

TITLE 6B

**METHAMPHETAMINE
AND RELATED CONTROLLED DANGEROUS
SUBSTANCES CODE**

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TITLE 6B
METHAMPHETAMINE
AND RELATED CONTROLLED DANGEROUS
SUBSTANCES CODE

CHAPTER ONE
GENERAL PROVISIONS

Section 101. Title.

This Act shall be called the Seminole Nation of Oklahoma Methamphetamine and Related Controlled Dangerous Substances Code.

[HISTORY: Adopted December 5, 2009 Adopted December 5, 2009;
Approved by BIA February 2, 2012]

Section 102. Purpose.

The Seminole Nation of Oklahoma is committed to achieving and maintaining a safe and productive Seminole Nation of Oklahoma 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 with the Seminole Nation of Oklahoma jurisdiction.

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]

Section 103. 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 Seminole Nation of Oklahoma jurisdiction. Nothing in this code shall be construed as a waiver of tribal sovereign immunity.

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]

Section 104. Authority to Control.

The Seminole Nation of Oklahoma has the authority to carry out the provisions of the Seminole Nation of Oklahoma Methamphetamine and Related Controlled Dangerous Substances

Code, and may effectuate any tribal laws or policies aimed at carrying out the legislative intent of such code.

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]

CHAPTER TWO DEFINITIONS

Section 201. Definitions.

A. "Controlled substance", means a drug, substance, or immediate precursor listed in Schedules I through V of the Seminole Nation of Oklahoma Methamphetamine and Related Controlled Dangerous Substances Code;

B. "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.

C. "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;

D. "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;

E. "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:
 - (a) Statements by an owner or by anyone in control of the object concerning its use;
 - (b) 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;
 - (c) The proximity of the object, in time and space, to a direct violation of the chapters of this code;
 - (d) The proximity of the object to controlled substances or imitation controlled substances;
 - (e) The existence of any residue of controlled substances or imitation controlled substances on the object;
 - (f) 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;

- (g) Instructions, oral or written, provided with the object concerning its use;
- (h) Descriptive materials accompanying the object, which explain or depict its use;
- (i) National or local advertising concerning its use;
- (j) The manner in which the object is displayed for sale;
- (k) 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;
- (l) Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;
- (m) The existence and scope of legitimate uses for the object in the community;
- (n) Expert testimony concerning its use;
- (o) 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;

F. “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;

G. “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) Whether the substance was approved by the federal Food and Drug Administration for over-the-counter (nonprescription or non-legend) sales and was sold in the federal Food and Drug Administration approved package, with the federal Food and Drug Administration approved labeling information;
- (2) Statements made by an owner or by anyone else in control of the substance concerning the nature of the substance, or its use or effect;
- (3) Whether the substance is packaged in a manner normally used for illicit controlled substances;
- (4) 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;
- (5) The proximity of the substances to controlled substances;
- (6) 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;

H. “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 by extraction from substances of natural 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:

- (1) By a practitioner as an incident to his administering or dispensing of a controlled substance or an imitation controlled substance in the course of his professional practice, or
- (2) By a practitioner or his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale;

I. “Methamphetamine precursor drug”, means any drug containing ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of optical

isomers;

J. "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;

K. "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;

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

M. "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.

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]

CHAPTER THREE SCHEDULES

Section 301. Schedule Administration.

A. The schedules provided by this act 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 Seminole Nation of Oklahoma Methamphetamine and Related Controlled Substances Code are directly parallel to the Oklahoma Controlled Substance Act. The Seminole Nation of Oklahoma shall revise and republish the schedules of the Seminole Nation of Oklahoma Methamphetamine and Related Controlled Substances Code as necessary, however, no more often than once per year.

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 Seminole Nation of Oklahoma Methamphetamine and Related Controlled Substances Code.

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]

Section 302. Schedule I.

A. Schedule I includes substances with the following characteristics: high potential for abuse; no accepted medical use in the United States or lacks accepted safety for use in treatment under medical supervision.

B. The controlled substances listed in this section are included in Schedule I and include 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. Betaprodine;
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. Etoxeridine;
24. Furethidine;
25. Hydroxypethidine;
26. Ketobemidone;
27. Levomoramide;

28. Levophenacymorphan;
29. Morpheridine;
30. Noracymethadol;
31. Norlevorphanol;
32. Normethadone;
33. Norpipanone;
34. Phenadoxone;
35. Phenampromide;
36. Phenomorphan;
37. Phenoperidine;
38. Piritramide;
39. Proheptazine;
40. Properidine;
41. Racemoramide;
42. Trimeperidine;
43. Flunitrazepam;
44. B-hydroxy-amphetamine;
45. B-ketoamphetamine;
46. 3,4-methylenedioxy-N-methyl-B-ketoamphetamine;
47. 2,5-dimethoxy-4-methylamphetamine;
48. 2,5-dimethoxy-4-bromoamphetamine;
49. 2,5-dimethoxy-4-nitroamphetamine;
50. 2,5-dimethoxy-4-bromophenethylamine;

51. 2,5-dimethoxy-4-chlorophenethylamine;
52. 2,5-dimethoxy-4-iodoamphetamine;
53. 2,5-dimethoxy-4-iodophenethylamine;
54. 2,5-dimethoxy-4-methylphenethylamine;
55. 2,5-dimethoxy-4-ethylphenethylamine;
56. 2,5-dimethoxy-4-fluorophenethylamine;
57. 2,5-dimethoxy-4-nitrophenethylamine;
58. 2,5-dimethoxy-4-ethylthio-phenethylamine;
59. 2,5-dimethoxy-4-isopropylthio-phenethylamine;
60. 2,5-dimethoxy-4-propylthio-phenethylamine;
61. 2,5-dimethoxy-4-cyclopropylmethylthio-phenethylamine;
62. 2,5-dimethoxy-4-tert-butylthio-phenethylamine;
63. 2,5-dimethoxy-4-(2-fluoroethylthio)-phenethylamine;
64. 5-methoxy-N, N-dimethyltryptamine;
65. N-methyltryptamine;
66. A-ethyltryptamine;
67. A-methyltryptamine;
68. N, N-diethyltryptamine;
69. N, N-diisopropyltryptamine;
70. N, N-dipropyltryptamine;
71. 5-methoxy-a-methyltryptamine;
72. 4-hydroxy-N, N-diethyltryptamine;
73. 4-hydroxy-N, N-diisopropyltryptamine;

74. 5-methoxy-N, N-diisopropyltryptamine; or
75. 4-hydroxy-N-isopropyl-N-methyltryptamine.

C. 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. Hydromorphanol;
12. Methyldesorphine;
13. Methylhydromorphine;
14. Morphine methylbromide;
15. Morphine methylsulfonate;
16. Morphine-N-Oxide;
17. Myorphine;
18. Nicocodeine;
19. Nicomorphine;

20. Normorphine;
21. Phoclo dine; or
22. Thebacon.

D. 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. Mescaline;
13. N-benzylpiperazine;
14. N-ethyl-3-piperidyl benzilate;
15. N-methyl-3-piperidyl benzilate;
16. Psilocybin;
17. Psilocyn;
18. 2, 5 dimethoxyamphetamine;

19. 4-Bromo-2,5-dimethoxyamphetamine;
20. 4-methoxyamphetamine;
21. Cyclohexamine;
22. Salvia Divinorum;
23. Salvinorin A;
24. Tetrahydrocannabinols;
25. Thiophene Analog of Phencyclidine. Also known as: 1-(1-(2-thienyl)cyclohexyl) piperidine; 2-Thienyl Analog of Phencyclidine; TPCP, TCP;
26. Phencyclidine (PCP); or
27. Pyrrolidine Analog for Phencyclidine. Also known as 1-(1-Phencyclohexyl) - Pyrrolidine, PCPy, PHP.

E. 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; or

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.

F. The following industrial uses of Gamma-Butyrolactone, Gamma Hydroxyvalerate, Gamma Valerolactone, or 1,4 Butanediol are excluded from all schedules of controlled substances:

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.

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]

Section 303. 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 psychic 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; or

27. Levo-alphaacetylmethadol.

D. Any substance which contains any quantity of:

1. Methamphetamine, including its salts, isomers, and salts of isomers; or

2. Amphetamine, its salts, optical isomers, and salts of its optical isomers.

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;

3. Amobarbital;

4. Pentobarbital; or

5. Secobarbital.

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.

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]

Section 304. 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 substance, which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid unless specifically excepted or unless listed in another schedule.
2. Chlorhexadol.
3. Glutethimide.
4. Lysergic acid.
5. Lysergic acid amide.
6. Methyprylon.
7. Sulfondiethylmethane.
8. Sulfonethylmethane.
9. Sulfonmethane.
10. Benzphetamine and its salts.
11. Chlorphentermine and its salts.
12. Clortermine.
13. Mazindol.
14. Phendimetrazine.
15. Phenylacetone (P2P).
16. 1-Phenylcyclohexylamine.
17. 1-Piperidinocyclohexanecarbo nitrile (PCC).
18. Ketamine , its salts, isomers, and salts of isomers.
19. 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.
- bb. Livestock implants as regulated by the Federal Food and Drug Administration shall be exempt.
- cc. Nalorphine.

C. 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, nonnarcotic ingredients in recognized therapeutic amounts;
3. Not more than three hundred (300) milligrams of dihydrocodeinone or any of its salts, per one hundred (100) milliliters or not more than fifteen (15) milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;
4. Not more than three hundred (300) milligrams of dihydrocodeinone or any of its salts, per one hundred (100) milliliters or not more than fifteen (15) milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;
5. 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, nonnarcotic ingredients in recognized therapeutic amounts;
6. 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;

7. 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, nonnarcotic ingredients in recognized therapeutic amounts;

8. 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, nonnarcotic ingredients in recognized therapeutic amounts.

D. 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.

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]

Section 305. 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 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. Meprobamate;
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. Ephedrine, its salts, optical isomers, and salts of optical isomers as the only active ingredient, or in combination with other active ingredients; or
35. Dichloralphenazone.

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.

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]

Section 306. 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.

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]

Section 307. 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.

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]

Section 308. Exceptions.

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 Seminole Nation of Oklahoma Related Controlled Substances Act.

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]

Section 309. Burden of Proof.

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

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]

CHAPTER FOUR
WARRANTS, SEARCH, SEIZURE AND DISPOSAL PROCEDURES

Section 401. Warrants.

A search warrant may issue, and execution and seizure may be had, as provided in the rules of criminal procedure for the Seminole Nation of Oklahoma, 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.

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]

Section 402. Arrest.

A. An arrest warrant may issue and execution may be had, as provided in the rules of criminal procedure for the Seminole Nation of Oklahoma, 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 Seminole Nation of Oklahoma commissioned or deputized officer with tribal authority may arrest without a warrant for violation of the Seminole Nation of Oklahoma Methamphetamine and Related Controlled Dangerous Substances Code, if such arrest is necessary to protect the immediate health and security of the Seminole Nation of Oklahoma and its citizens.

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]

Section 403. Seizure.

Any peace officer of the tribe, or any other Seminole Nation of Oklahoma 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.

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]

Section 404. Disposal

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 Seminole Nation of Oklahoma Methamphetamine and Controlled 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 tribe, or any other Seminole Nation of Oklahoma commissioned or deputized officer with tribal authority carrying out the provisions of the Seminole Nation of Oklahoma Methamphetamine and Related Controlled Dangerous Substances Code may take into evidence any items used to violate or to attempt to violate any section of Seminole Nation of Oklahoma Methamphetamine and Related Controlled Dangerous Substances Code. Such evidence shall be turned over to the tribal prosecutor’s office according to the rules of the Seminole Nation of Oklahoma Lighthouse Police.

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]

Section 405. Use of Vessels.

The Seminole Nation of Oklahoma Lighthouse Police have the authority to use any vessel, vehicle, aircraft or other mode of transportation in carrying out the provisions of the Seminole Nation of Oklahoma Methamphetamine and Related Controlled Dangerous Substances Code.

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]

Section 406. Duty.

It is hereby made the duty of the Seminole Nation of Oklahoma Lighthorse Police, its officers, agents, and representatives, and all peace officers within the Seminole Nation of Oklahoma, to enforce the laws of the Seminole Nation of Oklahoma relating controlled substances and controlled substance analogues.

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]

Section 407. Confidentiality.

The Seminole Nation of Oklahoma Lighthorse Police shall keep all complaints, investigatory reports, and information confidential, except when disclosure is necessary to effectuate the provisions of the Seminole Nation of Oklahoma Methamphetamine and Related Controlled Dangerous Substances Code and the laws of the Seminole Nation of Oklahoma.

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]

Section 408. Good Faith.

Any peace officer of the tribe, or any other Seminole Nation of Oklahoma 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 Seminole Nation of Oklahoma Methamphetamine and Related Controlled Dangerous Substances Code and the laws of the Seminole Nation of Oklahoma shall be held immune from any criminal or civil liability arising from such conduct.

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]

CHAPTER FIVE OFFENSES

Section 501. 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 Seminole Nation of Oklahoma.

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]

Section 502. Offenses.

Except as authorized for legal purposes under a valid prescription or for some legal professional, medical or veterinarian purpose,

- A. A person commits the offense of unlawful possession of a controlled substance if that person possesses or has under his control a controlled substance.

- B. A person commits the offense of unlawful possession of a controlled substance analogue if that person possesses or has under his control a controlled substance analogue.

- C. A person commits the offense of fraudulently attempting to obtain a controlled substance if he obtains or attempts to obtain a controlled substance or procures or attempts to procure the administration of the controlled substance by fraud, deceit, misrepresentation, or subterfuge; or by the forgery or alteration of a prescription or of any written order; or by the concealment of a material fact; or by the use of a false name or the giving of a false address. The crime of fraudulently attempting to obtain a controlled substance shall include, but shall not be limited to nor be limited by, the following:
 - (1) Knowingly making a false statement in any prescription, order, report, or record used for medical or veterinarian treatment.

 - (2) For the purpose of obtaining a controlled substance, falsely assuming the title of, or representing oneself to be, a manufacturer, wholesaler, pharmacist, physician, dentist, podiatrist, veterinarian, or other authorized person,

 - (3) Making or uttering any false or forged prescription or false or forged written order;

 - (4) Affixing any false or forged label to a package or receptacle containing controlled substances;

 - (5) Possess a false or forged prescription with intent to obtain a controlled

substance.

- (6) Information communicated to a physician in an effort unlawfully to procure a controlled substance or unlawfully to procure the administration of any such drug shall not be deemed a privileged communication; provided, however, that no physician or surgeon shall be competent to testify concerning any information which he may have acquired from any patient while attending him in a professional character and which information was necessary to enable him to prescribe for such patient as a physician, or to perform any act for him as a surgeon.

D. A person commits the offense of unlawful distribution of a controlled substance to a minor if he violates this code by distributing or delivering any controlled substance to a person under seventeen years of age who is at least two years that person's junior.

- (1) It is not a defense to a violation of this section that the defendant did not know the age of the person to whom he was distributing or delivering.

E. A person commits the offense of unlawful purchase or transport of a controlled substance with a minor if he knowingly permits a minor child to purchase or transport illegally obtained controlled substances.

F. A person commits the offense of distribution or delivery of a controlled substance near a school or park if such person violates this code by unlawfully distributing or delivering heroin, cocaine, LSD, amphetamine, or methamphetamine to a person in or on, or within one thousand feet of, the real property comprising a public school, public park, library, recreational area, camping area or other public place set aside for public recreation.

G. A person commits the offense of distribution or delivery of a controlled substance near public housing or other governmental assisted housing if he violates this code by unlawfully distributing or delivering any controlled substance to a person in or on, or within one thousand feet of the real property comprising public housing or tribal governmental assisted housing.

H. A person commits the offense of unlawful endangerment of property if, while engaged in or as a part of the enterprise for the production of a controlled substance, the person protects or attempts to protect the production of the controlled substance by creating, setting up, building, erecting or using any device or weapon which causes or is intended to cause damage to the property of, or injury to, another person.

I. A person commits the offense of trafficking drugs in the first degree if the person distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of a mixture or substance containing a detectable amount of phencyclidine (PCP).

J. A person commits the offense of trafficking drugs in the first degree if the person distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of any material, compound, mixture or preparation which

contains any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its optical isomers; phenmetrazine and its salts; or methylphenidate.

K. A person commits the offense of trafficking drugs in the first degree if the person distributes, delivers, manufactures, produces or attempts to distribute, deliver, manufacture or produce more than thirty grams of any material, compound, mixture or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine.

L. A person commits the offense of trafficking drugs in the first degree if the person possesses or has under his/her control, purchases or attempts to purchase, or brings into this tribal jurisdiction more than one hundred fifty grams of a mixture or substance containing a detectable amount of 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 salts and their 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 foregoing substances.

M. A person commits the offense of trafficking drugs in the second degree if the person possesses or has under his/her control, purchases or attempts to purchase, or brings into this tribal jurisdiction more than two grams of a mixture or which contains cocaine base.

N. A person commits the offense of trafficking drugs in the second degree if the person possesses or has under his/her control, purchases or attempts to purchase, or brings into this tribal jurisdiction more than five hundred milligrams of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD).

O. A person commits the offense of trafficking drugs in the second degree if the person possesses or has under his/her control, purchases or attempts to purchase, or brings into this tribal jurisdiction more than four grams of phencyclidine.

P. A person commits the offense of trafficking drugs in the second degree if he possesses or has under his control, purchases or attempts to purchase, or brings into this tribal jurisdiction more than four grams of any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts of its optical isomers; methamphetamine, its salts, isomers and salts of its isomers; phenmetrazine and its salts; or methylphenidate.

Q. A person commits the offense of trafficking drugs in the second degree if the person possesses or has under his/her her control, purchases or attempts to purchase, or brings into this tribal jurisdiction more than four grams of any material, compound, mixture or preparation which contains any quantity of 3,4-methylenedioxymethamphetamine.

R. A person commits the offense of contributing to the illegal possession or use of a

controlled substance if the person provides any reagents, solvents or precursor materials to include list I and II chemicals used in the production of a controlled substance to any other person knowing that the person to whom such materials are provided intends to use such materials for the illegal production of a controlled substance.

S. A person commits the offense of unlawful possession of drug paraphernalia if the person uses or possesses with intent to 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 substance or an controlled substance analogue.

T. A person commits the offense of unlawful transfer of drug paraphernalia if the person delivers, possesses with intent to deliver, or manufacture, with intent to deliver, 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 substance.

U. A person commits the offense of unlawful possession of a controlled substance if the person possesses a controlled substance analogue in violation of this code.

V. A person commits the offense of unlawful possession with intent to deliver a controlled substance if the person delivers, possesses with intent to deliver, manufactures with intent to deliver, or causes to be delivered any controlled substance analogue.

W. A person commits the offense of unlawful possession of a methamphetamine precursor drug if the person possesses any methamphetamine precursor drug with the intent to manufacture amphetamine, methamphetamine or any of their analogues.

(1) Possession of more than twenty-four grams of any methamphetamine precursor drug or combination of methamphetamine precursor drugs shall be prima facie evidence of intent to violate this section.

X. A person commits the offense of unlawful marketing ephedrine if the person markets, sells, distributes, advertises or labels any drug product containing ephedrine, its salts, optical isomers and salts of optical isomers, or pseudoephedrine, its salts, optical isomers and salts of optical isomers, for indication of stimulation, mental alertness, weight loss, appetite control, energy or other indications not approved pursuant to the pertinent federal over-the-counter drug Final Monograph or Tentative Final Monograph or approved new drug application.

Y. A person commits the offense of unlawful possession of chemical for production of methamphetamine if the person possess chemicals listed in the schedules of the Seminole Nation of Oklahoma Methamphetamine and Controlled Substances Code, or reagents, or solvents, or any other chemicals proven to be precursor ingredients of methamphetamine or amphetamine, as established by expert testimony, with the intent to manufacture, compound, convert, produce, process, prepare, test, or otherwise alter that chemical to create a controlled

substance or a controlled substance analogue .

Z. A person commits the offense of distribution of a controlled substance, when the person delivers, distributes, manufactures or produces a controlled substance, controlled substance analogue or precursor controlled substance. This offense includes attempted delivery, distribution, manufacture or production.

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]

Section 503. Possession.

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

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]

Section 504. Marijuana.

Any Indian who shall plant, grow, cultivate, harvest or gather, sell, barter, or give away or have in possession any Marijuana shall be deemed guilty of an offense and upon conviction thereof, shall 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.

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]

Section 504 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.

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]

Section 505. Injunction Authorized.

Any Seminole Nation of Oklahoma Court or designee, within the boundaries of the Seminole Nation of Oklahoma 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 Seminole Nation of Oklahoma Methamphetamine and Related Controlled Dangerous Substances Code.

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]

Section 506. Civil Immunity.

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

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]

CHAPTER SIX SENTENCING

Section 601. Rehabilitative Measures.

A. In carrying out the provisions of the Seminole Nation of Oklahoma Methamphetamine and Related Controlled Dangerous Substances Code, the court shall consider rehabilitative measures in lieu of jail time, if;

- (1) The offender is a juvenile;
- (2) The offender is a first-time offender under the Seminole Nation of Oklahoma Methamphetamine and Related 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) Seminole Nation of Oklahoma 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 tribe 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.

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]

Section 602. Adult Offenders.

Adult offenders are individuals over the age of eighteen who are convicted of an offense under the Seminole Nation of Oklahoma Methamphetamine and Related Controlled Dangerous Substances Code.

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]

Section 603. Sentencing Adult Offenders.

A. Any adult person who has been convicted of a criminal offense, under the provisions of the Seminole Nation of Oklahoma Methamphetamine and Related Controlled Dangerous Substances Code, may be sentenced to one or a combination of the following penalties:

- (1) Imprisonment for a period not to exceed a maximum of one year in jail;
- (2) A money fine in an amount not to exceed (\$5,000).
- (3) Or both imprisonment and a fine.

B. In addition to or in lieu of the penalties of this section, 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.

C. In addition to or in lieu of the penalties provided in this section, 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.

D. 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.

E. Any adult person who has been convicted of a criminal offense, under the provisions of the Seminole Nation of Oklahoma Methamphetamine and Related Controlled Dangerous Substances Code, shall not have such conviction expunged from his/her criminal record, even after the court's sentence has been completed.

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]

Section 604. Juvenile Offenders

Juvenile Offenders are individuals under the age of eighteen who are convicted of an offense under the Seminole Nation of Oklahoma Methamphetamine and Related Controlled Dangerous Substances Code.

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]

Section 605. Sentencing Juvenile Offenders

A. The Seminole Nation of Oklahoma Methamphetamine and Related Controlled Dangerous Substances Code aims to reflect the Seminole Nation of Oklahoma'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 Seminole Nation of Oklahoma Methamphetamine and Related Controlled Dangerous Substances Code shall be sentenced to a Rehabilitative Measure as set forth in this code.

C. Any juvenile convicted of a second or subsequent offense under the Seminole Nation of Oklahoma Methamphetamine and Related Controlled Dangerous Substances Code shall be sentenced to a Rehabilitative Measure and may also be sentenced to one or a combination of the following:

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

D. In addition to or in lieu of 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 or in lieu of 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 juveniles 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 Seminole Nation of Oklahoma tribal laws.

G. Any juvenile person who has been convicted of a criminal offense, under the provisions of the Seminole Nation of Oklahoma Methamphetamine and Related 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, and
- (2) The offender has complied with all court orders for rehabilitation and other sentencing imposed as a result of such conviction.

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]

Section 605. Creative Civil Remedies/Non Indian.

A. The Seminole Nation of Oklahoma 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 with the Seminole Nation of Oklahoma jurisdiction has a direct effect on the health, welfare, economic security and political integrity of the Seminole Nation of Oklahoma.

B. Any Seminole Nation of Oklahoma court, or its designee, exercising authority over incidents arising within the boundaries of the Seminole Nation of Oklahoma may utilize any civil remedies, including but not limited to remedies relating to the Seminole Nation of Oklahoma's customs and traditions, if the offense is committed by a non-Indian.

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]

**CHAPTER SEVEN
SEVERABILITY**

If any part of this Ordinance is found to be invalid by any court of competent jurisdiction or by the United States Department of the Interior, it shall be severed and the remaining parts shall remain in effect.

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]

CHAPTER EIGHT
SOVEREIGN IMMUNITY

Nothing in this code is intended to be nor shall be construed as a waiver of tribal sovereign immunity.

[HISTORY: Adopted December 5, 2009;
Approved by BIA February 2, 2012]