuana businesses, sell marijuana products on Tribe land, produce and process marijuana products on Tribal land. Additionally, drive through purchase facilities is prohibited.</p> <p>No excise tax or charge may be imposed against or collected from the Tribe, but the Tribe may impose and maintain a Tribal Tax.</p> <p>The Tribe agrees to certain safety measures and cooperation.</p> <p>The term of the compact is 10 years unless terminated or renewed. Compact automatically renews successive 10-year terms unless terminated.</p> |
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| Washington | Swinomish Tribe | <p><b>Marijuana Compact</b> between the Swinomish Tribe and the State of Washington, dated as of September 15, 2015, pursuant to Section 43.06.490 of the Washington Revised Code</p> <p><b>Swinomish Tribal Code T. 15, Ch. 8, App. 15–08.040</b> (August 9, 2017)</p> <p><b>Swinomish Tribal Code T. 15, Ch. 8, App. 15–08.060</b> (October 10, 2017 and August 9, 2017)</p> <p style="text-align: center;">Excerpt (A) (1)</p> <p>The Tribe or any Tribal Enterprise must obtain cannabis from the Tribe, a Tribal enterprise, a business operated by an Indian tribe that has entered into a compact with the State of Washington, or a business licensed by the State of Washington.</p> | <p>The Compact regulates the Tribe and members regarding: the purchase of marijuana products from Washington licensed marijuana businesses, the production and processing of marijuana products on Tribal land, and the purchase of state marijuana licenses.</p> <p>No excise tax or charge may be imposed against or collected from the Tribe, but the Tribe may impose and maintain a Tribal Tax if used for essential government services.</p> <p>The Tribe agrees to certain safety measures and cooperation.</p> <p>The term of the compact is 10 years unless terminated or renewed. Compact automatically renews successive 10-year terms unless terminated.</p> <p>Under Code T.15 Ch. 8, The Tribe enacted Chapter in order to strictly regulate and control the production, processing, distribution, sale and use of cannabis in Indian Country consistent with (1) federal Department of Justice guidance, including the Policy Statement Regarding Marijuana Issues in Indian Country issued to all U.S. Attorneys on October 28, 2014; (2) the Marijuana Compact between the Tribe and the State of Washington; and (3) Tribal priorities to protect the health, safety, and general welfare of the Tribe, its members, its employees, residents and visitors.</p> |
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| <p>New Mexico</p> | <p>Pueblo of Picuris and the Pueblo of Pojoaque</p>              | <p>Intergovernmental Cannabis Agreement Between the New Mexico Regulation and Licensing Department and the Pueblo of Picuris and the Pueblo of Pojoaque, dated March 26, 2022.</p> | <p>The Cannabis Regulation Act, which Governor Lujan Grisham signed into law in April 2021 to legalize adult-use cannabis in New Mexico, authorized intergovernmental agreements to enable the state’s tribal communities to participate in the market.</p> <p>New Mexico does not provide a copy of the compact, but has provided that the agreement expires March of 2032, or later.</p>   |
| <p>California</p> | <p>Iipay Nation of Santa Ysabel and the Elk Valley Rancheria</p> | <p>No Express Compact Authorizing but entered legal market</p>   | <p>Iipay Nation of Santa Ysabel enacted tribal laws and regulations, authorizing cannabis cultivation and sale all within the bounds of its reservation. Regulated by the Santa Ysabel Tribal Cannabis Regulatory Agency, the Mountain Source Dispensary and cannabis cultivation facility are located in and around the tribes' closed casino.</p> <p>The Elk Valley Rancheria entered into an agreement with the county, providing for tribal regulation of cannabis activity on tribal lands.</p> |