

CANNABIS RULES & REGULATIONS

Part One – Purpose

101. PURPOSE – Tribal oversight and regulation is essential to protect public health and welfare, and to protect the interests of the Tribe and of residents and visitors to the Bay Mills Indian Community lands. Bay Mills Indian Community has the legal authority to license and regulate any cannabis activity within the jurisdiction of the Tribe.
102. CANNABIS REGULATORY COMMISSION – Subject to the powers outlined in the Cannabis Regulatory Commission Ordinance, the Cannabis Regulatory Commission shall promulgate these rules and regulations to effectuate the safety of cannabis on Bay Mills Indian Community lands.

Part Two – Definitions

103. DEFINITIONS – In these rules and regulations, except as otherwise specifically provided or the context otherwise requires, the following terms and expressions shall have the following meanings:
- A. “Activation Time” means the amount of time it is likely to take for an individual to begin to feel the effects of ingesting or inhaling a cannabis item.
 - B. “Batch” means all cannabis product of the same variety that has been processed together and exposed to substantially similar conditions throughout processing.
 - C. “Cannabis” means all parts of the plant of the genus cannabis, growing or not; the seeds of the plant; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including cannabis concentrate and cannabis-infused products. For purposes of these rules and regulations, cannabis does not include:
 - 1. the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from those stalks, fiber, oil, or cake, or any sterilized seed of the plant that is incapable of germination;
 - 2. industrial hemp; or
 - 3. any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other products.
 - D. “Cannabis Concentrate” means the resin extracted from any part of the plant of the genus cannabis.
 - E. “Cannabis Customer” means an adult 21 years of age or older.
 - F. “Cannabis Establishment” means a location at which a licensee is licensed to operate a cannabis grower, cannabis processor, cannabis retailer, cannabis secure transporter, or

any other type of cannabis-related business licensed to operate by the Cannabis Regulatory Commission under these rules and regulations or similarly licensed under another jurisdiction.

- G. “Cannabis Grower” means a person licensed to cultivate cannabis and sell or otherwise transfer cannabis to cannabis establishments.
- H. “Cannabis-Infused Products” means a topical formulation, tincture, beverage, edible substance, or similar product containing cannabis and other ingredients and that is intended for human consumption.
- I. “Cannabis Plant” means a living plant of the species *cannabis sativa* capable of producing its own food through food synthesis and is in a grow medium.
- J. “Cannabis Processor” means a person licensed to obtain cannabis from cannabis establishments; process and package cannabis; and sell or otherwise transfer cannabis to cannabis establishments.
- K. “Cannabis Product” means cannabis, cannabis concentrate, cannabis-infused products or cannabis edibles.
- L. “Cannabis Retailer” means a person licensed to obtain cannabis from cannabis establishments and to sell or otherwise transfer cannabis to cannabis establishments and to individuals who are 21 years of age or older.
- M. “Cannabis Secured Transporter” means a person licensed to obtain cannabis from cannabis establishments in order to transport cannabis to cannabis establishments.
- N. “Employee” means a person performing work or service for compensation.
 - 1. “Employee” does not include individuals providing trade or professional services who are not normally engaged in the operation of a cannabis business.
- O. “Final Form” means the form a cannabis product is in when it is available for sale by a cannabis sales location. For cannabis products intended for inhalation, the cannabis concentrate in the e-cigarette or vaping device.
- P. “Immature Plant” means a nonflowering cannabis plant that is no taller than 8 inches from the growing or cultivating medium and no wider than 8 inches produced from a cutting, clipping, tissue culture, or seedling that is in a growing or cultivating medium or in a growing or cultivating container.
- Q. “Limited Access Area” means a building, room, or other contiguous area of a cannabis business where cannabis is grown, cultivated, stored, weighed, packaged, sold, or processed for sale and that is under the control of the licensee.
- R. “Package Tag” means a tag supplied through the tribal monitoring system for the purpose of identifying a package containing cannabis product.

- S. “Seed” means the fertilized, ungerminated, matured ovule, containing an embryo or rudimentary plant, of a cannabis plant that is flowering.
- T. “Seedling” means a cannabis plant that has germinated and has not flowered and is not harvestable.
- U. “State Licensee” means a person holding a license under the Michigan Regulation and Taxation of Marihuana Act.
- V. “State-wide Monitoring System” means the statewide seed-to-sale marijuana tracking database.
- W. “Tissue Culture” means plant tissue of the species *Cannabis sativa* L. that is intend for cell propagation.
- X. “Tribal Monitoring System” means an internet-based database established, implemented, and maintained directly or indirectly by the Cannabis Regulatory Commission that is available to licensees, tribal law enforcement agencies, and other authorized agencies or departments by the Cannabis Regulatory Commission on a 24-hour basis for all of the following:
 - 1. Tracking cannabis transfer and transportation by licensees, including transferee, date, quantity, and price.
 - 2. Verifying in a commercially reasonable time that a transfer will not exceed the limit that the cannabis customer is authorized to receive under these rules and regulations or any subsequent rules.
- Y. “Tribal-State Agreement” means the *Agreement Among the Michigan Cannabis Regulatory Agency, the Michigan Department of Treasury, and Bay Mills Indian Community* dated July 24, 2025, including as may be amended.

Part Three – Licenses

- 104. LICENSE PERMISSIONS – Under the power of the General Tribal Council, as delegated to the Executive Council, the Cannabis Regulatory Commission has the authority to grant, subject to further annual review and approval by the Cannabis Regulatory Commission, cannabis grower licenses, processor licenses, retailer licenses, and secure transporter licenses to wholly owned enterprises of the Bay Mills Indian Community that meet the requirements in these rules and regulations.
- 105. GROWER LICENSE - A cannabis grower license authorizes the cannabis grower to grow not more than Class A – 10,000 cannabis plants.
 - A. Except as otherwise provided in these rules and regulations, a cannabis grower license authorizes the sale of cannabis plants only by means of a cannabis secure transporter.
 - B. A cannabis grower license authorizes the sale or transfer of seeds, seedlings, tissue cultures, or immature plants to a cannabis grower from another cannabis grower

without using a cannabis secure transporter.

- C. A cannabis grower license authorizes a cannabis grower to transfer cannabis without using a cannabis secure transporter to a cannabis processor or cannabis retailer if both of the following are met:
 - 1. The cannabis processor or cannabis retailer occupies the same location as the cannabis grower and the cannabis is transferred using only private real property without accessing public roadways.
 - D. The cannabis grower must enter each transfer into the tribal monitoring system.
 - E. A cannabis grower license authorizes sale of cannabis, other than seeds, seedlings, tissue cultures, immature plants, and cuttings, to a cannabis processor or cannabis retailer.
 - F. A cannabis grower license authorizes the cannabis grower to transfer cannabis only by means of a cannabis secure transporter.
 - G. A cannabis grower must enter all transactions, current inventory, and other information into the tribal monitoring system as required in these rules and regulations.
 - H. A cannabis grower may accept the transfer of cannabis seeds, tissue cultures, and clones at any time from another grower licensed under by the State of Michigan, another Tribal Entity, these rules and regulations, or all.
106. PROCESSOR LICENSE - A cannabis processor license authorizes purchase or transfer of cannabis or cannabis-infused products from a licensed cannabis establishment and sale or transfer of cannabis-infused products or cannabis to only a licensed cannabis establishment.
- A. Cannabis processor license authorizes a cannabis processor to transfer cannabis only by means of a cannabis secure transporter.
 - B. A cannabis processor license authorizes a cannabis processor to transfer cannabis without using a cannabis secure transporter to a cannabis grower, cannabis processor, or cannabis retailer if both of the following are met:
 - 1. The cannabis grower, cannabis processor, or cannabis retailer occupies the same location as the cannabis processor and the cannabis is transferred using only private real property without accessing public roadways.
 - C. The cannabis processor must enter each transfer into the tribal monitoring system.
 - D. A cannabis processor must enter all transactions, current inventory, and other information into the tribal monitoring system as required in these rules and regulations.

107. RETAILER LICENSE - A cannabis retailer license authorizes the purchase or transfer of cannabis or cannabis-infused products from only a licensed cannabis establishment and sale or transfer to only a licensed cannabis establishment or an individual 21 years of age or older.
- A. Except as otherwise provided in these rules and regulations, all transfers of cannabis to a cannabis retailer from a separate cannabis establishment must be by means of a cannabis secure transporter.
 - B. A transfer of cannabis to a cannabis retailer from a cannabis establishment that occupies the same location as the cannabis retailer does not require a cannabis secure transporter if the cannabis is transferred to the cannabis retailer using only private real property without accessing public roadways.
 - C. A cannabis retailer license authorizes the cannabis retailer to transfer cannabis to or from a cannabis safety compliance facility for testing by means of a cannabis secure transporter or as provided in these rules and regulations.
 - D. A cannabis retailer shall comply with all of the following:
 - 1. Sell or transfer cannabis to an individual 21 years of age or older only after it has been tested in accordance with these rules and regulations and bears the label required for retail sale.
 - 2. Enter all transactions, current inventory, and other information into the tribal monitoring system as required in these rules and regulations.
 - 3. Before selling or transferring cannabis to an individual 21 years of age or older, verify the individual appears to be 21 years of age or older by means of government-issued photographic identification containing a date of birth and that the sale or transfer will not exceed the single transaction limit in these rules and regulations, and in compliance with the other requirements in these rules and regulations.
 - 4. The transferred cannabis product must be entered and tracked in the tribal monitoring system as required by the Bay Mills Cannabis Regulatory Commission.
 - 5. Ensure that the entirety of the cannabis retail establishment is within the view of a video-recording security system.
 - 6. Require cannabis product available for sale at a cannabis retail establishment be secured by lock and key, or other security device, which prevents unauthorized access to the product except at the time of sale.
 - 7. Any other reasonable additional requirements set by the Cannabis Regulatory Commission upon the retailer's license application, including but not limited to, restrictions on on-site consumption, temporary event licenses, advertising and signage restrictions, access and public view requirements, and employee cross-training standards.

108. SECURE TRANSPORTER LICENSE - A secure transporter license authorizes the licensee to store and transport cannabis and money associated with the purchase or sale of cannabis between cannabis establishments for a fee upon request of a person with legal custody of that cannabis or money.
- A. A cannabis secure transporter shall enter all transactions, current inventory, and other information into the tribal or state monitoring system as applicable and required in these rules.
- B. A cannabis secure transporter shall comply with all of the following:
1. Each driver transporting cannabis must have a chauffeur's license issued by a State government.
 2. The secure transporter must have proof of auto insurance, vehicle registration, and registration as a commercial motor vehicle.
 3. Each vehicle must be operated with a 2-person crew with at least 1 individual remaining with the vehicle at all times during the transportation of cannabis.
 4. A route plan and manifest must be entered into the tribal or state monitoring system as applicable, and a copy of both the route plan and manifest must be carried in the transporting vehicle, followed, and presented to a law enforcement officer upon request.
 5. The cannabis must be transported in 1 or more sealed containers and not be accessible while in transit.
 6. A secure transporting vehicle must not bear markings or other indication that it is carrying cannabis or a cannabis-infused product.
 7. A secure transport vehicle may be stored at a location that is not the primary place of business of the secure transporter if the vehicle does not contain cannabis products at the time of storage, and the address of storage is reported to the Cannabis Regulatory Commission in the licensee's staffing plan.
 8. A cannabis secure transporter is subject to administrative inspection by a Bay Mills law enforcement officer at the direction of the Cannabis Regulatory Commission at any point during the transportation of cannabis to determine compliance with these rules and regulations. A cannabis secure transporter may also be subject to inspection by the Michigan Cannabis Regulatory Agency when transporting marijuana outside of Indian lands.
- C. A cannabis secure transporter may also transport marijuana and money to or from the Tribe's Indian lands to a State licensee, but only if the following additional conditions are met:
1. Each transporter vehicle must contain a copy of the Tribal-State Agreement while transporting cannabis.

2. The driver transporting cannabis shall not have been convicted of or released from incarceration for a felony within the past 5 years, or have been convicted of a misdemeanor involving a controlled substance within the past 5 years.
3. The sealed transport container used for transporting the cannabis inside the vehicle must be secured by either a locked, closed lid or door, or sealed with tamper-proof tape or other equivalent protections to ensure the receiving facility can verify the product has not been tampered with during transit.
4. Any money transported must be logged and tracked, and records of such transport must be made available to the Cannabis Regulatory Commission and the Michigan Cannabis Regulatory Agency upon request.
5. The transporter shall not possess cannabis not on a manifest, and shall not purchase or sell cannabis while engaged in transport activity.
6. The transporter shall not maintain custody of the cannabis product for more than 96 hours, unless express written permission is granted by the Cannabis Regulatory Commission.
7. The secure transporter must remain onsite following the delivery of cannabis until the product has been weighed and accepted or rejected by the tribal or State licensee.

Part Four – Cannabis Sale or Transfer

109. TRACKING – All cannabis products sold or transferred between cannabis businesses must have the tracking identification numbers that are assigned by the tribal monitoring system, and state monitoring system if applicable, affixed, tagged, or labeled and recorded, and any other information required by the Cannabis Regulatory Commission and these rules and regulations.
- A. To ensure access to safe sources of cannabis products, the Cannabis Regulatory Commission, if alerted in the tribal or state monitoring systems, may place an administrative hold on cannabis products, recall cannabis products, issue safety warnings, and require a cannabis business to provide information material or notifications to a cannabis customer at the point of sale.
 - B. A cannabis business shall not sell or transfer cannabis product that has been placed or administrative hold, recalled, or ordered to be destroyed.
 - C. A cannabis business must verify in the tribal monitoring system, and state monitoring system if applicable, prior to any sale or transfer, that the cannabis product has not been placed on an administrative hold, recalled, or ordered to be destroyed.
 - D. Any cannabis products sold to, purchased from, or transferred to or from a State licensee, must be entered into the statewide monitoring system in accordance with the administrative rules applicable to State licensees, such that the marijuana can be traced in the statewide monitoring system from its origin to its final sale or destruction,

including results for all testing required.

110. TRACKING REQUIREMENTS - Before a cannabis plant is sold or transferred, a package tag must be affixed to the plant or plant container and enclosed with a tamper proof seal that includes all of the following information:
- A. Name of the business, licensee number, and the RFID package tag assigned by the tribal monitoring system that is visible. This includes:
 - 1. Name of the strain.
 - 2. Date of harvest, if applicable.
 - 3. Universal symbol, if applicable.
111. LABEL AND PACKAGE REQUIREMENTS - Before a cannabis product is sold or transferred to or by a cannabis retail location, the container, bag, or product holding the cannabis product must be sealed and labeled with all of the following information:
- A. The name and the license number of the processor, including business or trade name, and tag and source number as assigned by the tribal monitoring system.
 - B. The name and the cannabis license number of the licensee that packaged the product, including business or trade name, if different from the processor of the cannabis product. This includes:
 - 1. The unique identification number for the package or the harvest, if applicable.
 - 2. Date of harvest, if applicable.
 - 3. Name of strain, if applicable.
 - 4. Net weight in United States customary and metric units.
 - 5. Concentration of Tetrahydrocannabinol (THC) and cannabidiol (CBD) as reported by the laboratory after potency testing along with a statement that the actual value may vary from the reported value by 10%.
 - 6. Activation time expressed in words or through a pictogram if it is a cannabis infused product or cannabis edible.
 - 7. Name of the laboratory that performed any test, and any test analysis date.
 - 8. A warning that states all the following: "It is illegal to drive a motor vehicle while under the influence of cannabis." "National Poison Control Center 1-800-222-1222." "WARNING: Use by pregnant or breastfeeding women, or by women planning to become pregnant, may result in fetal injury, preterm birth, low birth weight or developmental problems for the child."

- C. For all other products being sold by a licensee “For use by individuals 21 years of age or older or registered qualifying patients only. Keep out of reach of children.”
 - D. For the purposes of compliance with labeling requirements of the State of Michigan, the terms “marihuana” and “marijuana” may replace the tribal naming convention that uses “cannabis” to refer to products grown and sold by Tribal Marihuana Businesses, as defined in the Tribal-State Agreement.
112. SALE OR TRANSFER - A cannabis retail location may sell or transfer cannabis or a cannabis product to a cannabis customer if all of the following are met:
- A. The cannabis product has not been placed on administrative hold, recalled, or ordered to be destroyed.
 - B. The licensee confirms that the cannabis customer presented his or her valid driver’s license or government-issued identification card that bears a photographic image and proof that the individual is 21 years of age or older.
 - C. The licensee determines the completed transfer or sale will not exceed the purchasing limit prescribed in these rules and regulations.
 - D. Any cannabis product that is sold or transferred under this rule has been tested in accordance with these rules and regulations and is labeled and packaged for sale or transfer in accordance with these rules and regulations.
 - E. A cannabis retail location shall enter all transactions, current inventory, and other information required by these rules and regulations in the tribal monitoring system. The cannabis retail location shall maintain appropriate records of all sales or transfers as required by these rules and regulations and make them available to the Cannabis Regulatory Commission upon request.
 - F. A cannabis retailer is not required to retain information from customers other than the following:
 - 1. Payment method.
 - 2. Amount of payment.
 - 3. Time of sale.
 - 4. Product quantity.
 - 5. Other product descriptors.
113. PURCHASING REQUIREMENTS - A cannabis retailer is prohibited from making a sale or transferring cannabis to an adult 21 years of age or older in a single transaction that exceeds 2.5 ounces, except that not more than 15 grams of cannabis may be in the form of cannabis concentrate.
- A. A cannabis retail location may sell no more than 3 immature plants to a cannabis

customer per transaction.

114. ADVERTISING REQUIREMENTS - A cannabis product may only be advertised or marketed in a way that complies with the following:
- A. Cannabis product must not be advertised in a way that is deceptive, false, or misleading. A person shall not make any deceptive, false, or misleading assertions or statements on any cannabis product, sign, or document provided.
 - B. Cannabis product marketing, advertising, packaging, and labeling must not contain any claim related to health or health benefits, unless a qualified health claim has received and complies with a Letter of Enforcement Discretion issued by the United States Food and Drug Administration (FDA), or the health claim has been approved under the significant scientific agreement standard by the FDA.
 - C. A cannabis product must be marketed or advertised as “cannabis” for use only by individuals 21 years of age or older.
 - D. A cannabis product must not be marketed or advertised to individuals under 21 years of age. Sponsorships targeting individuals under 21 years of age are prohibited.
115. INTERNAL SAMPLES - A grower, processor, cannabis retail location, or cannabis microbusiness may provide internal product samples directly to its employees engaged in research, development, or growing activities for the purpose of ensuring product quality and making determinations about whether to sell the cannabis product.
- A. Internal product samples may not be transferred or sold to another licensee or consumer.
 - B. Any internal product sample provided under this rule must be recorded in the tribal monitoring system.
 - C. A grower is limited to providing a total of 3.5 grams of each new or modified strain of flower samples to each of their employees engaged in research, development, or growing activities in a 30-day period.
 - D. A processor is limited to providing cannabis infused products with a total THC content of 200 mgs of internal product samples to each of their employees engaged in research, development, or growing activities in a 30-day period.
116. PRODUCT DEVELOPMENT - A grower or processor may engage in product development. No other cannabis business may engage in product development.
- A. A grower may designate cannabis plants for product development. Any cannabis plants designated for product development count towards the authorized total amount of cannabis plants for a grower and must be tracked in the tribal monitoring system.
 - B. A processor may designate cannabis concentrate, infused products or edible cannabis products for product development. Any cannabis concentrates designated for product development must be tracked in the tribal monitoring system.

- C. A licensee engaged in product development may submit their product development inventory to a laboratory for research and development testing in accordance with this Ordinance.
- D. Disciplinary action shall not be taken against a licensee for failed research and development test results on their product development inventory.
- E. A licensee authorized under this rule to engage in product development may transfer its product development inventory to its employees for consumption. A licensee shall have product development inventory tested before transfer to its employees. The licensee shall not transfer or sell product development inventory to their employees until after test results in the tribal monitoring system indicate a passed test. Any product development inventory that is not properly transferred to an employee must be destroyed pursuant to these rules and regulations.
- F. The inventory designated for product development may not be consumed or used on the premises of the licensee.
- G. A licensee shall not transfer or sell inventory designated for product development to a cannabis retail location, or to a cannabis customer, until after test results in the tribal monitoring system indicate a passed test.
- H. A licensee authorized under this rule to engage in product development may also engage in a research study with a college, university, or hospital approved by the United States Food and Drug Administration and sponsored by a non-profit organization or researcher within an academic institution researching cannabis. A licensee's participation in a research study must be approved by the Cannabis Regulatory Commission.

Part Five – Sampling and Testing

117. IDENTIFICATION AND TESTING - A grower shall uniquely identify each immature plant batch with a single plant tag and record the information in the tribal monitoring system. Each immature plant batch must consist of no more than 100 immature plants.
- A. A grower shall tag each individual plant that is greater than 8 inches in height from the growing or cultivating medium or more than 8 inches in width with an individual plant tag and record the identification information in the tribal monitoring system.
 - B. A grower shall separate the plants as the plants go through different growth stages and ensure that the plant tag is always identified with the plant throughout the growth span so that all plants can be easily identified and inspected. A grower shall ensure that identification information is recorded in the tribal monitoring system in accordance with this Ordinance.
 - C. After a tagged plant is harvested, it is part of a harvest batch so that a sample of the harvest batch can be tested by a licensed laboratory. A grower shall quarantine a harvest batch from other plants or batches that have test results pending. A harvest batch must be easily distinguishable from other harvest batches until the batch is broken down into

packages.

- D. Before the cannabis product leaves the grower a sample of the harvest batch must be tested by a licensed laboratory. All test results must indicate passed in the tribal monitoring system before the cannabis is packaged. A cannabis product from harvest batches must not be transferred or sold until tested, packaged, and tagged. A cannabis product from a harvest batch that fails safety testing may only be sold or transferred under the remediation protocol.
 - 1. In the event the cannabis product is encompassed in one facility and does not leave the actual facility for processing, cannabis product then shall only be tested before sale to a consumer.
 - E. After test results show a passed test and the harvest batch is packaged, the grower shall destroy the individual plant tags. Each package must have a package tag attached. A grower shall ensure this information is placed in the tribal monitoring system in accordance with these rules and regulations.
 - F. A grower shall not transfer or sell any cannabis product that has not been packaged with a package tag attached and recorded in the tribal monitoring system in accordance with these rules and regulations.
 - G. After a processor receives or purchases a package in the tribal monitoring system, and the processor proceeds to process the cannabis product in accordance with these rules and regulations, the processor shall give the cannabis product a new package tag anytime the cannabis product changes form or is incorporated into something else.
 - H. After a package is created by a processor of the cannabis product in its final form, the processor shall have the sample tested. The processor shall not transfer or sell a cannabis product to a cannabis retail location until after test results entered into the tribal monitoring system indicate a passed test.
 - I. A cannabis retail location may sell or transfer cannabis product only to a cannabis customer under both of the following conditions:
 - 1. The cannabis product has received passing test results in the tribal monitoring system.
 - 2. The cannabis product bears the label required for retail sale, under these rules and regulations.
 - J. For any tribal grow product intended for sale to State licensees, RFID tagging must be compliant with the requirements of the statewide monitoring system and the Tribal-State Agreement.
118. TESTING REQUIREMENTS – All product sold, cultivated, or grown must pass a safety test in its final form, from a tribally licensed or State of Michigan licensed laboratory. Product sold to, purchased from, or transferred to or from a State licensee must have test results entered into the statewide monitoring system by an independent, State-licensed

marijuana safety compliance facility that is not owned in whole or in part, directly or indirectly, by the Tribe, and must fully comply with all state packaging, testing, and labeling requirements. A laboratory shall at minimum conduct the required safety tests specified in the following subdivisions:

- A. Potency analysis performed just as the cannabis product is without any corrective factor taken for moisture content that includes concentrations of the following:
 - 1. Tetrahydrocannabinol (THC).
 - 2. Tetrahydrocannabinol acid (THC-A).
 - 3. Cannabidiol (CBD).
 - 4. Cannabidiol acid (CBD-A).
 - 5. Additional cannabinoids, which may be tested with approval from the Cannabis Regulatory Commission
- B. Foreign matter inspection.
- C. Microbial screening.
- D. Chemical residue testing that includes all of the following:
 - 1. Pesticides.
 - 2. Fungicides.
 - 3. Insecticides.
- E. Heavy metals testing.
- F. Residual solvents.
- G. Water activity.

119. FAILED PRODUCT – If a sample provided to a laboratory pursuant to these rules and regulations does not pass the required safety tests, the cannabis business that provided the sample may either dispose of the entire batch from which the sample was taken and document the disposal of the sample using the tribal monitoring system as required, or may request a remediation protocol from the Commission. The Commission may publish a remediation protocol including, but not limited to, the sale or transfer cannabis product after a failed safety test.

- A. A failed cannabis product, once remediated, must pass two (2) separate tests with new samples consecutively to be eligible to proceed to sale or transfer.

Part Six – Cannabis Infused Products

120. REQUIREMENTS FOR CANNABIS INFUSED AND EDIBLE PRODUCTS - A

processor shall package and properly label cannabis infused products before sale or transfer. Cannabis infused products processed under these rules must be homogenous. The allowable variation for weight and THC and CBD concentrations between the actual results and the intended serving is to be + or – 15%.

- A. A processor of cannabis infused products shall list and record the THC concentration and CBD concentration of cannabis infused products in the tribal monitoring system and indicate the THC concentration and CBD concentration on the label along with the tag identification as required under these rules.
- B. Cannabis infused products that are part of a product recall issued in the tribal monitoring system, or by the Cannabis Regulatory Commission, if applicable, are subject to all of the following requirements:
 - 1. Must be immediately pulled from production by the processor of the cannabis infused product.
 - 2. Must be immediately removed from the sales area of a cannabis retail location.
 - 3. Must not be sold or transferred.
- C. Cannabis infused products must be stored and secured as prescribed under these rules.
- D. All non-cannabis inactive ingredients must be clearly listed on the product label. Inactive ingredients must be approved by the FDA for the intended use, and the concentration must be less than the maximum concentration listed in the FDA Inactive Ingredient database for the intended use.
- E. A processor shall label all cannabis infused product with all of the following:
 - 1. The name of the cannabis infused product.
 - 2. The ingredients of the cannabis infused product, in descending order of predominance by weight.
 - 3. The net weight or net volume of the product.
- F. For an edible cannabis product, the cannabis processor shall comply with subdivisions (A) to (D) of this Section and all of the following:
 - 1. Allergen labeling as specified by the Food and Drug Administration (FDA), Food Allergen Labeling and Consumer Protection Act of 2004 (FALCPA), 21 USC 343.
 - 2. If any health or nutritional claim is made, appropriate labeling as specified by the federal regulations regarding Food Labeling, 21 CFR part 101.

- G. A processor of edible cannabis product shall comply with all the following to ensure safe preparation:
1. Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventative
 2. Controls for Human Food, 21 CFR part 117. Any potentially hazardous ingredients used to process shelf-stable edible cannabis products must be stored at 40 degrees Fahrenheit, 4.4 degrees Celsius, or below.
 3. Current Good Manufacturing Practice in Manufacturing, Packaging, or Holding Human Food, 21 CFR part 110. A cannabis business shall ensure that any handling of cannabis product is compliant.
 4. Keep formulation records for all cannabis products. These records at a minimum must include the recipe, any additional processing in order to be shelf stable, and test results for any ingredients used.
- H. Provide annual employee training for all employees on safe food handling and demonstrate an employee's completion of this training by providing proof of food handler certification that includes documentation of employee food handler training, including, but not limited to, allergens and proper sanitation and safe food handling techniques. Any course taken pursuant to this rule must be conducted for not less than 2 hours and cover all of the following subjects:
1. Causes of foodborne illness, highly susceptible populations, and worker illness.
 2. Personal hygiene and food handling practices.
 3. Approved sources of food.
 4. Potentially hazardous foods and food temperatures.
 5. Sanitization and chemical use.
 6. Emergency procedures, including, but not limited to, fire, flood, and sewer backup.
 7. Have an employee who is certified as a Food Protection Manager.
- I. To ensure compliance with the safe preparation standards under this subrule, comply with 1 or more of the following:
1. The FDA food safety modernization act, 21 USC 2201 to 2252.
 2. The International Organization for Standardization (ISO), ISO 22000/ISO/TS 22002-1 adopted by reference pursuant to R 420.402.
- J. If requested as provided in this subdivision, provide to the Cannabis Regulatory Commission documentation to verify certifications and compliance with these rules.

K. A processor of edible cannabis product shall comply with all the following:

1. Edible cannabis product packages shall not be in a shape or labeled in a manner that would appeal to minors aged 20 years or younger. Edible cannabis products shall not be associated with or have cartoons, caricatures, toys, designs, shapes, labels, or packaging that would appeal to minors.
2. Edible cannabis products shall not be easily confused with commercially sold candy. The use of the word candy or candies on the packaging or labeling is prohibited. Edible cannabis products shall not be in the distinct shape of a human, animal, or fruit, or a shape that bears the likeness or contains characteristics of a realistic or fictional human, animal, or fruit, including artistic, caricature, or cartoon renderings. Edible cannabis products that are geometric shapes and simply fruit flavored are permissible.
3. An edible cannabis product must be in opaque, child-resistant packages or containers that meet the effectiveness specifications outlined in 16 CFR 1700.15. An edible cannabis product containing more than one serving must be in a resealable package or container that meets the effectiveness specifications outlined in 16 CFR 1700.15.
4. A processor shall not produce an edible cannabis product that requires time and temperature control for safety. The Cannabis Regulatory Commission may publish validation guidance for shelf stable edible cannabis product. The Cannabis Regulatory Commission may request to review the validation study for a shelf stable edible cannabis product. The end product must be a shelf stable edible cannabis product and state the following information.
5. A product expiration date, upon which the cannabis product is no longer fit for consumption. Once a label with an expiration date has been affixed to a cannabis product, a licensee shall not alter that expiration date or affix a new label with a later expiration date.
6. Any other information requested by the Cannabis Regulatory Commission that is not inconsistent with the acts and these rules.

121. MAXIMUM THC CONCENTRATION FOR CANNABIS INFUSED PRODUCTS – A Cannabis retail location shall not sell or transfer cannabis infused products that exceed the maximum THC concentrations established by the Cannabis Regulatory Commission by more than 15%. For the purposes of maximum THC concentrations for cannabis infused products, the Cannabis Regulatory Commission shall publish a list of maximum THC concentrations and serving size limits.

Part Seven – Cannabis Consumption, Tasting, & Events

122. EVENT LICENSE – A temporary cannabis event license may be granted to any cannabis establishment that holds a retail, grow, or processing license issued by the Cannabis Regulatory Commission.

- A. The temporary license shall only be issued for a single day or up to seven consecutive days.
- B. To receive a temporary license, a licensed operation must submit an application to the Cannabis Regulatory Commission not less than 30 calendar days before the first day of the cannabis event.
- C. A cannabis event can only occur on lands held by the Bay Mills Indian Community.
- D. The application must include information such, but not limited to:
 - 1. The name of the license holder;
 - 2. The address of the location where the temporary cannabis event will be held;
 - 3. A diagram of the physical layout of the temporary cannabis event;
 - 4. The dates and hours of operation for which the temporary cannabis event license is being sought.
 - 5. Contact information for the applicant's designated primary contact person regarding the temporary cannabis event license, including the name, title, address, phone number, and email address of the individual.
 - 6. Contact information for a designated contact person or persons who shall be onsite at the event, and reachable by telephone at all times that the event is occurring.
 - 7. A list of all employees that will be providing onsite sales of cannabis products at the temporary cannabis event. If the list of employees participating in the temporary cannabis event changes after the application is submitted or after the temporary cannabis event license is issued, the applicant shall submit an updated list and an updated diagram to the Cannabis Regulatory Commission not less than 72 hours before the event. Licensees not on the list submitted to the Cannabis Regulatory Commission shall not participate in the temporary cannabis event.
- E. The licensed cannabis event organizer shall hire or contract for licensed security personnel to provide security services at the licensed temporary cannabis event. All security personnel hired or contracted for by the licensee shall be at least 21 years of age, and present on the licensed event premises at all times cannabis products are available for sale or cannabis consumption is allowed on the licensed event premises. The security personnel shall not engage in the consumption of cannabis products before or during the event.
- F. A licensed cannabis event organizer shall maintain a clearly legible sign, not less than 7" x 11" in size reading, "No Persons Under 21 Allowed" at or near each public entrance to any area where the sale or consumption of cannabis products is allowed. The lettering of the sign shall be not less than 1 inch in height.

- G. The cannabis event organizer licensee shall ensure that access to the event is restricted to persons 21 years of age or older and ensure that cannabis sales or consumption is not visible from any public place or non-age-restricted area.
 - H. Only persons age 21 or older may purchase and consume cannabis products at a temporary cannabis event. Prior to selling cannabis products to a customer, the licensee making the sale shall confirm, using valid identification as specified in the Michigan Regulation and Taxation of Marihuana Act and these rules, the age and identity of the customer.
 - I. Except small amounts of products used for display, all cannabis products for sale at a temporary cannabis event must be stored in a secure, locked container that is not accessible to the public. Cannabis products being stored by a licensee at a temporary cannabis event must not be left unattended.
 - J. All cannabis products made available for sale at a temporary cannabis event by a licensee must comply with all rules and regulations of the Cannabis Regulatory Commission.
 - K. The Cannabis Regulatory Commission may require the cannabis event organizer and all participants to cease operations without delay if in the opinion of the Cannabis Regulatory Commission or law enforcement it is necessary to protect the immediate public health and safety of the people of this state. Upon notification from the Cannabis Regulatory Commission that the event is to cease operations, the cannabis event organizer shall immediately stop the event and all participants shall be removed from the premises within the time frame provided by the Cannabis Regulatory Commission.
123. ON SITE CONSUMPTION AND TASTING – Any cannabis establishment that holds a retail license is authorized to allow customers and visitors to consume cannabis and taste cannabis infused and edible products, unless the Cannabis Regulatory Commission has placed a restriction on on-site consumption and tasting at the retail cannabis establishment location during the granting of the retail license.

The cannabis establishment must ensure:

- A. Any product consumed is less than 15% THC as a whole.
- B. Only one serving or sample size is served per customer.
- C. A responsible operations plan is in place that includes a detailed explanation of how employees will monitor and prevent over-intoxication, underage access to the designated consumption establishment, and any other potential criminal activity on the premises.
- D. A cannabis product destruction and waste management plan is in place that meets the requirements of these rules, as applicable, for destroying and disposing of cannabis waste left at the cannabis establishment.

Part Eight - Cannabis Employees

124. **BACKGROUND CHECKS** - A licensee shall conduct a criminal history background check on any prospective employee before hiring that individual and every year thereafter on or before their birthday. A licensee shall keep records of the results of the criminal history background checks for the duration of the employee's employment with the licensee. A licensee shall record confirmation of criminal history background checks and make the confirmation available for inspection upon request by the Cannabis Regulatory Commission. A licensee shall comply with all of the following:
- A. Have a policy in place that requires employees to report any new or pending criminal charges or convictions. If an employee is charged with or convicted of a controlled substance related felony or any other felony, the licensee shall immediately report the charge or conviction to the Cannabis Regulatory Commission. If an employee of a licensee is convicted of an offense involving distribution of a controlled substance to a minor, the licensee shall immediately report the conviction to the Cannabis Regulatory Commission. The Cannabis Regulatory Commission shall maintain a list of excluded employees.
 - B. Enter in the tribal monitoring system an employee's information and level of tribal monitoring system access within 7 business days of hiring for the system to assign an employee identification number. The licensee shall update in the tribal monitoring system employee information and changes in status or access within 7 business days.
 - C. Remove an employee's access and permissions to the cannabis business within 7 business days after the employee's employment with the licensee is terminated.
 - D. Train employees and have an employee training manual that includes, but is not limited to, employee safety procedures, employee guidelines, security protocol, and educational training, including, but not limited to, cannabis product information, dosage and purchasing limits if applicable, and educational materials. Copies of these items must be maintained and made available to the Cannabis Regulatory Commission upon request.
 - E. Include in the employee training manual a responsible operations plan. A responsible operations plan must include a detailed explanation of how employees will monitor and prevent over intoxication, underage access to the establishment, the illegal sale or distribution of cannabis or cannabis products within the establishment, and any other potential criminal activity on the premises, as applicable. Copies of these items must be maintained and made available to the Cannabis Regulatory Commission upon request.
 - F. Establish point of sale or transfer procedures for employees at cannabis retail locations performing any transfers or sales to cannabis customers. The point of sale or transfer procedures must include, but are not limited to, training in dosage, cannabis product information, health or educational materials, point of sale training, purchasing limits, cannabidiol (CBD) and tetrahydrocannabinol (THC) information, serving size, and consumption information, including any warnings. Copies of these items must be

- maintained and made available to the Cannabis Regulatory Commission upon request.
- G. Ensure that employees handle cannabis product in compliance with current good manufacturing practice in manufacturing, packing, or holding human food, 21 CFR part 110, as specified in these rules and regulations.
 - H. Not allow a person under 21 years of age to volunteer or work for the cannabis establishment.
 - I. If the background check indicates a pending charge or conviction within the past five years for a controlled substance-related felony, licensee is prohibited from hiring the prospective employee without written permission from the Cannabis Regulatory Commission. Not employ any individual who has been convicted of an offense involving distribution of a controlled substance to a minor.
125. AUTHORIZED INDIVIDUALS - If an individual is present at a cannabis business or in a cannabis transporter vehicle who is not identified as a licensee or an employee of the licensee in the tribal monitoring system or is in violation of these rules and regulations, the Cannabis Regulatory Commission may take any action permitted under the acts and these rules. This does not apply to authorized escorted visitors at a cannabis business.
126. INVESTIGATION - Employee records are subject to inspection or examination by the Cannabis Regulatory Commission to determine compliance with the acts and these rules.
127. EMPLOYEE DEFINED - Employee includes, but is not limited to, hourly employees, contract employees, trainees, or any other person given any type of employee credentials or authorized access to the cannabis business. Trade or professional services provided by individuals not normally engaged in the operation of a cannabis business, except for those individuals required to have employee credentials under this rule, must be reasonably monitored, logged in as a visitor and escorted through any limited access areas.
128. AUTHORIZED VISITORS - Nothing in this rule prohibits a licensee from allowing visitors into the cannabis business, if the visitors are reasonably monitored, logged in as a visitor, and escorted through any limited access areas. Visitors that are not employees or individuals providing trade or professional services are prohibited where hazardous materials are used, handled, or stored in the cannabis business.

Part Nine: Public Health and Safety

129. THREATS TO PUBLIC HEALTH – The Cannabis Regulatory Commission must be immediately notified of any threat, or potential threat, to public health, safety, or welfare relating to the operation of a licensee’s business. The licensee must cooperate with the Cannabis Regulatory Commission’s notification of the threat or potential threat to the Michigan Cannabis Regulatory Agency. If the public health, safety, or welfare is threatened by the continued operation of the licensee, the Cannabis Regulatory Commission or the Michigan Cannabis Regulatory Agency may suspend the licensee’s access to the statewide monitoring system and otherwise restrict business transactions with State licensees. During any restriction on access to the statewide monitoring system, the licensee may not receive, purchase, sell, or otherwise transfer any marijuana to or from a State licensee.

130. ADVERSE REACTIONS – All adverse reactions to any marijuana cultivated, processed, sold, or transferred from a licensee must be reported in the statewide monitoring system within one-business day of the licensee becoming aware of the adverse reaction.
131. INSPECTION AUTHORITY – In addition to inspections of licensees by the Cannabis Regulatory Commission, the Michigan Cannabis Regulatory Agency may also inspect licensees, but only as allowed in the Tribal-State Agreement.