

WYANDOTTE NATION
TITLE 10
CONTROLLED DANGEROUS SUBSTANCES CODE
(APPROVED BY THE BOARD OF DIRECTORS 02-13-2024)

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**WYANDOTTE NATION
TITLE 10
CONTROLLED DANGEROUS SUBSTANCES CODE**

**CHAPTER ONE
GENERAL PROVISIONS**

Section 1. Title.

This Title shall be called the "Wyandotte Nation Controlled Dangerous Substances Code."

Section 2. Purpose.

The Wyandotte Nation is committed to achieving and maintaining a safe and productive Nation free from persons affected by the illegal purchase, transport, distribution, delivery, trafficking or attempted purchase, transport, distribution, delivery, trafficking use of illegal controlled substances or controlled substance analogues within the Wyandotte Nation jurisdiction.

Section 3. Construction.

The individual and collective sections within this Code shall be construed liberally in accordance with the legislative objective of deterring the illegal purchase, transport, distribution, delivery, trafficking or attempted purchase, transport, distribution, delivery, trafficking use of illegal controlled substances or controlled substance analogues with the Wyandotte Nation jurisdiction. Nothing in this code shall be construed as a waiver of tribal sovereign immunity.

Section 4. Inconsistent Provisions of Other Laws.

It is the intent of the Wyandotte Nation to enact this Title to supplement the jurisdiction of the Wyandotte Nation. If any provision of this Title is found to be inconsistent with other laws of the Wyandotte Nation, this Title shall govern in Controlled Dangers Substances proceedings, unless there is good cause shown that application of this Title would be unreasonable or contradictory to public policy and welfare.

Section 5. Authority to Control.

The Wyandotte Nation has the authority to carry out the provisions of the Wyandotte Nation Controlled Dangerous Substances Code, and may effectuate any tribal laws or policies aimed at carrying out the legislative intent of such code.

Section 6. Severability.

If any part of this Code is found to be invalid by any Court of competent jurisdiction, it shall be severed and the remaining parts shall remain in effect.

Section 7. No Waiver of Sovereign Immunity.

Nothing in this Code is intended to be nor shall be construed as a waiver of the tribal sovereign immunity of the Wyandotte Nation.

Section 8. Definitions.

Unless the context otherwise requires, as used in this Title, the term:

(a) "Administer" means the direct application of a controlled dangerous substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient, animal or research subject by:

(1) a practitioner (or in the presence of the practitioner, by the authorized agent of the practitioner) or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine or ecgonine.

(c) "Control" means to add, remove or change the placement of a drug, substance or immediate precursor.

(d) "Controlled dangerous substance", means a drug, substance, or immediate precursor listed in Schedules I through V of this Title or any drug substance or immediate precursor listed either temporarily or permanently as a federally controlled substance. Any conflict between Wyandotte Nation and federal law with regard to the particular schedule in which a substance is listed shall be resolved in favor of Wyandotte Nation law.

(e) "Controlled substance analogue", means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

(1) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II; or

(2) With respect to a particular individual, which that individual represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in Schedule I or II. The term does not include a controlled substance; any substance for which there is an approved new drug application; or any substance for which an exemption is in effect for investigational use, as sanctioned by the Federal Food and Drug Administration.

(f) "Counterfeit substance", means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance;

(g) "Deliver" or "delivery", means the actual, constructive, or attempted transfer from one person to another of drug paraphernalia or of a controlled substance, or an imitation controlled substance, whether or not there is an agency relationship, and includes a sale.

(h) "Dispense" means to deliver a controlled dangerous substance to an ultimate user or human research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling or compounding necessary to prepare the substance for such distribution. "Dispenser" is a practitioner who delivers a controlled dangerous substance to an ultimate user or human research subject.

(i) "Distribute" means to deliver other than by administering or dispensing a controlled dangerous substance.

(j) "Distributor" means a commercial entity engaged in the distribution or reverse distribution of narcotics and dangerous drugs and who complies with all regulations promulgated by the Federal Drug Administration.

(k) "Drug" means articles:

(1) recognized in the official United States Pharmacopeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them,

(2) intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals,

(3) other than food, intended to affect the structure or any function of the body of man or other animals, and

(4) intended for use as a component of any article specified in this paragraph; provided, however, the term drug does not include devices or their components, parts or accessories.

(l) "Drug-dependent person" means a person who is using a controlled dangerous substance and who is in a state of psychic or physical dependence, or both, arising from administration of that controlled dangerous substance on a continuous basis. Drug dependence is characterized by behavioral and other responses, which include a strong compulsion to take the substance on a continuous basis in order to experience its psychic effects, or to avoid the discomfort of its absence.

(m) "Drug paraphernalia", means all equipment, products, substances and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating,

growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance or an imitation controlled substance. It includes, but is not limited to:

(1) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances or imitation controlled substances;

(2) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances or imitation controlled substances;

(3) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances or imitation controlled substances;

(4) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances or imitation controlled substances;

(5) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances or imitation controlled substances;

(6) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances or imitation controlled substances;

(7) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances or imitation controlled substances;

(8) In determining whether an object, product, substance or material is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

- (i) Statements by an owner or by anyone in control of the object concerning its use;
- (ii) Prior convictions, if any, of an owner, or of anyone in control of the object, under any tribal, state or federal law relating to any controlled substance or imitation controlled substance;
- (iii) The proximity of the object, in time and space, to a direct violation of the chapters of this Code;
- (iv) The proximity of the object to controlled substances or imitation controlled substances;
- (v) The existence of any residue of controlled substances or imitation controlled substances on the object;

(vi) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons who he knows, or should reasonably know, intend to use the object to facilitate a violation of this Code; the innocence of an owner, or of anyone in control of the object, as to direct violation of this Code shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;

(vii) Instructions, oral or written, provided with the object concerning its use;

(viii) Descriptive materials accompanying the object, which explain or depict its use;

(ix) National or local advertising concerning its use;

(x) The manner in which the object is displayed for sale;

(xi) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

(xii) Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;

(xiii) The existence and scope of legitimate uses for the object in the community;

(xiv) Expert testimony concerning its use;

(xv) The quantity, form or packaging of the product, substance or material in relation to the quantity, form or packaging associated with any legitimate use for the product, substance or material;

(n) "Imitation controlled substance", means a substance that is not a controlled substance, but which by dosage unit appearance (including color, shape, size and markings), or by representations made, would lead a reasonable person to believe that the substance is a controlled substance. In determining whether the substance is an "imitation controlled substance" the court or authority concerned should consider, in addition to all other logically relevant factors, the following:

(1) statements made by an owner or by any other person in control of the substance concerning the nature of the substance, or its use or effect,

(2) Statements made to the recipient that the substance may be resold for inordinate profit,

(3) Whether the substance is packaged in a manner normally used for illicit controlled substances,

(4) evasive tactics or actions utilized by the owner or person in control of the substance to avoid detection by law enforcement authorities,

(5) Prior convictions, if any, of an owner, or anyone in control of the object, under tribal, state or federal law related to controlled substances or fraud,

(6) The proximity of the substances to controlled substances,

(7) Whether the consideration tendered in exchange for the non-controlled substance substantially exceeds the reasonable value of the substance considering the actual chemical composition of the substance and, where applicable, the price at which over-the-counter substances of like chemical composition sell. An imitation controlled substance does not include a placebo or registered investigational drug either of which was manufactured, distributed, possessed or delivered in the ordinary course of professional practice or research.

(o) "Immediate precursor", means a substance which:

(1) Is the principal compound commonly used or produced primarily for use in the manufacture of a controlled substance;

(2) Is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance; and

(3) The control of which is necessary to prevent, curtail or limit the manufacture of the controlled substance;

(p) "Manufacture" means the production, preparation, propagation, compounding or processing of drug paraphernalia or of a controlled substance, or an imitation controlled substance, either directly or indirectly by extraction from substances of natural or synthetic origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include the preparation or compounding of a controlled substance or an imitation controlled substance or the preparation, compounding, packaging or labeling of a narcotic or dangerous drug. "Manufacturer" includes any person who packages, repackages or labels any container of any controlled dangerous substance, except practitioners who dispense or compound prescription orders for delivery to the ultimate consumer.

(q) "Marijuana" means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt derivative, mixture or preparation of such plant, its seeds or resin, but shall not include:

(1) the mature stalks of such plant or fiber produced from such stalks,

(2) oil or cake made from the seeds of such plant, including cannabidiol derived from the seeds of the marijuana plant,

(3) any other compound, manufacture, salt, derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), including cannabidiol derived from mature stalks, fiber, oil or cake,

(4) the sterilized seed of such plant which is incapable of germination,

(5) for any person participating in a clinical trial to administer cannabidiol for the treatment of severe forms of epilepsy,

(6) for any person or the parents, legal guardians or caretakers of the person who have received a written certification from a physician licensed in this state that the person has been diagnosed by a physician as having Lennox-Gastaut syndrome, Dravet syndrome, also known as severe myoclonic epilepsy of infancy, or any other severe form of epilepsy that is not adequately treated by traditional medical therapies, spasticity due to multiple sclerosis or due to paraplegia, intractable nausea and vomiting, appetite stimulation with chronic wasting diseases, the substance cannabidiol, a non psychoactive cannabinoid, found in the plant *Cannabis sativa* L or any other preparation thereof, that has a tetrahydrocannabinol concentration not more than three-tenths of one percent (0.3%) and that is delivered to the patient in the form of a liquid,

(7) any federal Food-and-Drug Administration approved drug or substance, or

(8) industrial hemp, from the plant *Cannabis sativa* L and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration not more than three-tenths of one percent (0.3%) on a dry-weight basis which shall only be grown pursuant to the Oklahoma Industrial Hemp Program and may be shipped intrastate and interstate.

(r) “Methamphetamine precursor drug”, means any drug containing ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical isomers;

(s) “Narcotic drug” means any of the following, whether produced directly or indirectly by extraction from substance of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) opium, coca leaves and opiates,

(2) a compound, manufacture, salt, derivative or preparation of opium, coca leaves or opiates,

(3) cocaine, its salts, optical and geometric isomers, and salts of isomers,

(4) ecgonine, its derivatives, their salts, isomers and salts of isomers, and

(5) a substance, and any compound, manufacture, salt, derivative or preparation thereof, which is chemically identical with any of the substances referred to in subparagraphs (1) through (4) of this section, except that the words narcotic drug as used in this title shall not include decocainized coca leaves or extracts of coca leaves, which extracts do not contain cocaine or ecgonine.

(t) "Opiate" or "opioid" means any Schedule II, III, IV or V substance having an addiction-forming or addiction-sustaining liability. The terms do not include, unless specifically designated under this Title, the dextrorotatory isomer of 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan). The terms do include the racemic and levorotatory forms.

(u) "Opium poppy" means the plant of the species *Papaver somniferous* L, except the seeds thereof.

(v) "Person", means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, joint venture, association, or any other legal or commercial entity;

(w) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(x) "Possessed" or "possessing a controlled substance", means a person, with the knowledge of the presence and nature of a substance, has actual or constructive possession of the substance. A person has actual possession if he has the substance on his person or within easy reach and convenient control. A person who, although not in actual possession, has the power and the intention at a given time to exercise dominion or control over the substance either directly or through another person or persons is in constructive possession of it. Possession may also be sole or joint. If one person alone has possession of a substance, possession is sole. If two or more persons share possession of a substance, possession is joint;

(y) "Production", includes the manufacture, planting, cultivation, growing, or harvesting of drug paraphernalia or of a controlled substance or an imitation controlled substance;

(z) "Sale", includes barter, exchange, or gift, or offer therefore, and each such transaction made by any person, whether as principal, proprietor, agent, servant or employee.

(aa) a. "Synthetic controlled substance" means a substance:

(1) the chemical structure of which is substantially similar to the chemical structure of a controlled dangerous substance in Schedule I or II,

(2) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled dangerous substance in Schedule I or II, or

(3) with respect to a particular person, which such person represents or intends to have stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled dangerous substance in Schedule I or II.

b. The designation of gamma butyrolactone or any other chemical as a precursor, pursuant to this Title, does not preclude a finding pursuant to subparagraph (a) of this paragraph that the chemical is a synthetic controlled substance.

c. "Synthetic controlled substance" does not include:

(1) a controlled dangerous substance,

(2) any substance for which there is an approved new drug application,

(3) with respect to a particular person any substance, if an exemption is in effect for investigational use, for that person under the provisions of Section 505 of the Federal Food, Drug and Cosmetic Act, Title 21 of the United States Code, Section 355, to the extent conduct with respect to such substance is pursuant to such exemption, or

(4) any substance to the extent not intended for human consumption before such an exemption takes effect with respect to that substance.

d. Prima facie evidence that a substance containing salvia divinorum has been enhanced, concentrated or chemically or physically altered shall give rise to a rebuttable presumption that the substance is a synthetic controlled substance.

(bb) "Tetrahydrocannabinols" means all substances that have been chemically synthesized to emulate the tetrahydrocannabinol of marijuana, specifically including any tetrahydrocannabinol derived from industrial hemp.

CHAPTER TWO SCHEDULES

Section 201. Schedule Administration.

(a) The schedules provided by this Code include the controlled dangerous substances listed or to be listed by whatever official name, common or usual name, chemical name, or trade name designated.

(b) The schedules listed in the Wyandotte Nation Controlled Dangerous Substances Code are directly parallel to the Oklahoma Controlled Substance Act. The Wyandotte Nation shall revise and republish the schedules of the Wyandotte Nation Controlled Dangerous Substances Code as necessary.

(c) The chemical composition of a substance may be proved by any commonly acceptable method of identification, including, but not limited to, identification by a trained officer, by field tests, or by laboratory tests.

(d) Chemical substances that are structurally similar to controlled substances are to be treated as controlled substances under the Wyandotte Nation Controlled Dangerous Substances Code.

Section 202. Schedule I.

The controlled substances listed in this section are included in Schedule I and include any material, compound, mixture or preparation that contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, when the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation.

(a) Any of the following opiates including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, when the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

1. Acetylmethadol;
2. Allylprodine;
3. Alphacetylmethadol;
4. Alphameprodine;
5. Alphamethadol;
6. Benzethidine;
7. Betacetylmethadol;
8. Betameprodine;
9. Betamethadol;
10. Betaproline;
11. Clonitazene;
12. Dextromoramide;
13. Dextrorphan (except its methyl ether);
14. Diampromide;
15. Diethylthiambutene;
16. Dimenoxadol;
17. Dimepheptanol;
18. Dimethylthiambutene;
19. Dioxaphetyl butyrate;
20. Dipipanone;
21. Ethylmethylthiambutene;
22. Etonitazene;
23. Etoxadine;
24. Furethidine;
25. Hydroxypethidine;
26. Isotonitazene;

27. Ketobemidone;
28. Levomoramide;
29. Levophenacymorphan;
30. Metonitazene;
31. Morpheridine;
32. N-desethyl isotonitazene;
33. Noracymethadol;
34. Norlevorphanol;
35. Normethadone;
36. Norpipanone;
37. Phenadoxone;
38. Phenampromide;
39. Phenomorphan;
40. Phenoperidine;
41. Piritramide;
42. Proheptazine;
43. Properidine;
44. Protonitazene;
45. Racemoramide; or
46. Trimeperidine.

(b) Any of the following opium derivatives, their salts, isomers, and salts of isomers, unless specifically excepted, when the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

1. Acetorphine;
2. Acetyldihydrocodeine;
3. Benzylmorphine;
4. Codeine methylbromide;
5. Codeine-N-Oxide;
6. Cyprenorphine;
7. Desomorphine;
8. Dihydromorphine;
9. Etorphine;
10. Heroin;
11. Hydromorphenol;
12. Methyl-desomorphine;
13. Methylhydromorphine;
14. Morphine methylbromide;
15. Morphine methylsulfonate;
16. Morphine-N-Oxide;
17. Myrophine;
18. Nicocodeine;
19. Nicomorphine;
20. Normorphine;
21. Phoclodine;

22. Thebacon;
23. N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (Acetyl fentanyl);
24. N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-butenamide (Crotonyl fentanyl);
25. N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-furancarboxamide (Furanyl fentanyl);
26. N-phenyl-1-(2-phenylethyl)-4-piperidinamine (4-ANPP);
27. N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (Cyclopropyl fentanyl); or
28. N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (Butyl fentanyl).

(c) Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers, and salts of isomers, unless specifically excepted, when the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

1. Methcathinone;
2. 3, 4-methylenedioxy amphetamine;
3. 3, 4-methylenedioxy methamphetamine;
4. 5-methoxy-3, 4-methylenedioxy amphetamine;
5. 3, 4, 5-trimethoxy amphetamine;
6. Bufotenine;
7. Diethyltryptamine;
8. Dimethyltryptamine;
9. 4-methyl-2, 5-dimethoxyamphetamine;
10. Ibogaine;
11. Lysergic acid diethylamide;
12. Marijuana;
13. Mescaline;
14. N-benzylpiperazine;
15. N-ethyl-3-piperidyl benzilate;
16. N-methyl-3-piperidyl benzilate;
17. Psilocybin;
18. Psilocyn;
19. 2, 5 dimethoxyamphetamine;
20. 4 Bromo-2, 5-dimethoxyamphetamine;
21. 4 methoxyamphetamine;
22. Cyclohexamine;
23. Salvia Divinorum;
24. Salvinorin A;
25. Thiophene Analog of Phencyclidine. Also known as: 1-(1-(2-thienyl) cyclohexyl) piperidine; 2-Thienyl Analog of Phencyclidine; TPCP, TCP;
26. Phencyclidine (PCP);
27. Pyrrolidine Analog for Phencyclidine. Also known as 1-(1-Phenylcyclohexyl) - Pyrrolidine, PCPy, PHP;
28. 1-(3-trifluoromethylphenyl) piperazine;
29. Flunitrazepam;

30. B-hydroxy-amphetamine;
31. B-ketoamphetamine;
32. 2,5-dimethoxy-4-nitroamphetamine;
33. 2,5-dimethoxy-4-bromophenethylamine;
34. 2,5-dimethoxy-4-chlorophenethylamine;
35. 2,5-dimethoxy-4-iodoamphetamine;
36. 2,5-dimethoxy-4-iodophenethylamine;
37. 2,5-dimethoxy-4-methylphenethylamine;
38. 2,5-dimethoxy-4-ethylphenethylamine;
39. 2,5-dimethoxy-4-fluorophenethylamine;
40. 2,5-dimethoxy-4-nitrophenethylamine;
41. 2,5-dimethoxy-4-ethylthio-phenethylamine;
42. 2,5-dimethoxy-4-isopropylthio-phenethylamine;
43. 2,5-dimethoxy-4-propylthio-phenethylamine;
44. 2,5-dimethoxy-4-cyclopropylmethylthio-phenethylamine;
45. 2,5-dimethoxy-4-tert-butylthio-phenethylamine;
46. 2,5-dimethoxy-4-(2-fluoroethylthio)-phenethylamine;
47. 5-methoxy-N, N-dimethyltryptamine;
48. N-methyltryptamine;
49. A-ethyltryptamine;
50. A-methyltryptamine;
51. N, N-diethyltryptamine;
52. N, N-diisopropyltryptamine;
53. N, N-dipropyltryptamine;
54. 5-methoxy-a-methyltryptamine;
55. 4-hydroxy-N, N-diethyltryptamine;
56. 4-hydroxy-N, N-diisopropyltryptamine;
57. 5-methoxy-N, N-diisopropyltryptamine;
58. 4-hydroxy-N-isopropyl-N-methyltryptamine;
59. 3,4-Methylenedioxymethcathinone (Methylone);
60. 3,4-Methylenedioxypyrovalerone (MDPV);
61. 4-Methylmethcathinone (Mephedrone);
62. 4-methoxymethcathinone;
63. 4-Fluoromethcathinone;
64. 3-Fluoromethcathinone;
65. 1-(8-bromobenzo 1,2-b;4,5-b' difuran-4-yl)-2-aminopropane;
66. 2,5-Dimethoxy-4-chloroamphetamine;
67. 4-Methylethcathinone;
68. Pyrovalerone;
69. N,N-diallyl-5-methoxytryptamine;
70. 3,4-Methylenedioxy-N-ethylcathinone (Ethylone);
71. B-keto-N-Methylbenzodioxolylbutanamine (Butylone);
72. B-keto-Methylbenzodioxolylpentanamine (Pentylone);
73. Alpha-Pyrrolidinopentiophenone;
74. 4-Fluoroamphetamine;
75. Pentedrone;

76. 4'-Methyl-a-pyrrolidinohexaphenone;
77. 2,5-dimethoxy-4-(n)-propylphenethylamine;
78. 2,5-dimethoxyphenethylamine;
79. 1,4-Dibenzylpiperazine;
80. N,N-Dimethylamphetamine;
81. 4-Fluoromethamphetamine;
82. 4-Chloro-2,5-dimethoxy-N-(2-methoxybenzyl)phenethylamine(25C-NBOMe);
83. 4-Iodo-2,5-dimethoxy-N-(2-methoxybenzyl)phenethylamine (25I-NBOMe);
84. 4-Bromo-2,5-dimethoxy-N-(2-methoxybenzyl)phenethylamine(25B-NBOMe);
85. 1-(4-Fluorophenyl)piperazine;
86. Methoxetamine;
87. 3,4-dichloro-N[2-dimethylamino)cyclohexyl]-N-methylbenzamide;
88. N-ethyl hexadron;
89. Isopropyl-U-47700;
90. Para-fluorobutyl fentanyl;
91. Fluoro isobutyl fentanyl;
92. 3-Hydroxy Phencyclidine (PCP);
93. 3-methoxy Phencyclidine (PCP);
94. Flualprazolam; or
95. Flubromazolam.

(d) Unless specifically excepted or unless listed in a different schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having stimulant or depressant effect on the central nervous system:

1. Fenethylamine;
2. Mephedrone;
3. N-ethylamphetamine;
4. Methamphetamine;
5. Gamma-Hydroxybutyric Acid, also known as GHB, gamma-hydroxybutyrate, 4-hydroxybutyrate, 4-hydroxybutanoic acid, sodium oxybate, and sodium oxybutyrate;
6. Gamma-Butyrolactone (GBL) as packaged, marketed, manufactured or promoted for human consumption, with the exception of legitimate food additive and manufacturing purposes;
7. Gamma Hydroxyvalerate (GHV) as packaged, marketed, or manufactured for human consumption, with the exception of legitimate food additive and manufacturing purposes;
8. Gamma Valerolactone (GVL) as packaged, marketed, or manufactured for human consumption, with the exception of legitimate food additive and manufacturing purposes;
9. 1,4 Butanediol (1,4 BD or BDO) as packaged, marketed, manufactured, or promoted for human consumption with the exception of legitimate manufacturing purposes; or
10. N-ethylpentylone.

(e) The following industrial uses of Gamma-Butyrolactone, Gamma Hydroxyvalerate, Gamma Valerolactone, or 1,4 Butanediol are excluded from all schedules of controlled substances under this title:

1. pesticides,
2. photochemical etching,
3. electrolytes of small batteries or capacitors,
4. viscosity modifiers in polyurethane,
5. surface etching of metal coated plastics,
6. organic paint disbursements for water soluble inks,
7. pH regulators in the dyeing of wool and polyamide fibers,
8. foundry chemistry as a catalyst during curing,
9. curing agents in many coating systems based on urethanes and amides,
10. additives and flavoring agents in food, confectionary, and beverage products,
11. synthetic fiber and clothing production,
12. tetrahydrofuran production,
13. gamma butyrolactone production,
14. polybutylene terephthalate resin production,
15. polyester raw materials for polyurethane elastomers and foams,
16. coating resin raw material, and
17. as an intermediate in the manufacture of other chemicals and pharmaceuticals.

(f) Any material, compound, mixture, or preparation, whether produced directly or indirectly from a substance of vegetable origin or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, that contains any quantity of the following substances, or that contains any of their salts, isomers, and salts of isomers when the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

1. JWH-004;
2. JWH-007;
3. JWH-009;
4. JWH-015;
5. JWH-016;
6. JWH-018;
7. JWH-019;
8. JWH-020;
9. JWH-030;
10. JWH-046;
11. JWH-047;
12. JWH-048;
13. JWH-049;
14. JWH-050;
15. JWH-070;
16. JWH-071;
17. JWH-072;

18. JWH-073;
19. JWH-076;
20. JWH-079;
21. JWH-080;
22. JWH-081;
23. JWH-082;
24. JWH-094;
25. JWH-096;
26. JWH-098;
27. JWH-116;
28. JWH-120;
29. JWH-122;
30. JWH-145;
31. JWH-146;
32. JWH-147;
33. JWH-148;
34. JWH-149;
35. JWH-150;
36. JWH-156;
37. JWH-167;
38. JWH-175;
39. JWH-180;
40. JWH-181;
41. JWH-182;
42. JWH-184;
43. JWH-185;
44. JWH-189;
45. JWH-192;
46. JWH-193;
47. JWH-194;
48. JWH-195;
49. JWH-196;
50. JWH-197;
51. JWH-198;
52. JWH-199;
53. JWH-200;
54. JWH-201;
55. JWH-202;
56. JWH-203;
57. JWH-204;
58. JWH-205;
59. JWH-206;
60. JWH-207;
61. JWH-208;
62. JWH-209;
63. JWH-210;

64. JWH-211;
65. JWH-212;
66. JWH-213;
67. JWH-234;
68. JWH-235;
69. JWH-236;
70. JWH-237;
71. JWH-239;
72. JWH-240;
73. JWH-241;
74. JWH-242;
75. JWH-243;
76. JWH-244;
77. JWH-245;
78. JWH-246;
79. JWH-248;
80. JWH-249;
81. JWH-250;
82. JWH-251;
83. JWH-252;
84. JWH-253;
85. JWH-262;
86. JWH-292;
87. JWH-293;
88. JWH-302;
89. JWH-303;
90. JWH-304;
91. JWH-305;
92. JWH-306;
93. JWH-307;
94. JWH-308;
95. JWH-311;
96. JWH-312;
97. JWH-313;
98. JWH-314;
99. JWH-315;
100. JWH-316;
101. JWH-346;
102. JWH-348;
103. JWH-363;
104. JWH-364;
105. JWH-365;
106. JWH-367;
107. JWH-368;
108. JWH-369;
109. JWH-370;

110. JWH-371;
111. JWH-373;
112. JWH-386;
113. JWH-387;
114. JWH-392;
115. JWH-394;
116. JWH-395;
117. JWH-397;
118. JWH-398;
119. JWH-399;
120. JWH-400;
121. JWH-412;
122. JWH-413;
123. JWH-414;
124. JWH-415;
125. CP-55, 940;
126. CP-47, 497;
127. HU-210;
128. HU-211;
129. WIN-55, 212-2;
130. AM-2201;
131. AM-2233;
132. JWH-018 adamantyl-carboxamide;
133. AKB48;
134. JWH-122 N-(4-pentenyl)analog;
135. MAM2201;
136. URB597;
137. URB602;
138. URB754;
139. UR144;
140. XLR11;
141. A-796,260;
142. STS-135;
143. AB-FUBINACA;
144. AB-PINACA;
145. PB-22;
146. AKB48 N-5-Fluoropentyl;
147. AM1248;
148. FUB-PB-22;
149. ADB-FUBINACA;
150. BB-22;
151. 5-Fluoro PB-22; or
152. 5-Fluoro AKB-48.

(g) In addition to those substances listed in subsection F of this section, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation

which contains any quantity of a synthetic cannabinoid found to be in any of the following chemical groups:

1. Naphthoylindoles: any compound containing a 3-(1-naphthoyl)indole structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not further substituted on the indole ring to any extent, and whether or not substituted on the naphthyl ring to any extent. Naphthoylindoles include, but are not limited to:

- i. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200),
- ii. 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201),
- iii. 1-pentyl-3-(1-naphthoyl)indole (JWH-018),
- iv. 1-butyl-3-(1-naphthoyl)indole (JWH-073),
- v. 1-pentyl-3-(4-methoxy-1-naphthoyl)indole (JWH-081),
- vi. 1-propyl-2-methyl-3-(1-naphthoyl)indole (JWH-015),
- vii. 1-hexyl-3-(1-naphthoyl)indole (JWH-019),
- viii. 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122),
- ix. 1-pentyl-3-(4-ethyl-1-naphthoyl)indole (JWH-210),
- x. 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398),
- xi. 1-pentyl-2-methyl-3-(1-naphthoyl)indole (JWH-007),
- xii. 1-pentyl-3-(7-methoxy-1-naphthoyl)indole (JWH-164),
- xiii. 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole (JWH-098),
- xiv. 1-pentyl-3-(4-fluoro-1-naphthoyl)indole (JWH-412),
- xv. 1-[1-(N-methyl-2-piperidinyl)methyl]-3-(1-naphthoyl)indole (AM-1220),
- xvi. 1-(5-fluoropentyl)-3-(4-methyl-1-naphthoyl)indole (MAM-2201), or
- xvii. 1-(4-cyanobutyl)-3-(1-naphthoyl)indole (AM-2232);

2. Naphthylmethylinindoles: any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not further substituted on the indole ring to any extent, and whether or not substituted on the naphthyl ring to any extent. Naphthylmethylinindoles include, but are not limited to, (1-pentylindol-3-yl)(1-naphthyl)methane (JWH-175);

3. Naphthoylpyrroles: any compound containing a 3-(1-naphthoyl)pyrrole structure with or without substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not further substituted on the pyrrole ring to any extent, and whether or not substituted on the naphthyl group to any extent. Naphthoylpyrroles include, but are not limited to:

- i. 1-hexyl-2-phenyl-4-(1-naphthoyl)pyrrole (JWH-147),
- ii. 1-pentyl-5-(2-methylphenyl)-3-(1-naphthoyl)pyrrole (JWH-370),
- iii. 1-pentyl-3-(1-naphthoyl)pyrrole (JWH-030), or
- iv. 1-hexyl-5-phenyl-3-(1-naphthoyl)pyrrole (JWH-147);

4. Naphthylideneindenes: any compound containing a 1-(1-naphthylmethylene)indene structure with or without substitution at the 3-position of the indene ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not further substituted on the indene group to any extent, and whether or not substituted on the naphthyl group to any extent. Naphthylmethylindenes include, but are not limited to, (1-[(3-pentyl)-1H-inden-1-ylidene)methyl]naphthalene (JWH-176);

5. Phenylacetylindoles: any compound containing a 3-phenylacetylindole structure with or without substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not further substituted on the indole ring to any extent, and whether or not substituted on the phenyl ring to any extent. Phenylacetylindoles include, but are not limited to:

- i. 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250),
- ii. 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8),
- iii. 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203),
- iv. 1-pentyl-3-(2-methylphenylacetyl)indole (JWH-251),
- v. 1-pentyl-3-(4-methoxyphenylacetyl)indole (JWH-201), or
- vi. 1-pentyl-3-(3-methoxyphenylacetyl)indole (JWH-302);

6. Cyclohexylphenols: any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with or without substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, and whether or not further substituted on the cyclohexyl ring to any extent. Cyclohexylphenols include, but are not limited to:

- i. 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497),
- ii. 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol; CP-47,497 C8 homologue), or
- iii. 5-(1,1-dimethylheptyl)-2-[(1R,2R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]-phenol (CP 55, 940);

7. Benzoylindoles: any compound containing a 3-(benzoyl)indole structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl,

alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not further substituted on the indole ring to any extent, and whether or not substituted on the phenyl group to any extent. Benzoylindoles include, but are not limited to:

- i. 1-pentyl-3-(4-methoxybenzoyl)indole (RCS-4),
- ii. 1-[2-(4-morpholinyl)ethyl]-2-methyl-3-(4-methoxybenzoyl)indole (Pravadoline or WIN 48, 098),
- iii. 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-694),
- iv. 1-pentyl-3-(2-iodobenzoyl)indole (AM-679), or
- v. 1-[1-(N-methyl-2-piperidinyl)methyl]-3-(2-iodobenzoyl)indole (AM-2233);

8. Cyclopropoylindoles: Any compound containing a 3-(cyclopropoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the cyclopropoyl ring to any extent. Cyclopropoylindoles include, but are not limited to:

- i. 1-pentyl-3-(2,2,3,3-tetramethylcyclopropoyl)indole (UR-144),
- ii. 1-(5-chloropentyl)-3-(2,2,3,3-tetramethylcyclopropoyl)indole (5Cl-UR-144), or
- iii. 1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropoyl)indole (XLR11);

9. Indole Amides: Any compound containing a 1H-Indole-3-carboxamide structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not substituted at the carboxamide group by an adamantyl, naphthyl, phenyl, benzyl, quinolyl, cycloalkyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3,3-dimethyl-1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3,3-dimethyl-1-oxobutan-2-yl or pyrrole group, and whether or not further substituted in the indole, adamantyl, naphthyl, phenyl, pyrrole, quinolyl, or cycloalkyl rings to any extent. Indole Amides include, but are not limited to:

- i. N-(1-adamantyl)-1-pentyl-1H-indole-3-carboxamide (2NE1),
- ii. N-(1-adamantyl)-1-(5-fluoropentyl)-1H-indole-3-carboxamide (STS-135),
- iii. N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-1H-indole-3-carboxamide (ADBICA),
- iv. N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)-1H-indole-3-carboxamide (5F-ADBICA),
- v. N-(naphthalen-1-yl)-1-pentyl-1H-indole-3-carboxamide (NNE1),

- vi 1-(5-fluoropentyl)-N-(naphthalene-1-yl)-1H-indole-3-carboxamide (5F-NNE1),
- vii. N-benzyl-1-pentyl-1H-indole-3-carboxamide (SDB-006), or
- viii. N-benzyl-1-(5-fluoropentyl)-1H-indole-3-carboxamide (5F-SDB-006);

10. Indole Esters: Any compound containing a 1H-Indole-3-carboxylate structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not substituted at the carboxylate group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl, cycloalkyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3,3-dimethyl-1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3,3-dimethyl-1-oxobutan-2-yl or pyrrole group, and whether or not further substituted in the indole, adamantyl, naphthyl, phenyl, pyrrole, quinolinyl, or cycloalkyl rings to any extent. Indole Esters include, but are not limited to:

- i. quinolin-8-yl 1-pentyl-1H-indole-3-carboxylate (PB-22),
- ii. quinolin-8-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (5F-PB-22),
- iii. quinolin-8-yl 1-(cyclohexylmethyl)-1H-indole-3-carboxylate (BB-22),
- iv. naphthalen-1-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (FDU-PB-22), or
- v. naphthalen-1-yl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (NM2201);

11. Adamantanoylindoles: Any compound containing an adamantanyl-(1H-indol-3-yl)methanone structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the adamantyl ring to any extent. Adamantanoylindoles include, but are not limited to:

- i. adamantan-1-yl[1-[(1-methyl-2-piperidinyl)methyl]-1H-indol-3-yl]methanone (AM1248), or
- ii. adamantan-1-yl-(1-pentyl-1H-indol-3-yl)methanone (AB-001);

12. Carbazole Ketone: Any compound containing (9H-carbazole-3-yl) methanone structure with or without substitution at the nitrogen atom of the carbazole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, with substitution at the carbon of the methanone group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl, cycloalkyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3,3-dimethyl-1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3,3-dimethyl-1-oxobutan-2-yl or pyrrole group, and whether or not further substituted at the carbazole, adamantyl, naphthyl, phenyl, pyrrole, quinolinyl, or cycloalkyl rings to any extent. Carbazole Ketones include, but are not limited to, naphthalen-1-yl(9-pentyl-9H-carbazol-3-yl)methanone (EG-018);

13. Benzimidazole Ketone: Any compound containing (benzimidazole-2-yl) methanone structure with or without substitution at either nitrogen atom of the benzimidazole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, halobenzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, (tetrahydropyran-4-yl)methyl, 1-methylazepanyl, phenyl, or halophenyl group, with substitution at the carbon of the methanone group by an adamantyl, naphthyl, phenyl, benzyl, quinolinyl, cycloalkyl, 1-amino-3-methyl-1-oxobutan-2-yl, 1-amino-3,3-dimethyl-1-oxobutan-2-yl, 1-methoxy-3-methyl-1-oxobutan-2-yl, 1-methoxy-3,3-dimethyl-1-oxobutan-2-yl or pyrrole group, and whether or not further substituted in the benzimidazole, adamantyl, naphthyl, phenyl, pyrrole, quinolinyl, or cycloalkyl rings to any extent. Benzimidazole Ketones include, but are not limited to:

- i. naphthalen-1-yl(1-pentyl-1H-benzo[d]imidazol-2-yl)methanone (JWH-018 benzimidazole analog), or
- ii. (1-(5-fluoropentyl)-1H-benzo[d]imidazol-2-yl)(naphthalen-1-yl)methanone (FUBIMINA); and

14. Modified by Replacement: any compound defined in this subsection that is modified by replacement of a carbon with nitrogen in the indole, naphthyl, indene, benzimidazole, or carbazole ring.

(h) Any prescription drug approved by the Federal Food and Drug Administration under the provisions of Section 505 of the Federal Food, Drug and Cosmetic Act, Title 21 of the United States Code, Section 355, that is designated, rescheduled or deleted as a controlled substance under federal law by the United States Drug Enforcement Administration shall be excluded from Schedule I and shall be prescribed, distributed, dispensed or used in accordance with federal law upon the issuance of a notice, final rule or interim final rule by the United States Drug Enforcement Administration designating, rescheduling or deleting as a controlled substance such a drug product under federal law.

Section 203. Schedule II.

(a) Schedule II includes substances with the following characteristics: high potential for abuse; currently accepted medical use in the United States, or currently accepted medical use with severe restrictions; and the abuse of the substance may lead to severe psychological or physical dependence.

(b) The controlled substances listed in this section are included in Schedule II and include any of the following substances except those narcotic drugs listed in other schedules whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

1. Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate;

2. Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph 1 of this subsection, but not including the isoquinoline alkaloids of opium;

3. Opium poppy and poppy straw; or

4. Coca leaves except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; cocaine, its salts, optical and geometric isomers, and salts of isomers; ecgonine, its derivatives, their salts, isomers and salts of isomers; or any compound, mixture or preparation which contains any quantity of any of the substances referred to in this paragraph.

(c) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, when the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

1. Alphaprodine;
2. Anileridine;
3. Bezitramide;
4. Dihydrocodeine;
5. Diphenoxylate;
6. Fentanyl;
7. Hydromorphone;
8. Isomethadone;
9. Levomethorphan;
10. Levorphanol;
11. Metazocine;
12. Methadone;
13. Methadone - Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
14. Moramide - Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid;
15. Oxycodone;
16. Oxymorphone;
17. Pethidine (Meperidine);
18. Pethidine - Intermediate - A, 4-cyano-1-methyl-4-phenylpiperidine;
19. Pethidine - Intermediate - B, ethyl-4-phenylpiperidine-4-carboxylate;
20. Pethidine - Intermediate - C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
21. Phenazocine;
22. Piminodine;
23. Racemethorphan;
24. Racemorphan;
25. Etorphine Hydrochloride salt only;
26. Alfentanil hydrochloride;
27. Levo-alphacetylmethadol;
28. Codeine;
29. Hydrocodone;

30. Morphine;
31. Remifentanyl;
32. Sufentanyl;
33. Tapentadol; or
34. Tianeptine.

(d) Any substance which contains any quantity of:

1. Methamphetamine, including its salts, isomers, and salts of isomers;
2. Amphetamine, its salts, optical isomers, and salts of its optical isomers;
3. Nabilone; or
4. Lisdexamfetamine.

(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following substances having stimulant or depressant effect on the central nervous system:

1. Phenmetrazine and its salts;
2. Methylphenidate, including its salts, isomers and salts of isomers;
3. Amobarbital;
4. Pentobarbital;
5. Secobarbital; or
6. Ethylphenidate.

(f) Controlled Substances with Legal Use and Purpose. A person to whom or for whose use any controlled substance in Schedule II has been prescribed, sold, or dispensed by a physician, dentist, podiatrist, or pharmacist, or other person authorized under tribal law or state law, and the owner of any animal for which any such drug has been prescribed, sold, or dispensed, by a veterinarian, may lawfully possess it only in the container in which it was delivered to him by the person selling or dispensing the same.

Section 204. Schedule III.

(a) Schedule III includes substances with the following characteristics: a potential for abuse less than the substances listed in Schedules I and II; currently accepted medical use in treatment in the United States; and abuse may lead to moderate or low physical dependence or high psychological dependence.

(b) The controlled substances listed in this section are included in Schedule III unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following substances or any other substance having a potential for abuse associated with a stimulant or depressant effect on the central nervous system:

1. Any drug product containing gamma-hydroxybutyric acid, including its salts, isomers, and salts of isomers, for which an application has been approved under Section 505 of the Federal Food, Drug, and Cosmetic Act;

2. Any material, compound, mixture, or preparation which contains any quantity of the following hormonal substances or steroids, including their salts, isomers, esters and salts of isomers and esters, when the existence of these salts, isomers, esters, and salts of isomers and esters is possible within the specific chemical designation:

- a. Boldenone,
- b. Chlorotestosterone,
- c. Clostebol,
- d. Dehydrochlormethyltestosterone,
- e. Dihydrotestosterone,
- f. Drostanolone,
- g. Ethylestrenol,
- h. Fluoxymesterone,
- i. Formebolone,
- j. Mesterolone,
- k. Methandienone,
- l. Methandranone,
- m. Methandriol,
- n. Methandrostenolone,
- o. Methenolone,
- p. Methyltestosterone, except as provided in subsection E of this section,
- q. Mibolerone,
- r. Nandrolone,
- s. Norethandrolone,
- t. Oxandrolone,
- u. Oxymesterone,
- v. Oxymetholone,
- w. Stanolone,
- x. Stanozolol,
- y. Testolactone,
- z. Testosterone, except as provided in subsection E of this section, and
- aa. Trenbolone;

3. Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid;

- 4. Benzphetamine and its salts;
- 5. Buprenorphine;
- 6. Butalbital/acetaminophen/caffeine;
- 7. Chlorhexadol;
- 8. Chlorphentermine and its salts;
- 9. Clortermine;
- 10. Glutethimide;
- 11. Ketamine, its salts, isomers, and salts of isomers;
- 12. Lysergic acid;
- 13. Lysergic acid amide;

14. Mazindol;
15. Methyprylon;
16. Phendimetrazine;
17. Phenylacetone (P2P);
18. Sulfondiethylmethane;
19. Sulfonethylmethane;
20. Sulfonmethane;
21. Tetrahydrocannabinols;
22. 1-Phenycyclohexylamine; or
23. 1-Piperidinocyclohexanecarbo nitrile (PCC).

Livestock implants as regulated by the Federal Food and Drug Administration shall be exempt.

(c) Nalorphine.

(d) Unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

1. Not more than one and eight-tenths (1.8) grams of codeine or any of its salts, per one hundred (100) milliliters or not more than ninety (90) milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

2. Not more than one and eight-tenths (1.8) grams of codeine or any of its salts, per one hundred (100) milliliters or not more than ninety (90) milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts;

3. Not more than one and eight-tenths (1.8) grams of dihydrocodeine or any of its salts, per one hundred (100) milliliters or not more than ninety (90) milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts;

4. Not more than three hundred (300) milligrams of ethylmorphine or any of its salts, per one hundred (100) milliliters or not more than fifteen (15) milligrams per dosage unit, with one or more ingredients in recognized therapeutic amounts;

5. Not more than five hundred (500) milligrams of opium per one hundred (100) milliliters or per one hundred (100) grams, or not more than twenty-five (25) milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts; or

6. Not more than fifty (50) milligrams of morphine or any of its salts, per one hundred (100) milliliters or per one hundred (100) grams with one or more active, non-narcotic ingredients in recognized therapeutic amounts.

(e) The following hormonal substances or steroids are exempt from classification as Schedule III controlled dangerous substances:

1. Estratest, containing 1.25 mg esterified estrogens and 2.5 mg methyltestosterone;

2. Estratest HS, containing 0.625 mg esterified estrogens and 1.25 mg methyltestosterone;
3. Premarin with Methyltestosterone, containing 1.25 mg conjugated estrogens and 10.0 mg methyltestosterone;
4. Premarin with Methyltestosterone, containing 0.625 mg conjugated estrogens and 5.0 mg methyltestosterone;
5. Testosterone Cypionate - Estradiol Cypionate injection, containing 50 mg/ml Testosterone Cypionate; and
6. Testosterone Enanthate - Estradiol Valerate injection, containing 90 mg/ml Testosterone Enanthate and 4 mg/ml Estradiol Valerate.

Section 205. Schedule IV.

(a) Schedule IV includes substances with the following characteristics: low potential for abuse relative to substances listed in Schedule III; currently accepted medical use in treatment in use in the United States; and abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances listed in Schedule III.

(b) The controlled substances listed in this section are included in Schedule IV and include any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant or depressant effect on the central nervous system:

1. Chloral betaine;
2. Chloral hydrate;
3. Ethchlorvynol;
4. Ethinamate;
5. Meproamate;
6. Paraldehyde;
7. Petrichloral;
8. Diethylpropion;
9. Phentermine;
10. Pemoline;
11. Chlordiazepoxide;
12. Chlordiazepoxide and its salts, but not including chlordiazepoxide hydrochloride and clidinium bromide or chlordiazepoxide and water-soluble esterified estrogens;
13. Diazepam;
14. Oxazepam;
15. Clorazepate;
16. Flurazepam and its salts;
17. Clonazepam;
18. Barbital;
19. Mebutamate;
20. Methohexital;
21. Methylphenobarbital;
22. Phenobarbital;
23. Fenfluramine;

24. Pentazocine;
25. Propoxyphene;
26. Butorphanol;
27. Alprazolam;
28. Halazepam;
29. Lorazepam;
30. Prazepam;
31. Temazepam;
32. Triazolam;
33. Carisoprodol;
34. Dichloralphenazone;
35. Estazolam;
36. Eszopiclone;
37. Midazolam;
38. Modafinil;
39. Zaleplon;
40. Zolpidem;
41. Tramadol;
42. Bromazepam;
43. Suvorexant;
44. Phenazepam;
45. Etizolam; or
46. Clonazepam.

(c) The following non-narcotic substances, which may, under the Federal Food, Drug, and Cosmetic Act (21 U.S.C., Section 301), be lawfully sold over the counter without a prescription, are excluded from all schedules of controlled substances:

1. Breathe-Aid,
2. BronCare,
3. Bronchial Congestion,
4. Bronkaid Tablets,
5. Bronkaid Dual Action Caplets,
6. Bronkotabs,
7. Bronkolixir,
8. NeoRespin,
9. Pazo Hemorrhoid Ointment and Suppositories,
10. Primatene Tablets,
11. Primatene "Dual Action" Formula,
12. Quelidrine,
13. Resp, and
14. Vatronal Nose Drops.

Section 206. Schedule V.

(a) Schedule V includes substances with the following characteristics: low potential for abuse relative to the controlled substances listed in Schedule IV; currently accepted medical use in treatment in the United States; and limited physical dependence or psychological dependence liability relative to the controlled substances listed in Schedule IV.

(b) The controlled substances listed in this section are included in Schedule V and include any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, which also contains one or more non-narcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

1. not more than two hundred (200) milligrams of codeine, or any of its salts, per one hundred (100) milliliters or per one hundred (100) grams,

2. not more than one hundred (100) milligrams of dihydrocodeine, or any of its salts, per one hundred (100) milliliters or per one hundred (100) grams,

3. not more than one hundred (100) milligrams of ethylmorphine, or any of its salts, per one hundred (100) milliliters or per one hundred (100) grams,

4. not more than two and five-tenths (2.5) milligrams of diphenoxylate and not less than twenty-five (25) micrograms of atropine sulfate per dosage unit, or

5. not more than one hundred (100) milligrams of opium per one hundred (100) milliliters or per one hundred (100) grams.

Section 207. Professional Practice.

A person may lawfully possess or have under his control a controlled substance if such person obtained the controlled substance directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of a practitioner's professional practice.

Section 208. Exceptions.

(a) The religious use of peyote and its derivatives in bona fide religious ceremonies of the Native American Church, and by members of the Native American Church and the Church of the Firstborn is specifically excepted from the Wyandotte Nation Controlled Dangerous Substances Code.

(b) It shall not be a crime under this Code for an individual to possess marijuana for medicinal purposes pursuant to a valid state issued medical marijuana license.

Section 209. Burden of Proof.

In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of the Wyandotte Nation Controlled Dangerous Substances Code, the burden of proof of any exception, excuse, proviso or exemption, shall be upon the defendant.

CHAPTER THREE

WARRANTS, SEARCH, SEIZURE AND DISPOSAL PROCEDURES

Section 301. Warrants.

A search warrant may issue, and execution and seizure may be had, as provided in the Criminal Procedure Code of the Wyandotte Nation, for any controlled substance or controlled substance analogue unlawfully in the possession or under the control of any person, or for any drug paraphernalia for the unauthorized administration or use of controlled substances or controlled substance analogues in the possession or under the control of any person.

Section 302. Arrest.

(a) An arrest warrant may issue and execution may be had, as provided in the Criminal Procedure Code of the Wyandotte Nation, for any controlled substance or controlled substance analogue unlawfully in the possession or under the control of any person, or for any drug paraphernalia for the unauthorized administration or use of controlled substances or controlled substance analogues in the possession or under the control of any person.

(b) Any peace officer of the tribe, or any other Wyandotte Nation commissioned or deputized officer with tribal authority may arrest without a warrant for violation of the Wyandotte Nation Controlled Dangerous Substances Code, if such arrest is necessary to protect the immediate health and security of the Wyandotte Nation and its citizens.

Section 303. Seizure.

Any peace officer of the Nation, federal officers, or any other Wyandotte Nation commissioned or deputized officer with tribal authority, upon making an arrest for a violation of this code, shall seize without warrant any controlled substance or controlled substance analogue or drug paraphernalia kept for the unauthorized administration or use of a controlled substance or controlled substance analogue in the possession or under the control of the person or persons arrested, providing such seizure shall be made incident to the arrest.

Section 304. Disposal and Forfeiture.

(a) The court shall order such controlled substances, controlled substance analogues, or drug paraphernalia forfeited and destroyed. A record of the place where said controlled substances, controlled substance analogues, or drug paraphernalia were seized, of the kinds and quantities of controlled substances, controlled substance analogues, or drug paraphernalia so destroyed, and of the time, place and manner of destructions, shall be kept, and a return under oath, reporting the destruction of the controlled substances, controlled substance analogues, or drug paraphernalia shall be made to the court.

(b) Everything of value furnished, or intended to be furnished, in exchange for a controlled substance, controlled substance analogue or drug paraphernalia in violation of the Wyandotte

Nation Controlled Dangerous Substances Code, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, or securities used, or intended to be used, to facilitate any violation of such code shall be forfeited, except that no property shall be forfeited under this subsection to the extent of the interest of an owner by reason of any act or omission established by him to have been committed without his knowledge or consent.

(c) Any moneys, coin, or currency found in close proximity to forfeitable controlled substances, controlled substance analogues, or drug paraphernalia, or forfeitable records of the importation, manufacture, or distribution of controlled substances, controlled substance analogues or drug paraphernalia are presumed to be forfeitable under this subsection. The burden of proof shall be upon claimants of the property to rebut this presumption.

(d) The term "arrest", for purposes of this Section, shall include the taking of a child into custody.

(e) Any peace officer of the Nation, or any other Wyandotte Nation commissioned or deputized officer with tribal authority carrying out the provisions of the Wyandotte Nation Controlled Dangerous Substances Code may take into evidence any items used to violate or to attempt to violate any section of Wyandotte Nation Controlled Dangerous Substances Code. Such evidence shall be turned over to the tribal prosecutor's office according to the procedures of the Wyandotte Nation Tribal Police Department.

Section 305. Use of Vessels.

The Wyandotte Nation Tribal Police Department has the authority to use any vessel, vehicle, aircraft or other mode of transportation in carrying out the provisions of the Wyandotte Nation Controlled Dangerous Substances Code.

Section 306. Duty.

It is hereby made the duty of the Wyandotte Nation Tribal Police Department, its officers, agents, and representatives, and all peace officers within the Wyandotte Nation, to enforce the laws of the Wyandotte Nation relating to controlled dangerous substances and controlled dangerous substance analogues.

Section 307. Confidentiality.

The Wyandotte Nation Tribal Police Department shall keep all complaints, investigatory reports, and information confidential, except when disclosure is necessary to effectuate the provisions of the Wyandotte Nation Controlled Dangerous Substances Code and the laws of the Wyandotte Nation.

Section 308. Good Faith.

Any peace officer of the Nation, or any other Wyandotte Nation commissioned or deputized officer with tribal authority, whose actions and conduct are carried out in a good faith effort to effectuate

the provisions of the Wyandotte Nation Controlled Dangerous Substances Code and the laws of the Wyandotte Nation shall be held immune from any criminal or civil liability arising from such conduct.

CHAPTER FOUR OFFENSES AND PENALTIES

Section 401. Guilt.

Any person who violates this Code with respect to any controlled substance or controlled substance analogues is guilty of a criminal offense under the laws of the Wyandotte Nation.

Section 402. Prohibited Acts A - Penalties.

(a) Except as authorized by this Title, it shall be unlawful for any person:

1. To distribute, dispense, transport with intent to distribute or dispense, possess with intent to manufacture, distribute, or dispense, a controlled dangerous substance or to solicit the use of or use the services of a person less than eighteen (18) years of age to cultivate, distribute or dispense a controlled dangerous substance;
2. To create, distribute, transport with intent to distribute or dispense, or possess with intent to distribute, a counterfeit controlled dangerous substance; or
3. To distribute any imitation controlled substance as identified in this Title, except when authorized by the Food and Drug Administration of the United States Department of Health and Human Services.

(b) Any person who violates the provisions of this section with respect to:

1. A substance classified in Schedule I or II which is a narcotic drug, lysergic acid diethylamide (LSD), gamma butyrolactone, gamma hydroxyvalerate, gamma valerolactone, 1,4 butanediol, or gamma- hydroxybutyric acid as defined in this title, upon conviction, shall be guilty of a felony and may be sentenced to a term of imprisonment for not less than six (6) months and not more than three (3) years and a fine of not more than Five Thousand Dollars (\$5,000.00), which may be in addition to other punishment provided by law;
2. Any other controlled dangerous substance classified in Schedule I, and II, upon conviction, may be guilty of a felony and may be sentenced to a term of imprisonment for not less than six (6) months nor more than three (3) years and a fine of not more than Five Thousand Dollars (\$5,000.00), which may be in addition to other punishment provided by law;
3. A substance classified in Schedule III, IV, and V, upon conviction, shall be guilty of a misdemeanor and may be sentenced to a term of imprisonment for not more than one (1) year and a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00), which may be in addition to other punishment provided by law. A person convicted of a second violation of the

provisions of this paragraph may be guilty of a felony and may be sentenced to a term of imprisonment for not more than three (3) years and a fine of not more than Five Thousand Dollars (\$5,000.00), which may be in addition to other punishment provided by law; or

4. An imitation controlled substance as defined in this title, upon conviction, shall be guilty of a misdemeanor and may be sentenced to a term of imprisonment for a period of not more than one (1) year and a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00). A person convicted of a second violation of the provisions of this paragraph may be guilty of a felony and may be sentenced to a term of imprisonment for not more than three (3) years and a fine of not more than Five Thousand Dollars (\$5,000.00), which may be in addition to other punishment provided by law.

(c) Except when authorized by the Food and Drug Administration of the United States Department of Health and Human Services, it shall be unlawful for any person to:

1. manufacture, cultivate, distribute, or possess with intent to distribute a synthetic controlled substance.

2. Any person convicted of violating the provisions of this paragraph is guilty of a felony and may be punished by imprisonment for a term not to exceed two (2) years and a fine of not more than Five Thousand Dollars (\$5,000.00), which may be in addition to other punishment provided by law.

3. Any person who commits a second or subsequent violation of the provisions of this paragraph may be prosecuted and is guilty of a felony and may be punished by imprisonment for a term not to exceed three (3) years and a fine of not more than Five Thousand Dollars (\$5,000.00) and may be banished from the Wyandotte Nation for a period of not more than five (5) years.

(d) Convictions for second or subsequent violations of the provisions of this section shall not be subject to statutory provisions for suspended sentences, deferred sentences, or probation.

(e) Any person who is at least eighteen (18) years of age and who violates the provisions of this section by using or soliciting the use of services of a person less than eighteen (18) years of age to distribute, dispense, transport with intent to distribute or dispense or cultivate a controlled dangerous substance or by distributing a controlled dangerous substance to a person under eighteen (18) years of age, is guilty of a felony and may be punished by imprisonment for a term not to exceed three (3) years and a fine of not more than Five Thousand Dollars (\$5,000.00), or by both fine and imprisonment. A prosecution under this section may be in addition to, and not in lieu of, the prosecution for any other crime enumerated in this act.

(f) Any person who violates any provision of this section by transporting with intent to distribute or dispense, distributing or possessing with intent to distribute a controlled dangerous substance to a person, or violation of subsection G of this section, in or on, or within two thousand (2,000) feet of the real property comprising a public or private elementary or secondary school, public vocational school, public or private college or university, or other institution of higher

education, recreation center or public park, including state parks and recreation areas, public housing project, or child care facility, is guilty of a felony and may be punished by a term of imprisonment not to exceed three (3) years, or by the imposition of a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both fine and imprisonment. A prosecution under this section may be in addition to, and not in lieu of, the prosecution for any other crime enumerated in this act.

(g) Except as authorized by this Title, it shall be unlawful for any person to:

1. Manufacture or attempt to manufacture any controlled dangerous substance or possess any substance containing any detectable amount of pseudoephedrine or its salts, optical isomers or salts of optical isomers, iodine or its salts, optical isomers or salts of optical isomers, hydriodic acid, sodium metal, lithium metal, anhydrous ammonia, phosphorus, or organic solvents with the intent to use that substance to manufacture a controlled dangerous substance.

2. Any person violating the provisions of this subsection with respect to the unlawful manufacturing or attempting to unlawfully manufacture any controlled dangerous substance, or possessing any substance listed in this subsection, upon conviction, is guilty of a felony and may be punished by imprisonment for not less than three (3) years and by a fine of not less than Five Thousand Dollars (\$5,000.00), which shall be in addition to other punishment provided by law. The possession of any amount of anhydrous ammonia in an unauthorized container shall be prima facie evidence of intent to use such substance to manufacture a controlled dangerous substance. A prosecution under this section may be in addition to, and not in lieu of, the prosecution for any other crime enumerated in this act.

4. Any person who has been convicted of manufacturing or attempting to manufacture methamphetamine pursuant to the provisions of this subsection and who, after such conviction, purchases or attempts to purchase, receive or otherwise acquire any product, mixture, or preparation containing any detectable quantity of base pseudoephedrine or ephedrine shall, upon conviction, be guilty of a felony punishable by imprisonment for a term of imprisonment not to exceed three (3) years, or by the imposition of a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both fine and imprisonment. A prosecution under this section may be in addition to, and not in lieu of, the prosecution for any other crime enumerated in this act.

Section 403. Prohibited Acts B - Penalties.

(a) It shall be unlawful for any person knowingly or intentionally to:

1. Possess a controlled dangerous substance unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his or her professional practice, or except as otherwise authorized by this act.

2. Sell, market, advertise or label any product containing ephedrine, its salts, optical isomers, or salts of optical isomers, for the indication of stimulation, mental alertness, weight loss, appetite control, muscle development, energy or other indication which is not approved by the pertinent federal OTC Final Monograph, Tentative Final Monograph, or FDA-approved new drug

application or its legal equivalent. In determining compliance with this requirement, the following factors shall be considered:

- a. the packaging of the product,
- b. the name of the product, and
- c. the distribution and promotion of the product, including verbal representations made at the point of sale.

(b) Any person who violates this section with respect to:

1. Any Schedule I or II substance, except marijuana is guilty of a felony and may be punishable by imprisonment for not less than two (2) years nor more than three (3) years and by a fine not exceeding Five Thousand Dollars (\$5,000.00);

2. Any Schedule III, IV or V substance, marijuana, or any preparation excepted from the provisions of this Title is guilty of a misdemeanor and may be punishable by imprisonment for not more than one (1) year and by a fine not exceeding One Thousand Dollars (\$1,000.00);

(c) Any person who violates any provision of this section by possessing or purchasing a controlled dangerous substance from any person, in or on, or within one thousand (1,000) feet of the real property comprising a public or private elementary or secondary school, public vocational school, public or private college or university, or other institution of higher education, recreation center or public park, including tribal, state, or federal owned parks and recreation areas, or in the presence of any child under twelve (12) years of age, shall be guilty of a felony.

1. Any person convicted of violating the provisions of this paragraph may be punished by imprisonment for not less than one (1) year nor more than three (3) years, or by a fine of up to Five Thousand Dollars (\$5,000.00), or by both fine and imprisonment, which shall be in addition to other punishment provided by law.

2. Any person who commits a second or subsequent violation of the provisions of this subsection is guilty of a felony and may be punished by imprisonment for not less than Two (2) years and a fine of Five Thousand Dollars (\$5,000.00).

Section 404. Prohibited Acts C - Penalties.

(a) Any person found guilty of larceny, burglary or theft of controlled dangerous substances is guilty of a felony and may be punishable by imprisonment for a period not to exceed three (3) years.

(b) Any person found guilty of robbery or attempted robbery of controlled dangerous substances from a practitioner, manufacturer, distributor or agent thereof as defined in this title is guilty of a felony and may be punishable by imprisonment for a period of not less than one (1)

year, and such sentence shall not be subject to statutory provisions for suspended sentences, deferred sentences or probation..

Section 405. Prohibited Acts D - Penalties.

(a) No person shall use tincture of opium, tincture of opium camphorated, or any derivative thereof, by the hypodermic method, either with or without a medical prescription therefor.

(b) No person shall use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled dangerous substance in violation of this Title, except those persons holding an un-revoked license in the professions of podiatry, dentistry, medicine, nursing, optometry, osteopathy, veterinary medicine or pharmacy.

(c) No person shall deliver, sell, possess or manufacture drug paraphernalia knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled dangerous substance in violation of this Title.

(d) Any person eighteen (18) years of age or over who violates subsection (c) of this section by delivering or selling drug paraphernalia to a person under eighteen (18) years of age shall, upon conviction, be guilty of a felony. Any person convicted of violating the provisions of this paragraph may be punished by imprisonment for not less than one (1) year nor more than three (3) years, or by a fine of up to Five Thousand Dollars (\$5,000.00), or by both fine and imprisonment, which shall be in addition to other punishment provided by law.

(e) Any person who violates subsections A, B or C of this section shall, upon conviction, be guilty of a misdemeanor and may be punished by imprisonment for not more than one (1) year or by a fine of not more than One Thousand Dollars (\$1,000.00), or both such fine and imprisonment.

Section 406. Prohibited Acts E - Penalties.

(a) No person shall obtain or attempt to obtain any preparation in a manner inconsistent with the provisions of this title, or a controlled dangerous substance or procure or attempt to procure the administration of a controlled dangerous substance:

1. By fraud, deceit, misrepresentation, or subterfuge;
2. By the forgery of, alteration of, adding any information to or changing any information on a prescription or of any written order;
3. By the concealment of a material fact; or

4. By the use of a false name or the giving of a false address.

(b) Except as authorized by this act, a person shall not manufacture, create, deliver, or possess with intent to manufacture, create, or deliver or possess a prescription form, an original prescription form, or a counterfeit prescription form. This shall not apply to the legitimate manufacture or delivery of prescription forms, or a person acting as an authorized agent of the practitioner.

(c) Information communicated to a physician in an effort unlawfully to procure a controlled dangerous substance, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication.

(d) Any person who violates this section is guilty of a felony punishable by imprisonment for not more than three (3) years, by a fine of not more than Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

Section 407. Substances Causing Intoxication, Distortion or Disturbances of Auditory, Visual, Muscular or Mental Processes Prohibited; Exemptions - Penalties.

(a) For the purpose of inducing intoxication or distortion or disturbance of the auditory, visual, muscular, or mental process, no person shall ingest, use, or possess any compound, liquid, or chemical which contains ethylchloride, butyl nitrite, isobutyl nitrite, secondary butyl nitrite, tertiary butyl nitrite, amyl nitrite, isopropyl nitrite, isopentyl nitrite, or mixtures containing butyl nitrite, isobutyl nitrite, secondary butyl nitrite, tertiary butyl nitrite, amyl nitrite, isopropyl nitrite, isopentyl nitrite, or any of their esters, isomers, or analogues, or any other similar compound.

(b) No person shall possess, buy, sell, or otherwise transfer any substance specified in subsection (a) of this section for the purpose of inducing or aiding any other person to inhale or ingest such substance or otherwise violate the provisions of this section.

(c) The provisions of subsections (a) and (b) of this section shall not apply to:

1. The possession and use of a substance specified in subsection (a) of this section which is used as part of the care or treatment by a licensed physician of a disease, condition or injury or pursuant to a prescription of a licensed physician; and

2. The possession of a substance specified in subsection (a) of this section which is used as part of a known manufacturing process or industrial operation when the possessor has obtained a permit from the Oklahoma State Department of Health.

(d) Any person convicted of violating any provision of subsection (a) or (b) of this section shall be guilty of a misdemeanor punishable by imprisonment not to exceed ninety (90) days or by the imposition of a fine not to exceed Five Hundred Dollars (\$500.00), or by both such imprisonment and fine.

Section 408. Offering, Soliciting, Attempting, Endeavoring or Conspiring to Commit Offense - Penalties.

Any person who offers, solicits, attempts, endeavors, or conspires to commit any offense defined in this title shall be subject to the penalty prescribed for the offense, the commission of which was the object of the offer, solicitation, attempt, endeavor or conspiracy.

Section 409. Marijuana.

(a) Any person who plants, grows, cultivates, harvests or gathers, sells, barter, or gives away or has in possession any marijuana shall be deemed guilty of a misdemeanor offense and upon conviction thereof, may be sentenced to incarceration for a period not to exceed six (6) months, or to a fine not to exceed three hundred and fifty dollars (\$350.00), or to both such fine and imprisonment, with costs.

(b) There shall be an exception to subparagraph (a) if the individual possesses a license consistent with the requirements for licensure in the State of Oklahoma to grow or transport marijuana.

Section 410. Additional penalties.

Any penalty imposed for violation of this title shall be in addition to, and not in lieu of, any civil or administrative penalty or sanction authorized by law.

Section 411. General Penalty Provision.

Any person who violates any provision of this act not subject to a specific penalty provision is guilty of a misdemeanor punishable by imprisonment for not more than one (1) year, or by a fine of not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

Section 412. Penalties for Second or Subsequent Offenses.

An offense shall be considered a second or subsequent offense under this Title, if, prior to his or her conviction of the offense, the offender has at any time been convicted of an offense or offenses under this act, under any statute of the United States, or of any state, or Tribe relating to narcotic drugs, marihuana, depressant, stimulant, or hallucinogenic drugs, as defined by this act.

Section 413. Possession.

Possession of a controlled substance, controlled substance analogue or precursor substance is prima facie evidence of intent to violate this Code.

Section 414. Public Nuisance.

Any store, shop, warehouse, dwelling, building, vehicle, boat, aircraft or other structure or place, which is resorted to for the purpose of possessing, keeping, transporting, distributing or manufacturing controlled substances shall be deemed a public nuisance.

Section 415. Injunction Authorized.

Any Wyandotte Nation Court or its designee, within the boundaries of the Wyandotte Nation may issue an injunction, enjoining the activity or conduct of any person, if such activity or conduct, demonstrated by clear and convincing evidence, violates any provision of the Wyandotte Nation Controlled Dangerous Substances Code.

Section 416. Civil Immunity.

Any person who reports suspicious activity or suspicious conduct related to a possible violation of a provision of the Wyandotte Nation Controlled Dangerous Substances Code shall be held immune from civil liability for any injury arising from such report.

CHAPTER FIVE SENTENCING PROVISIONS

Section 501. Rehabilitative Measures.

(a) In carrying out the provisions of the Wyandotte Nation Controlled Dangerous Substances Code, the Court may consider rehabilitative measures in lieu of jail time when not otherwise prohibited by the provisions of this Title, if;

1. The offender is a juvenile;
2. The offender is a first-time offender under the Wyandotte Nation Controlled Dangerous Substances Code; or
3. The Court finds the offender is enrolled in a behavioral health program aimed at preventing drug use relapse.
4. In cases of first-time offenses or in cases where the offender is enrolled in behavioral health program, the Court is not required to consider rehabilitative measures in lieu of jail, if it finds the offense is of such severe magnitude it would reasonably be certain to compromise or jeopardize public health or safety of the tribal community.

(b) The Court may order the offender to complete rehabilitative measures, including;

1. Wyandotte Nation Behavioral Health programs;
2. Indian Health Service Behavioral Health programs;
3. Other community or private Behavioral Health programs;
4. Traditional healing and wellness activities sanctioned by the Nation or Indian communities;

5. Drug Court programs; or

6. Any other rehabilitative measures the Court deems proper in providing non-punitive, rehabilitative treatment to the offender.

Section 502. Adult Offenders.

Adult offenders are individuals over the age of eighteen (18) who are convicted of an offense under the Wyandotte Nation Controlled Dangerous Substances Code.

Section 503. Additional Sentencing Provisions for Adult Offenders.

(a) In addition to the penalties provided for in this Title, the Court may require a convicted offender who has inflicted injury upon the person or property of another to make restitution or compensate the injured person by means of the surrender of property, payment of money damages, or the performance of any other act for the benefit of the injured party.

(b) In addition to the penalties provided for in this Title, the Court may require a convicted offender who has inflicted injury upon the person or property of the tribal government, or who has incurred costs to the tribal government by his/her actions, to make restitution or compensate the tribal government by means of labor or service for the benefit of the tribal government.

(c) If, solely because of indigence, a convicted offender is unable to pay forthwith a money fine assessed under any applicable section, the Court shall allow him/her a reasonable period of time to pay the entire sum or allow him/her to make reasonable installment payments to the clerk of the court at specified intervals until the entire sum is paid. If the offender defaults on such payments, the court may find him/her in contempt of court and imprison him/her accordingly.

(d) Any adult person who has been convicted of a criminal offense, under the provisions of the Wyandotte Nation Controlled Dangerous Substances Code, may not have such conviction expunged from his/her criminal record, until a period of ten (10) years after the court's sentence has been completed and unless otherwise agreed upon by the prosecutor and the Court.

Section 504. Juvenile Offenders.

Juvenile Offenders are individuals under the age of eighteen (18) who are convicted of an offense under the Wyandotte Nation Controlled Dangerous Substances Code.

Section 505. Sentencing Juvenile Offenders.

(a) The Wyandotte Nation Controlled Dangerous Substances Code aims to reflect the Wyandotte Nation's custom and tradition of protecting its youth and moderating justice programs aimed at intervening in young lives for a positive impact towards healing and wellness. The sentencing procedures contained in this section are mandated by tribal law, and shall not be deviated from by a court imposing a sentence under this code.

(b) Any juvenile convicted of a first offense under the Wyandotte Nation Controlled Dangerous Substances Code may be sentenced to a Rehabilitative Measure as set forth in this code.

(c) Any juvenile convicted of a second or subsequent offense under this Title may be sentenced to a Rehabilitative Measure and may also be sentenced to one or a combination of the following:

1. Detention for a period not to exceed a maximum of one year;
2. A money fine in an amount not to exceed (\$5,000); or
3. Both detention and a fine.

(d) In addition to the penalties provided in this section, the Court may require a convicted juvenile offender who has inflicted injury upon the person or property of another to make restitution or compensate the injured person by means of the surrender of property, payment of money damages, or the performance of any other act for the benefit of the injured party.

(e) In addition to the penalties provided in this section, the Court may require a convicted juvenile offender who has inflicted injury upon the person or property of the tribal government, or who has incurred costs to the tribal government by his/her actions, to make restitution or compensate the tribal government by means of labor for the benefit of the tribal government.

(f) If, solely because of indigence, a convicted juvenile offender is unable to pay forthwith a money fine assessed under any applicable section, the Court shall allow him/her a reasonable period of time to pay the entire sum or allow him/her to make reasonable installment payments to the clerk of the court at specified intervals until the entire sum is paid. If the offender defaults on such payments, the court may find him/her in contempt of court and sentence him/her according to Wyandotte Nation tribal law.

(g) Any juvenile who has been convicted of a criminal offense, under the provisions of the Wyandotte Nation Controlled Dangerous Substances Code, shall be eligible to have the first of such convictions expunged from his/her criminal record after the court's sentence has been completed. The court may order expungement as to the first offense when;

1. The offender has reached the age of eighteen (18), and
2. The offender has complied with all court orders for rehabilitation and other sentencing imposed as a result of such conviction.

Section 506. Civil Remedies - Non-Indian.

(a) Wyandotte Nation finds that the illegal purchase, transport, distribution, delivery, trafficking or attempted purchase, transport, distribution, delivery, trafficking use of illegal controlled substances or controlled substance analogues within the Wyandotte Nation jurisdiction

has a direct effect on the health, welfare, economic security and political integrity of the Wyandotte Nation.

(b) Any Wyandotte Nation Court exercising authority over incidents arising within the boundaries of the Wyandotte Nation may utilize any civil remedies, including but not limited to remedies relating to the Wyandotte Nation's customs and traditions, if the offense is committed by a non-Indian.