



This page contains a brief snapshot of currently available information. Each Tribe is a singular entity and cannot be fully explored in a single work. This examination is an effort to provide an introduction to the sovereign market as state-licensed and sovereign markets continue to grow and, in several states, work together.

TERMINOLOGY

What is the correct terminology to refer to groups of Indigenous people living in the U.S.? American Indian, Native American, Indigenous, or Native—all of these terms are acceptable, but preferences vary by generation and region. The safest bet is to use the terminology the members of the community use to describe themselves collectively.¹ However, in general, Native people typically prefer to be identified by their Tribe's name whenever possible. One more tip: the term Indian is acceptable when used with a modifier, such as Indian Country or Indian Law.

TRIBAL SOVEREIGNTY

Federally recognized Tribes are government entities distinct from state and federal governments. They are often led by a democratically-elected council and chair of the council. Many are governed by a constitution or charter. Congress maintains plenary power to pass laws that carry binding authority on Tribal nations.

Case law relating to sovereignty has developed over 200 years, beginning with Chief Justice John Marshall describing Tribes as domestic dependent nations—a concept that survives today. In general, state law does not apply to Tribes, but there are exceptions, such as Public Law 280. State, federal, and Tribal jurisdiction often necessitate legal and historical analysis.

TRIBES AND CANNABIS

Many Tribal business operations are operated by a business entity, often an enterprise, established by the tribe. Often, the executives operating the businesses answer to the Tribal Council. In the case of cannabis businesses within Tribes, some cannabis operations are owned by the Tribe and some are owned by Tribal members individually.

COMPACTING AND DEVELOPMENT

Compacts refer to agreements between a Tribal government and a state government that lay out the mutually agreed upon terms relating to transactions between a Tribe and the state-licensed market. Compacts do not govern the Tribes that are a party to them, but rather govern terms of the relationship between the Tribe and the state-licensed market. Compacts were adapted from Tribal gaming, which were developed as a pathway to

STATISTICS

There are **574** Federally Recognized Tribes in the United States

13 Tribes in Cannabis Compacts in Nevada

23 Tribes in Cannabis Compacts in Washington

~26% of federally recognized Indigenous communities in the continental U.S. are involved with a cannabis programs^{2,3}

resolve litigation and cross-jurisdictional issues. Compacts typically contain provisions relating to the excise taxes imposed on cannabis related transactions, at a similar rate to the State's excise tax rate and require that the tax revenue be spent on the welfare of the Tribe. A common provision within compacts is that "any amounts so received by the Tribe will be used for Essential Government Services."^{4,5}

Tribes in some states either operate in the "Sovereign Market" only, such as in California, or Native-owned operations are owned in the same manner as the state-licensed operations, such as in Oklahoma.

FOR FURTHER READING

California v. Cabazon Band of Indians, 480 U.S. 202 (1987)
National Indian Gaming Commission
Indigenous Cannabis Industry Association

1 "Native Knowledge 360": Teaching & Learning about Native Americans." National Museum of the American Indian, Smithsonian, americanindian.si.edu/nk360/faq/did-you-know.

2 "Tribal Cannabis Map." Indigenous Cannabis Industry Association, www.indigenouiscannabis.org/tribal-cannabis-map.

3 Indigenous Cannabis Industry Association, Vicente LLP via www.marijuanamoment.net/one-out-of-four-indian-tribes-in-the-u-s-is-now-involved-in-marijuana-or-hemp-programs-new-map-shows/.

4 Lozano, Josh. "Sovereignty, Not Shortcuts: Debunking Myths About Tribal Economic Success," MyCannabis, 9 May 2025, www.nativetribe.info/tribal-cannabis-sovereignty-economic-opportunities

5 Marijuana Compact Between Las Vegas Tribe of Paiute Indians and the State of Nevada, 18 July 2017, ccb.nv.gov/wp-content/uploads/2020/06/LV-Tribe-of-Paiute-Indians-Fully-Executed.pdf