

Drug and Alcohol Prevention Program (Part 86) 2026-2027

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INTRODUCTION

The Drug Free Schools and Communities Act Amendments of 1989 requires an institution of higher education to certify to the U.S. Department of Education, that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by all students and employees in order to be eligible for federal financial assistance of any kind.

The rules and regulations of College of the Muscogee Nation prohibits the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees in buildings, facilities, grounds, or other property owned and/or controlled by College of the Muscogee Nation or as part of College activities. In addition, as set forth in local, state, tribal, and federal laws of drugs and alcohol any person in violation will be subject to the appropriate laws and penalties.

Standards of Conduct

The College of the Muscogee Nation is committed to a standard of conduct which prohibits the unlawful possession, use, or distribution, or manufacture of illegal drugs and/or alcohol by students and employees on campus premises as well as any college sponsored activity or events on or off campus. The unlawful use of drugs or alcohol is inconsistent with the behavior expected of members of the CMN community. Violations of this policy may result in criminal sanctions provided by federal, state, and local law as well as disciplinary sanctions from CMN.

Students:
The use, sale, distribution, possession of alcohol, or any drug, including prescription medication used in an unauthorized manner is strictly prohibited and may result in disciplinary action up to, and including, expulsion.

Employees:
While at work, each CMN employee has a responsibility to deliver service in a safe, efficient, and conscientious manner. Therefore, the use, sale, distribution, possession of alcohol, or any drug, including prescription medication used in an unauthorized manner is strictly prohibited and may result in disciplinary action up to, and including, termination.

Updates

This document is designed to be an annual document and a notice will be sent out to inform prospective, new and returning students and employees of the annual publication. However, updates may be necessary due to the changing of State, Tribal and Federal laws, or changes to CMN policy. For the most recent publication of this document, please see the CMN website: www.cmn.edu.

LEGAL SANCTIONS UNDER FEDERAL, STATE, AND TRIBAL LAW

Local, state, tribal and federal laws provide for a variety of legal sanctions for the unlawful

possession and distribution of illicit drugs and alcohol. These sanctions include, but are not limited to, incarceration and monetary fines.

Federal Drug Sanctions

Federal law provides rather severe penalties for distributing or dispensing, or possessing with the intent to distribute or disperse a controlled substance, and penalties of a less severe nature for simple possession of a controlled substance. The type and quantity of the drug, whether the convicted person has any prior convictions, and whether death or previous injury resulted from use of the drug in question (this, however is not a factor in a case of simple possession) all affects the sentence. In addition, federal benefits may be denied to drug traffickers and possessors (U.S.C. 853a): denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses up to one year for the first offense, up to five years for the second and subsequent offenses.

State of Oklahoma Alcohol Sanctions

Public Consumption of Alcohol:
Oklahoma law prohibits consumption of alcohol or any intoxicating substance in any public place and further prohibits drunkenness or intoxication in any public place. Fines and periods of imprisonment are given for violation for this statute.

Sale/Delivery of Alcoholic Beverages to Persons Under 21:
The sale, delivery or furnishing of alcoholic beverages to persons under 21 is prohibited under Oklahoma law. Such an act is considered a felony with a fine ranging from $2,500-$5,000 and imprisonment of up to one year for the first offense.

Misrepresenting One's Age or Falsifying an ID to Obtain Alcoholic Beverages:
This misdemeanor is punishable in Oklahoma by a fine of $50 for the first offense, with a possible suspension of a driver's license up to the time an individual is 21.

Driving Under the Influence:
First conviction of a DUI results in a sentence of up to one-year imprisonment and a fine of up to $1,000. Subsequent convictions are considered a felony charge resulting in a prison term ranging from one to five years and a fine up to $5,000, accompanied by a mandatory participation in an alcoholic and drug substance abuse evaluation program.

State of Oklahoma Drug Sanctions

Criminal Penalties:
Oklahoma has criminal penalties for use of controlled substances, or drugs, with penalties varying with the type of drug. In general, narcotics and drugs with a higher potential for abuse have heavier penalties. For example, possession of a narcotic drug such as heroin results in a felony conviction ranging from a period of one year for the first offense and a fine up to $100,000.

Possession of Drugs:
Possession of drugs is illegal without valid authorization. While penalties for possession are generally not as great as for manufacture and distribution of drugs, possession of a relatively large quantity may be considered distribution. Under both state and federal law, penalties for possession, manufacture, and distribution are much greater for second and subsequent convictions. Many laws dictate mandatory prison terms and the full minimum term must be served. The use of any drugs, including medical marijuana, is prohibited. CMN receives federal funds, and as a result, must abide by tribal and federal laws.

Sale and Possession of Drug Paraphernalia:
A person convicted of this offense is guilty of a misdemeanor punishable by imprisonment of up to one year and a fine of up to $1,000.

Distribution of Drugs To Persons Under The Age of 21 And To Minor Children Under 18 Years

Under federal law, distribution of drugs to persons under age 21 is punishable by twice the normal penalty with a mandatory one-year in prison. These penalties apply to distribution of drugs in or within 1,000 feet of a college. In addition, Oklahoma law provides that any person who causes, acts, or encourages a minor child under 18 years of age to have in their possession a controlled substance is guilty of a felony resulting in a prison sentence ranging from two to thirteen years and a fine of up to $200,000.

State, Federal and Tribal Drug Sanctions:
For a complete listing of drug and alcohol sanctions see the following:

- State of Oklahoma Drug Sanctions (Appendix I)
- Federal Drug Sanctions (Appendix II)
- Muscogee (Creek) Nation Drug and Alcohol Sanctions (Appendix III)

HEALTH RISKS

Abuse of alcohol and use of drugs is harmful to one's physical, mental and social well-being. Accidents and injuries are more likely to occur if alcohol and drugs are used. Alcohol and drug users can lose resistance to disease and destroy their health. Tolerance and psychological dependence can develop after sustained use of alcohol and drugs.

Health Risks Related To Alcohol

Alcohol is the number one substance problem in the United States. Alcoholism takes a toll on personal finances, health, social relationships and families. Short term effects include behavioral changes, impairment of judgment, alcohol poisoning, and depression. Long term effects include liver, heart, and brain damage, ulcers, and cancer.

Health Risks Related To Amphetamines/Stimulants

Amphetamines/Stimulants (speed, uppers, crank, etc.) speeds up the nervous system which can

cause increased heart and breathing rates, higher blood pressure, decreased appetite, anxiety, paranoia, convulsions and death due to a stroke or heart attack. Other effects may include nervousness, insomnia, loss of coordination, irritability, anxiousness, restlessness, delirium, panic, paranoia, impulsive behavior, aggressiveness, tolerance, addiction and psychosis.

Health Risks Related To Cocaine

Cocaine (coke, snow, freebase, crack, rock, ice) in its many forms is damaging to the lungs, immune system, and impacts the heart and lungs. Its euphoric effect can be especially compelling for some and is highly addictive psychologically. A temporary "superhuman" feeling makes for very poor decision-making. Emotional problems and mood swings are frequent symptoms. Depression often follows the euphoria as the person is coming off the drug. Death can result even after only one application. Other effects include increased temperature chest pain, respiratory failure, nausea, abdominal pain, strokes, seizures, headaches, malnutrition, and panic attacks.

Health Risks Related To Heroin

Heroin (junk, H, horse) is very addictive and withdrawal is difficult and painful. Heroin seems to take over leaving a disinterest in other things including work and relationships. Coma and death can come as a result of over-dose. AIDS and hepatitis can be contracted from sharing contaminated needles and other drug-use items.

Health Risks Related To Barbiturates/Depressants

Barbiturates/Depressants (downers, Quaaludes, etc.) slows down the central nervous system which can cause decreased heart and breathing rates, lower blood pressure, slowed reactions, respiratory depression, coma, and death.

Health Risks Related To Cannabis

Cannabis (marijuana, hashish) impairs short term memory, comprehension, concentration, and motivation. Marijuana smoke contains more cancer causing agents than tobacco smoke. Combined with alcohol, marijuana can produce a dangerous multiplied effect.

Health Risks Related To Hallucinogens

Hallucinogens (PCP, LSC, MDMA, designer drugs) cause hallucinations in which the user sees or hears things that are not in reality. Perceptual distortions can lead to dangerous behavior. Some hallucinogens can cause sudden, bizarre actions including violent behavior, loss of concentration and memory and behavior problems. Permanent brain function impairment can result from use.

Health Risks Related to Tobacco/Nicotine

Effects attributable to tobacco/nicotine exposure include adverse pregnancy outcomes, chronic lung disease, cardiovascular disease, stroke, cancer, tolerance, and addiction.

DRUG/ALCOHOL COUNSELING AND REHABILITATION PROGRAMS

The Muscogee (Creek) Nation Division of Health is available to assist employees and students seeking alcohol and drug counseling and treatment. The Behavioral Health and Substance Abuse Services (BHSAS) provide a wide range of outpatient mental health and substance abuse treatment clinics located in Okmulgee. Psychological testing and substance abuse assessments are also offered at the clinics. BHSAS is one of a few tribal programs that is state certified as an outpatient substance abuse treatment program. For further information on the services provided by the BHSAS please contact the main office in Okmulgee at 1101 Pine Medical Center Building, South Belmont Avenue, Suite 106, Okmulgee, OK 74447 Tel: (918) 758-1910. Students may also meet with an on-campus BHSAS counselor by appointment.

In addition, CMN Health and Wellness Services are available to assist students with referrals and appointments with Behavioral Health. Awareness programs and activities are scheduled throughout the year to provide information about these services. Please see the Dean of Student Affairs or the CMN Health and Wellness Case Managers for more information or to schedule a meeting. Alcohol and drug awareness programs with guest speakers will be held at the college and brochures about drugs and alcohol will also be available to students and employees throughout the year.

In addition, the following toll free, hotline numbers may be used for help or advice:

Program	Phone Number	Hours of Operation
National Institution on Drug Abuse Information and Referral Line	1-800-662-HELP	M-F, 8:30 a.m. – 4:30 p.m.
National Council on Alcoholism	1-800-622-2255	7 Days a week, 24 hours a day
Reach-Out Hotline (alcohol, drug crisis intervention, mental health and referral	1-800-522-9054	
Just Say No Foundation	1-800-258-2766	

INSTITUTIONAL DISCIPLINARY SANCTIONS

The College of the Muscogee Nation will impose disciplinary sanctions on students and employees in accordance with applicable policies including but not limited to; suspension, expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct.

CMN shall, within the scope of applicable federal and state due process requirements, take such administrative or disciplinary action as is appropriate for violations of the Drug and Alcohol Abuse Prevention Policy, CMN Policy and applicable law. In the event that such violation is also a violation of federal, state, or Tribal law, CMN may decide to proceed or delay its own disciplinary processes.

Students

- Any student demonstrating violation of the Student Code of Conduct including, but not limited to, the prohibition of possession, use, or distribution of illicit drugs and alcohol, shall be subject to discipline, up to and including expulsion, in accordance with CMN policy and applicable law. (For further discussion of the disciplinary procedures and due process, please reference the Policy on Student Conduct in the Student Handbook.)
- Sanctions may include community service, research papers, or participation in a drug and alcohol assistance or rehabilitation program and/or arrest or referral to the appropriate law enforcement agency.
- Parents of students may be notified of violations of the Student Code of Conduct.
- CMN shall vigorously pursue enforcement against students who fail to abide by its standards of conduct.

Employees

- Upon the receipt of information indicating a drug or alcohol related problem, employees may be required to submit to a medical examination or drug testing.
- In the event of confirmation of prohibited possession, use, or distribution by an employee administrative or disciplinary action may include, but is not limited to, reprimand, suspension, or termination of employment or requirement that the employee participate in and successfully complete an appropriate rehabilitation program and/or arrest or referral to the appropriate law enforcement agency.
- Other sanctions may include, but are not limited to, employee counseling sessions, written reprimands, formal discussions with supervisors, and leave without pay.
- If the employee engages in driving as part of his/her job related duties, such privilege may be revoked.

Visitors

- Any visitor engaging in any act prohibited by CMN Policy shall be called on to immediately cease such behavior and shall be subject to other sanctions including referral to law enforcement officials for arrest and prosecution.

Notice of Drug Conviction

Any student convicted of any drug-related criminal statute while receiving federal financial aid must notify in writing to the Dean of Student Affairs, no later than five (5) days after such conviction. Under federal and state laws, any student convicted of a drug-related offense while receiving federal financial aid must be denied all federal and state assistance, including Pell Grants and Oklahoma Promise. (See NOTICE OF FINANCIAL AID PENALTIES FOR DRUG VIOLATIONS section of the Consumer Information Guide for more details)

DISTRIBUTION OF DRUG AND ALCOHOL PREVENTION PROGRAM

The College of the Muscogee Nation will provide annually to each employee and each student, who is taking one or more classes for any type of academic credit except for continuing education units, a notification of the web link containing the annual report and instructions

on how to receive a printed copy.

The Drug and Alcohol Prevention Program printed materials is distributed to each student as a part of CMN's Consumer Information. Any student that enrolls at the College of the Muscogee Nation will receive the Consumer Information as a part of the application packet. Additionally, the Annual Drug and Alcohol Prevention Program materials will be located on the CMN website, in which current students will receive a notice sent to their school email address with the exact electronic address and link to access this information.

The Drug and Alcohol Prevention Program printed materials is provided to each faculty and staff member through the same annual notification. New employees are provided with Consumer Information during a new hire training session. Applicants for hire are directed to CMN's website for the Consumer Information in considering CMN for employment.

BIENNIAL REVIEW

The College of the Muscogee Nation Office of Student Affairs will conduct a biennial review of the CMN Drug and Alcohol Prevention Program to determine effectiveness, implement necessary changes, and ensure that disciplinary sanctions are enforced. All biennial review documentation will be located in the Student Affairs Office. A copy of the Drug and Alcohol Prevention Program and the results of the biennial review will be made available upon request to the public and the Secretary of the Department of Education.

Determination of the Effectiveness and Implementation of the Program

The CMN Student Affairs office will assess effectiveness of documented mandatory alcohol/drug treatment referrals for students and employees, documented cases of disciplinary sanctions imposed on students and employees, and drug testing results for any student or employee that was conducted by a rehabilitation program. After the assessment of the results from the biennial review, if the Student Affairs office needs to implement changes to the program, the changes will be presented to the CMN's Information Review Board for evaluation and then to the CMN Board of Regents approval of any changes.

Assurance That Disciplinary Sanctions Are Consistently Enforced

The CMN Student Affairs office will assess all biennial review documentation to the effectiveness of disciplinary sanctions imposed on students and employees to ensure that the disciplinary sanctions are consistently enforced. Assessments of the biennial review will determine the number of drug and alcohol violations and fatalities that occur on the school's campus or as part of the school's activities and determine the number and type of sanctions that are imposed.

APPENDIX
Appendix I: Oklahoma Drug Status Chart

Chart 1: Oklahoma Statutes Title 63 Public Health and Safety

SCHEDULE	OFFENSE/PENALTY	ENHANCEMENT/ BENEFIT RESTRICTIONS
2-203. Schedule I Characteristics: (1) High potential for abuse; (2) No accepted med use in US or lacks accepted safety for use in treatment under med supervision	2-401(B)(1) Distribution or possess w/ intent (p.w.i.) to distribute or manufacture a Sched I or II narcotic substance or LSD, GHB (or its chemical alternatives): 5yrs-life; <$100,000	or subsequent offense: felony under habitual offender statute; 2x fine imposed by penalty and no s.s. or p.p.
2-204 Schedule I Substances: (A) Opiates: e.g., acetylmmethadol, dextromoramide (B) Opium derivatives: e.g., codeine and morphine compounds, heroic (C) Hallucinogenic substances: e.g., LSD, marijuana, mescaline, BZP, psilocybin, DMT (D) Depressants and Stimulants: e.g., Qualuudes, GHB, N-ethylamphetamine (F) synthetic cannabinoids	2-401(C)(1)Manufacture, cultivation, distribution or p.w.i to distribute a synthetic controlled substances: felony; <Life; <$25,000	or subsequent offense: felony under habitual offender statute & <$100,000
	2-402(B)(1) Possession of Sched I or II substance (not marijuana or Sched II(D)) w/o valid prescription: felony; 4-20yrs; <$10,000	
2-205. Schedule II characteristics: (1) high potential for abuse; (2) accepted med use in US w/ severe restrictions; and (3) abuse may lead to severe psych or phys dependence	2-401(B)(2) Distribution or possess w/ intent (p.w.i.) to distribute or manufacture other Schedule I, II, III, or IV substances: 2yrs-life; <$20,000	or subsequent offense: felony under habitual offender statute; 2x fine imposed by penalty and no s.s. or p.p.
2-206. Schedule II substances: (A)Narcotics derived from vegetable origin or chemical synthesis: (1) Opium and opiates: e.g., raw opium, codeine, morphine and derived painkillers (2) chemical equivalents to those listed in (A) (3) Opium poppies and poppy straws (4) Cocaine (B) Other opiates: e.g.,	2-401(G)(3) Aggravated Manufacturing of a controlled substance in the amount listed below: 20yrs-life; >$50,000	Required to serve 85% of sentence before becoming eligible for parole or subsequent offense: felony under habitual offender statute; 2x fine imposed by penalty and no s.s. or p.p.
	a. >1kg of heroin mixture	
	b. >5kg of cocaine mixture	
	c. >50g of chemical precursors containing cocaine base	
	d. >100g of PCP mixture	
	e. >10g of LSD mixture	
	f. >400g of N-phenyl-N-1-(2- pheylethy)-4-piperidinyl propanamide mixture	

Chart 1: Oklahoma Statutes Title 63 Public Health and Safety (Continued)

methadone, dihydrocodeine (C) Other stimulants and hallucinogenic substances: e.g., synthetic THC (nabilone), amphetamine, methamphetamine (D) Other depressants and stimulants: e.g., amobarbital, glutethimide, Vyvanse, Ritalin	g. >1,000kg/1,000plants of marijuana	
	h. >50g of methamphetamine	401(G)(5)Subsequent attempt to acquire pseudoephedrine: >14yrs
2-207. Schedule III characteristics: (1) abuse potential less than Schedule I and II; (2) accepted med use in US; and (3) abuse may lead to moderate/low phys dependence or high psych dependence	2-402(B)(2) Possession of Sched III, IV, V, Sched II(D) substances or marihuana: Misdemeanor; <1yr; <$1,000	or subsequent offense w/in 10yrs: felony; 2-10yrs; <$5,000 or subsequent offense more than 10yrs later: felony; 1-yrs; <$5,000
2-208. Schedule III substances: (A) compounds containing stimulants or depressants: (1) GHB products (2) Anabolic steroids and hormones (3) Barbiturates (B) Nalorphine (C) Compounds containing limited narcotic quantities: e.g., codeine, opium and morphine compounds		
2-209. Schedule IV characteristics: (1) low abuse potential relative to Schedule III; (2) accepted med use in US; and (3) abuse may lead to limited phys dependence or psych dependence relative to Schedule III		

2-210. Schedule IV Substances: (1) Prescription medication containing potentially abusive quantities of certain narcotics: E.g., Klonipin, Ativan, ephedrine, phenobarbital, butorphanol tartate, anti-obesity medication (fenfluramine, etc.)		

Chart 1: Oklahoma Statutes Title 63 Public Health and Safety (Continued)

2-211. Schedule V	2-401(B)(3) Distribution or possess	or subsequent
Characteristics: (1) low abuse potential relative to Schedule IV; (2) accepted med use is US; and (3) abuse may lead to limited phys dependence or psych dependence relative to Schedule IV	w/ intent (p.w.i.) to distribute or manufacture Sched V substance: <5yrs; <$1,000	offense: felony under habitual offender statute; 2x fine imposed by penalty and no s.s. or p.p.
2-212. Schedule V Substances: (1)Narcotics containing nonnarcotic active medicinal ingredients: e.g., limited percentages of codeine, opium, etc. (2)Compounds containing pseudoephedrine or ephedrine (3) compounds containing pregabalin	2-401(B)(4) Distribution or possess w/ intent (p.w.i.) to distribute or manufacture an imitation controlled substance: misdemeanor; <1yr; <$1,000	offense: felony; <5yrs; <$5,000
2-322. Chemical Precursors: e.g., d-lysergic acid, ephedrine, pseudoephedrine, methylamine, etc.	2-401(G) Manufacture or possession of precursors w/ intent to manufacture controlled substance Felony; 7yrs-life; >$50,000	

ENHANCEMENT OFFENSES/MITIGATING OFFENSES	ENHANCED/REDUCED PENALTIES
2-401(E) Use of minor to distribute, dispense, transport w/ intent	2x penalty imposed; 2x fine imposed
2-419 Use of minors in transport, sale of controlled substances	Felony: 2x penalty/fine imposed If minor is <15 years old: <25yrs and/or <$100,000
2-401(F) Distribution, dispensing, possession w/ intent to distribute controlled substance w/in 2000 ft. of school, rec center, park, public housing, or child care facility	offense: 2x penalty/fine imposed for penalty or subsequent: habitual offender statute & required to serve 85% of sentence before becoming eligible for parole

2-402(C) Possession or purchase of a controlled substance w/in 1000 ft. of school, rec center, park, public housing, or child care facility, or in presence of child under 12	Felony; offense; 2x penalty/fine imposed for penalty & must serve 50% of sentence before parole eligibility or subsequent offense: 3x penalty/fine imposed for penalty & must serve 90% of sentence before parole eligibility & fined <$10,000
2-410 Conditional release for offense	Court may s.s. and impose conditional probation; may require drug rehab treatment

Chart 1: Oklahoma Statutes Title 63 Public Health and Safety (Continued)

ADDITIONAL OFFENSES	PENALTIES/ENHANCEMENTS/ BENEFIT RESTRICTIONS
2-403(A) Larceny, theft or burglary of a controlled substance	offense: felony; <10yrs; or subsequent: felony; >10yrs; no s.s. or p. p.
2-403(B) robbery of controlled substance from practitioner or manufacturer	offense: felony; >5yrs; or subsequent: felony; life imprisonment; no s.s. or p. p.
2-405 Possession/Delivery/Sale of Drug Paraphernalia	offense: <1yr and/or <$1,000 offense: <1yr and/or <$5,000 or subsequent: <1yr and/or <$10,000 Sale to a minor: felony
2-404 Registered Practitioners, distributors, manufactures who:	
(1) dispense a controlled substance in violation of requirements (2) manufacture, distribution of controlled substance not authorized by registration (3) omit, remove, alter symbol required by Federal Controlled substance act (4) refuse or fail to maintain required records (5) refuse entry for authorized inspection (6) maintain place or vehicle which is resorted to by persons using controlled dangerous substances or keeping/selling controlled substances	B. Civil Fine of <$1,000 If violation committed intentionally: felony; <5yrs; <$100,000 or subsequent: 2x penalty imposed
2-406 Registered practitioners, distributors, manufacturers who knowingly:	

(1) distributes Sched I or II substances w/o order form (2) use of an invalid registration number (3) Acquire possession of a controlled substance by misrepresentation (4) furnish false information in required documentation (5) Makes counterfeit controlled substances	offense: felony; <20yrs and/or <$250,000 or subsequent offense: 2x punishment imposed; no s.s. or p. p.
2-407 Obtaining prescription substance by fraud, forgery, misrepresentation; Creation or possession of a counterfeit or invalid prescription form	offense: felony; <10yrs and/or <$10,000 or subsequent: 4-20yrs and/or <$20,000; no s.s. or p. p.
2-407.1 Possession, purchase or sale of certain substances causing intoxication, distortion or disturbance of auditory, visual, muscular or mental processes (e.g., ethyl chloride, butyl nitrite, etc.)	Misdemeanor; <90days; <$500.00
3-415 Trafficking Offenses	Enhanced penalties for all trafficking offenses: 1. offense: at least 2x the term imposed by penalty for lesser possession conviction 2. offense: at least 3x the term imposed by
	penalty for lesser possession conviction 3. or subsequent offense: life w/o parole
Specific Offenses	Specific Penalties
1. Marijuana:	
a. 25-1000lbs	$25,000-$100,00
b. >1,000lbs	$100,00-$500,000 (15yrs min.)
2. Cocaine	
a. 28-300g	$25,000-$100,000
b. 300-450g	$100,000-$500,000
c. >450g	$100,000-$500,000 (15yrs min)
3. Heroin	
a. 10-28g	$25,000-$50,000
b. >28g	$50,000-$500,000
4. Amphetamine or methamphetamine	
a. 20-200g	$25,000-$200,000
b. 200-450g	$50,000-$500,000
c. >450g	$50,000-$500,000 (15yrs min)
5. LSD	
a. 1-10g	$50,000-$100,000
b. >10g	$100,000-$250,000

6. PCP	
a. 20-150g	$20,000-$50,000
b. >150g	$50,000-$250,000
7. Cocaine base	
a. 5-50g	$25,000-$100,000
b. >50g	$100,000-$500,000
8. MDMA	
a. 30tablets/10g-100tablet/30g	$25,000-$100,000
b. >100tablets/30g	$100,000-$500,000

Appendix II: Federal Trafficking Penalties Schedule

<table>
<tr><td colspan="5">Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)</td></tr>
<tr><td>Schedule</td><td>Substance/Quantity</td><td>Penalty</td><td>Substance/Quantity</td><td>Penalty</td></tr>
<tr><td>II</td><td>Cocaine
500-4999 grams mixture</td><td rowspan="8">First Offense: Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than
20 yrs. or more than life. Fine of not more than $5 million if an individual, $25 million if not an individual.

Second Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than $8 million if an individual, $50 million if not an individual.</td><td>Cocaine
5 kilograms or more mixture</td><td rowspan="8">First Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than
20 yrs. or more than life. Fine of not more than $10 million if an individual, $50 million if not an individual.
Second Offense: Not less than 20 yrs, and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than $20 million if an individual, $75 million if not an individual.
2 or More Prior Offenses: Life imprisonment. Fine of not more than $20 million if an individual, $75 million if not an individual.</td></tr>
<tr><td>II</td><td>Cocaine Base
28-279 grams mixture</td><td>Cocaine Base
280 grams or more mixture</td></tr>
<tr><td>IV</td><td>Fentanyl
40-399 grams mixture</td><td>Fentanyl
400 grams or more mixture</td></tr>
<tr><td>I</td><td>Fentanyl Analogue
10-99 grams mixture</td><td>Fentanyl Analogue
100 grams or more mixture</td></tr>
<tr><td>I</td><td>Heroin
100-999 grams mixture</td><td>Heroin
1 kilogram or more mixture</td></tr>
<tr><td>I</td><td>LSD
1-9 grams mixture</td><td>LSD
10 grams or more mixture</td></tr>
<tr><td>II</td><td>Methamphetamine
5-49 grams pure or 50-499 grams mixture</td><td>Methamphetamine
50 grams or more pure or 500 grams or more mixture</td></tr>
<tr><td>II</td><td>PCP
10-99 grams pure or 100-999 grams mixture</td><td>PCP
100 grams or more pure or 1 kilogram or more mixture</td></tr>
</table>

Substance/Quantity	Penalty
Any Amount Of Other Schedule I & II Substances	First Offense: Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine $1 million if an individual, $5 million if not an individual. Second Offense: Not more than 30 yrs. If death or serious bodily injury,
Any Drug Product Containing Gamma	

Flunitrazepam (Schedule IV) 1 Gram	life imprisonment. Fine $2 million if an individual, $10 million if not an individual.
Any Amount Of Other Schedule III Drugs	First Offense: Not more than 10 yrs. If death or serious bodily injury, not more than 15yrs. Fine not more than $500,000 if an individual, $2.5 million if not an individual. Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than $1 million if an individual, $5 million if not an individual.
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)	First Offense: Not more than 5 yrs. Fine not more than $250,000 if an individual, $1million if not an individual. Second Offense: Not more than 10 years fine not more than $500,000 if an individual, $2 million if other than an individual.
Any Amount Of All Schedule V Drugs	First Offense: Not more than 1 yr. Fine not more than $100,000 if an individual, $250,000 if not an individual. Second Offense: Not more than 4 yrs. Fine not more than $200,000 if an individual, $500,000 if not an individual.

Appendix III: Muscogee (Creek) Nation Code of Law, Title 14

SUBCHAPTER 5. CONTROLLED DANGEROUS SUBSTANCES

Section

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§ 2–501. Uniform dangerous substances; definitions

In this subchapter the following words and phrases shall have the following meanings:

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 the research subject by a practitioner, or by the patient, the research subject, or another person in the presence and at the direction of the practitioner.

B. ‘‘Agent’’ means a law enforcement official or peace officer, who acts on behalf of a Tribal, federal or state agency assisting in enforcement of Tribal, state or federal laws. It also means an authorized person who acts on behalf or at the direction of a person who manufactures, distributes, dispenses, pre- scribes, administers, or uses for scientific purposes controlled dangerous sub- stances. It does not include a common or contract carrier, public warehouse- man or employee thereof, or any person required to register pursuant to applicable Tribal, state or federal law regarding dangerous substance violations.

C. ‘‘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.

D. ‘‘Control’’ means to add, remove or change the placement of a drug, substance or immediate precursor as defined by this subchapter.

E. ‘‘Controlled dangerous substance’’ means any drug, substance or its immediate precursor named in Schedules I through V in this subchapter.

F. ‘‘Controlled dangerous substance analogue’’ means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled dangerous substance classified in Schedule I or Schedule II, in 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 con- trolled dangerous substance; classified in Schedule I or Schedule II; or with respect to a particular person, which such person represents or intends to have 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 classified in Schedule I or Schedule II. Controlled dangerous sub- stance analogue does not include a controlled dangerous substance, any sub- stance for which there is an approved new drug application, with respect to a particular person, any substance if an exemption is in effect for investigational use for that person under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 355, to the extent conduct with respect to such substance is pursuant to such exemption, or any substance to the extent not intended for human consumption before such an exemption takes effect with respect to that substance. A controlled dangerous substance analogue shall to the extent intended for human consumption be treated for purposes of this subchapter as a controlled dangerous substance classified in Schedule I.

G. ‘‘Counterfeit substance’’ means a controlled dangerous substance or the container or labeling of which without authorization bears the trademark, trade name or other identifying marks, imprint, number or device or any likeness thereof, of a manufacturer, distributor or

dispenser other than that of the actual manufacturer, distributor or dispenser thereof.

H. ‘‘Cultivate’’ means to sow, tend, grow, raise or harvest plants in any location.

I. ‘‘Deliver’’ or ‘‘delivery’’ means the actual or constructive transfer from one person to another, whether or not an agency relationship exists.

J. ‘‘Dispense’’ means to deliver a controlled dangerous substance to an ultimate user, patient or 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 that delivery.

K. ‘‘Dispenser’’ means a practitioner who dispenses.

L. ‘‘Distribute’’ means to deliver a controlled dangerous substance other than by administering or dispensing.

M. ‘‘Drug’’ means:

1. Substances recognized in the official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them;
2. Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals;
3. Substances other than food intended to affect the structure or any function of the human body or other animals; or
4. Substances intended for use as a component of any substance specified above. It does not include devices or their components, parts or accessories.

N. ‘‘Drug dependent person’’ means a person who is using a controlled dangerous substance on a continuous basis and as a result of its continuous use is in a state of psychic or physical dependence or both. 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.

O. ‘‘Drug Enforcement Administration’’ means the Drug Enforcement Ad- ministration of the United States Department of Justice or any successor agency.

P. ‘‘Drug paraphernalia’’ means all equipment, products and material of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled dangerous substance. It includes, but is not limited to:

1. Kits used or intended for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled dangerous substance or from which a controlled dangerous substance can be derived;
2. Kits used or intended for use in manufacturing, compounding, converting, producing, processing or preparing a controlled dangerous substance;
3. Isomerization devices used or intended for use in increasing the potency of any species of plant which is a controlled dangerous substance;
4. Testing equipment used or intended for use in identifying, or in analyzing the strength, effectiveness or purity of a controlled dangerous substance;
5. Scales and balances used or intended for use in weighing or measuring a controlled dangerous substance;

6. Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose and lactose used or intended for use in cutting a controlled dangerous substance;
7. Separation gins and sifters used or intended for use in removing twigs and seeds from or in otherwise cleaning or refining marijuana;
8. Blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled dangerous substances;
9. Capsules, balloons, envelopes, plastic bags and any other containers used or intended for use in packaging small quantities of controlled dangerous substances;
10. Container and other objects used or intended for use in parenterally injecting controlled dangerous substances into the human body;
11. Hypodermic syringes, needles and other objects used or intended for use in parenteral injected controlled dangerous substances into the human body;
12. Objects used or intended for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls, water pipes, carburetion tubes and devices, smoking and carburetion masks, roach clips, meaning objects used to hold burning material, such as a marijuana cigarette that has become too small or too short to be held in the hand, miniature cocaine spoons and cocaine vials, chamber pipes, carburetor pipes, electric pipes, air-driven pipes, chillums, bongs, ice pipes or chillers.

Q. ‘‘Hazardous materials’’ means substances, whether solid, liquid or gas, which are toxic to human, animal, aquatic or plant life, and the disposal of which is controlled by applicable Tribal, federal or state regulation.

R. ‘‘Illegal plant’’ means any species of plant from which a controlled dangerous substance classified in Schedule I or Schedule II may be derived.

S. ‘‘Immediate precursor’’ means a substance that is the principal com- pound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used, in the manufacture of a controlled dangerous substance, the control of which is necessary to prevent, curtail or limit such manufacture.

T. ‘‘Isomer’’ means the optical isomer, unless otherwise expressly including the positional or geometric isomer.

U. ‘‘Laboratory’’ means a state or Tribally approved facility as proper to be entrusted with the custody of controlled dangerous substances and the use of controlled dangerous substances for scientific and medical purposes and for purposes of instruction.

V. ‘‘Manufacture’’ means the production, preparation, propagation, com- pounding, conversion or processing of a controlled dangerous substance, either directly or indirectly, by extraction from substances of natural or synthetic origin, or independently by means of chemical synthesis, including any packaging, repackaging of the substance or labeling or re-labeling of its container. Manufacture does not include preparing, compounding, packaging or labeling of a controlled dangerous substance by a practitioner, or an authorized person under a practitioner’s supervision, which is incident to the course of each practitioner’s professional

practice or for the purpose of, or incident to, research, teaching or chemical analysis and not for sale.

W. ‘‘Marijuana’’ means all parts of the plant Cannabis Sativa, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture sale derivative, mixture or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake or the sterilized seed of the plant which is incapable of germination. The substance Cannabis Sativa L. includes all forms, varieties and species of the plant genus, Cannabis.

X. ‘‘Medical purpose’’ means an intention to utilize a controlled dangerous substance for physical or mental treatment, diagnosis or for the prevention of a disease condition, not in violation of any Tribal, state or federal law and not for the purpose of satisfying physiological dependence or other abuse.

Y. ‘‘Narcotic drug’’ means any of the following, whether produced directly or indirectly, by extraction from substances of vegetable origin, independently by means of chemical synthesis or by 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. Cocaine base;
5. Ecgonine, its derivatives, their salts, isomers and salts of isomers; or
6. A substance, and any compound, manufacture, salt, derivative or preparation thereof which is chemically identical with any of the substances referred to in paragraphs (1) through (5) of this subsection, except 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.

Z. ‘‘Nitrite’’ means butyl nitrite, isobutyl nitrite, secondary butyl nitrite, tertiary butyl nitrite, amyl nitrite, isopropyl nitrite, isopentyl nitrite or mixtures containing any of the preceding substances or any of their esters, isomers or analogues, or any other similar compound.

AA. ‘‘Opiate’’ means any substance having an addiction forming or addiction sustaining liability similar to morphine or being capable of conversion into a drug having such addiction forming or addiction sustaining liability. It does not include the dextrorotatory isomer of 3–methoxy-n-methyl morphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

BB. ‘‘Opium poppy’’ means the plant of the species Papaver Somniferum, except its seeds.

CC. ‘‘Poppy straw’’ means all parts except the seeds of the opium poppy after mowing;

DD. ‘‘Possession’’ means:

1. Actual physical control of, or
2. Knowledge of the presence of a substance or an article together with the intent to control its use or disposition.

EE. ‘‘Practitioner’’ means:

1. A physician, dentist, podiatrist, veterinarian, scientific investigator or other person licensed, registered or otherwise permitted to deliver, dispense, conduct research with respect to, use for scientific purposes or administer a controlled dangerous substance in the course of professional practice or re- search in a state or Tribe; or
2. A pharmacy, hospital, laboratory or other institution licensed, registered or otherwise permitted to deliver, dispense, conduct research with respect to, use for scientific purposes, or administer a controlled dangerous substance in the course of a professional practice or research in a state or Tribe.

FF. ''Production'' includes the manufacture, planting, cultivation, growing or harvesting of a controlled dangerous substance.

GG. ''Registrant'' means a person who has a current registration from the State Bureau pursuant to applicable state law.

HH. ''State'' means the State of Oklahoma or any other state of the United States. The following terms are also used herein with regard to Oklahoma entities and officials involved in dangerous substances enforcement outside of Indian Country:

1. ''State Board'' means the Advisory Board to the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, or any successor agency;
2. ''State Bureau'' means the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control or its successor agency;
3. ''State Commission'' means the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission;
4. ''State Director'' means the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

II. ''Tetrahydrocannabinol'' means any substance which has been chemically synthesized to emulate the tetrahydrocannabinol of marijuana.

JJ. ''Ultimate user'' means a person who lawfully possesses a controlled dangerous substance for such person's own use or the use of a member of such person's household or for administration to an animal owned by such person or be a member of such person's household.

KK. ''Use'' means to employ, hire, persuade, induce, entice or coerce a person to violate or assist in avoiding detection or apprehension for a violation of this subchapter.

LL. ''Youth center'' means any recreational facility or gymnasium intended primarily for use by children which regularly provides athletic, civic or cultural activities.

[NCA 10–053, approved May 27, 2010.]

§ 2–502. Schedule I characteristics

Schedule I includes substances with the following characteristics:

1. High potential for abuse; and
2. No accepted medical use in the United States or lacks accepted safety for use in treatment under medical supervision.

[NCA 10–053, approved May 27, 2010.]

§ 2–503. Schedule I

The controlled substances listed in this section are considered Schedule I;

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 theses 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. Diethylthisambutene;
16. Dimenoxadol
17. Dimepheptanol;
18. Dimethylthiambutene;
19. Dioxaphetyl butyrate;
20. Dipipanone;
21. Ethylmethylthiambutene;
22. Etonitazene;
23. Etoxeridine;
24. Furethidine;
25. Fluitrazepam;
26. Hydroxpethidine;
27. Ketobemidone;
28. Levomoramide;
29. Levophenacylmorphan;
30. Morpheridine;
31. Moracymethadol;
32. Norlevorphanol;
33. Normethadone;
34. Norpipanone;
35. Phenadoxone;
36. Phenampromide;
37. Phenomorphan;
38. Phenoperidine;
39. Piritramide;
40. Proheptazine;

41. Ppproperidine;
42. Racemoramide; and
43. 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. Hydromorphinol;
12. Methyldesorphine;
13. Methylhydromorphine;
14. Morphine Methylbromide;
15. Morphine Methylsufonate;
16. Morphine–N–Oxide;
17. Myrophione;
18. Nicocodeine;
19. Nicomorphine;
20. Normorphine;
21. Phoclodine; and
22. Thebacon.

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–Ethyl–3–Piperidyl Benzilate;
15. N–Methyl–3–Piperidyl Benzilate;
16. Psilocybin;
17. Psilocin;
18. 2, 5 Dimethoxyamphetamine;
19. 4 Bromo–2, 5–Dimethoxyamphetamine;
20. 4 Methoxyamphetamine;
21. Cyclohexamine;
22. Thiophene analog of Phencyclidine. Also known as; 1–(1–(2–Thienyl) Cyclohexyl) Piperidine; 2–Thienyl Analog of Phencyclidine; TPCP, TCP;
23. Phencyclidine (PCP); and
24. Pyrrolidine analog for Phencyclidine. Also known as 1–(1–Phenyclyclo- hexyl) Pyrrolidine, PCPy, PHP.

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. Fenethylline;
2. Mecloqualone;
3. N-ethylamphetamine;
4. Mathaqualone;
5. Gammahydroxybuterate (GHB); and
6. Gamma–Butyrolactone (GBL) as packaged, marketed, manufactured or promoted for human consumption.

E. The following industrial uses of Gamma–Butyrolactone are excluded from all schedules of controlled substance 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; and
9. Curing agents in many coating systems based on urethanes and amides.

[NCA 10–053, approved May 27, 2010.]

§ 2–504. Schedule II characteristics

Schedule II includes substances with the following characteristics:

1. High potential for abuse;
2. Currently accepted medical use in the United States, or currently accepted medical use with severe restrictions; and
3. The abuse of the substance may lead to severe psychological or physical dependence.

[NCA 10–053, approved May 27, 2010.]

§ 2–505. Schedule II

The controlled substances listed in this section are considered Schedule II;

A. 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; and
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.

B. 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. Dihydropcodeine;
5. Diphenoxylate;
6. Fentanyl;
7. Isomethadone;
8. Levomethorphan;
9. Levorphanol;
10. Metazocine;
11. Methadone;
12. Methadone-Intermediate, 4–Cyano–2–Dimethylamino–4, 4–Diphenyl Bu- tane;
13. Moramide-Intermediate, 2–Methyl–3–Morpholine–1, 1–Diphenyl-Pro- pane–Carboxylic Acid;
14. Pethidine. Meperidine;
15. Pethidine-Intermediate-A, 4–Cyano–1–Methyl–4–Phenylpiperidine;
16. Pethidine-Intermediate-B, Ethyl–4–Phenlpiperidine–4–Carboxylate;
17. Pethidine-Intermediate-C, 1–Methyl–4–Phenylpiperidine–4–Carboxylic Acid;
18. Phenazopcine;
19. Piminodine;

20. Racemethorphan;
21. Racemorphan;
22. Etorphine Hydrochloride salt only;
23. Alfentanil Hydrochloride; and
24. Levo–Alphacetylmethadol.

C. Any substance which contains any quantity of:

1. Methamphetamine, including its salts, isomers and salts of isomers; and
2. Amphetamine, its salts, optical isomers and salts of its optical isomer.

D. 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. Phenmetazine and its salts;
2. Methylphenidate;
3. Amobarbital;
4. Pentobarbital;
5. Secobarbital; and
6. Tetrahydrocannabinols.

[NCA 10–053, approved May 27, 2010.]

§ 2–506. Schedule III characteristics

Schedule III includes substances with the following characteristics:

1. A potential for abuse less than the substances listed in Schedules I and II;
2. Currently accepted medical use in treatment in the United States; and
3. Abuse may lead to moderate or low physical dependence or high psycho- logical dependence.

[NCA 10–053, approved May 27, 2010.]

§ 2–507. Schedule III

The controlled substances listed in this section are considered Schedule III;

A. 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 or 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. Benzephetamine and its salts;

11. Chlorphentermine and its salts;
12. Clortermine;
13. Mazindol;
14. Phendimetrazine;
15. Phenylacetone (P2P);
16. 1–Phenycyclohexylamine;
17. 1–Piperidinocychexanecarbo Nitrile (PCC);
18. Ketamine, its salts, isomer 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. Livestock implants as regulated by the Federal Food and Drug Administration shall be exempt.

B. 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, non-narcotic ingredients in recognized therapeutic amounts;
3. Not more than three hundred (300) milligrams of Dihydrocodeine 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 Dihydrocodeine 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, non-narcotic 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, non-narcotic ingredients in recognized therapeutic amounts;
6. Not more than three hundred (300) milligrams of Ethyl Morphine 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, non-narcotic 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, non-narcotic ingredients in recognized therapeutic amounts.

D. A compound, mixture or preparation containing any stimulant or depressant substance listed in subsections A and B of this section may be excepted from the application of all or any part of this Code if the compound, mixture or preparation contains one or more active medicinal ingredients not having a stimulant or depressant effect on the central nervous system, and if the admixture are included therein in combinations, quantity, proportion or con- centration that vitiate the potential for abuse of the substances which have a stimulant or depressant effect on the central nervous system.

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. Preparing with Methyltestosterone, containing 1.25 mg conjugated estrogens and 10.0 mg Methyltestosterone;
4. Preparing with Methyltestosterone, containing 0.625 mg conjugated estrogens

and 5.0 mg Methyltestosterone;

5. Testosterone Ciliolate-Estropdiol 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 Estadiol Valerate.

§ 2–508. Schedule IV characteristics

Schedule IV includes substances with the following characteristics:

1. Low potential for abuse relative to substances listed in Schedule III;
2. Currently accepted medical use in treatment in the United States; and
3. Abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances listed in Schedule III.

[NCA 10–053, approved May 27, 2010.]

§ 2–509. Schedule IV

The controlled substances listed in this section are considered Schedule IV.

A. 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. Dextropropxyphene;
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.

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

1. Breathe–Aid;
2. BronCare;
3. Bronchial Congestion;
4. Bronkaid Tablets;
5. Bronkaid Dual Action Caplets;
6. Bronkolixir;
7. Bronkotabs;
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.

C. A compound, mixture, or preparation containing any depressant sub- stance listed in subsection A of this section may be excepted from the application of all or any part of this subchapter, if the compound, mixture or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

§ 2–510. Schedule V characteristics

Schedule V includes substances with the following characteristics:

1. Low potential for abuse relative to the controlled substances listed in

Schedule IV;

2. Currently accepted medical use in treatment in the United States; and
3. Limited physical dependence or psychological dependence liability relative to the controlled substances listed in Schedule IV.

[NCA 10–053, approved May 27, 2010.]

§ 2–511. Schedule V

The controlled substances listed in this section are considered Schedule V:

1. 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;
2. 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;
3. 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;
4. 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;
5. 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; and
6. Not more than one hundred (100) milligrams of Opium per one hundred (100) milliliters or per one hundred (100) grams.

[NCA 10–053, approved May 27, 2010.]

§ 2–512. Possession of controlled dangerous substances

The crime of possession of controlled dangerous substances occurs when a person knowingly possesses any substance listed in Schedule I, II, III, IV or V. Any person convicted of violating the foregoing provision shall be guilty of a felony.

[NCA 10–053, approved May 27, 2010.]

Historical and Statutory Notes

Derivation:

Title 14, § 2–701, added by NCA 92–14, § 7–701, amended by NCA 99–04, § 107; NCA 07–179, § 12.

Library References

Controlled Substances O24. Westlaw Topic No. 96H.

C.J.S. Drugs and Narcotics §§ 274 to 287, 304, 306, 308 to 309, 314.

§ 2–513. Trafficking in controlled dangerous substances

A. The crime of trafficking in controlled dangerous substances occurs when a person knowingly:

1. Manufactures a controlled dangerous substance;
2. Distributes a controlled dangerous substance; or
3. Possesses a controlled dangerous substance with the intent to manufacture or distribute a controlled dangerous substance;

B. It shall be presumed that a person in possession of the following quantities of controlled dangerous substances or marijuana are trafficking:

Marijuana	25 lbs or more
Cocaine or coca leaves	28 lbs or more
Heroin	10 g or more
Amphetamine or Methamphetamine	20 g or more
Lysergic Acid Diethylamide (LSD)	50 dosage units or more
Phencycladine (PCP)	1 oz. or more
Cocaine base	5 g or more

C. Any person convicted of trafficking in controlled dangerous substances shall be guilty of a felony and shall not be subject to statutory provisions for deferred judgments.

[NCA 10–053, approved May 27, 2010.]

Historical and Statutory Notes

Derivation:
07–179, § 12; NCA 92–14, § 7–704, amended by Title 14, § 2–702, added by NCA 92–14, § 7–702, amended by NCA 99–04, § 107; NCA NCA 99–04, § 107; NCA 07–179, § 12.

Library References

Controlled Substances O31, 32. Westlaw Topic No. 96H.
C.J.S. Drugs and Narcotics §§ 265 to 266, 270 to 271, 288 to 295, 304, 307, 311 to 313, 316.

§ 2–514. Trafficking in counterfeit substances

The crime of trafficking in counterfeit substances occurs when a person knowingly:

1. Manufactures a counterfeit substance;
2. Distributes a counterfeit substance; or
3. Possesses a controlled dangerous substance with the intent to manufacture or distribute any counterfeit substance. Any person convicted of violating the foregoing provision shall be guilty of a felony.

[NCA 10–053, approved May 27, 2010.]

§ 2–515. Trafficking in imitation controlled dangerous substances

A. The crime of trafficking in imitation controlled dangerous substances occurs when a person knowingly delivers or possesses with the intent to deliver, a non-controlled substance:

1. Representing it to be a controlled dangerous substance;
2. With the intent that it be used or distributed as a controlled dangerous substance; or
3. Under circumstances in which the person knows or should know that the non-controlled substance will be used or distributed.

B. This section shall not apply to any person authorized by subchapter five or by the Food and Drug Administration of the United States Department of Health and Human Services to do any of the acts otherwise prohibited by this section.

C. It is not a defense to this section that the accused believed the imitation controlled substance to be to a controlled dangerous substance.

D. Any person convicted of violating the foregoing provision shall be guilty of a felony.

[NCA 10–053, approved May 27, 2010.]

§ 2–516. Trafficking in controlled dangerous substances by distributing to or using a child

The crime of trafficking in controlled dangerous substances by distributing to or using a child occurs when a person knowingly:

1. Distributes a controlled dangerous substance to a person whom the actor knows or should know is a child; or
2. Uses a person whom the actor knows or should know is a child to;
   a. Manufacture a controlled dangerous substance
   b. Distribute a controlled dangerous substance; or
   c. Possess a controlled dangerous substance with the intent to manufacture or distribute a controlled dangerous substance. Any person convicted of violating the foregoing provision shall be guilty of a felony.

[NCA 10–053, approved May 27, 2010.]

Historical and Statutory Notes

Derivation:
Title 14, § 2–706, added by NCA 92–14, § 7–705, amended by NCA 99–04, § 107; NCA 07–179, § 12.

Library References

Controlled Substances O42. Westlaw Topic No. 96H.
C.J.S. Drugs and Narcotics §§ 221 to 224, 323.

§ 2–517. Possessing or trafficking in drug paraphernalia

A. The crime of possessing or trafficking in drug paraphernalia occurs when a person knowingly;

1. Uses tincture of Opium, tincture of Opium Camphorated or any derivatives thereof by the hypodermic method, with or without a medical prescription

therefore;

2. Uses or possesses with the intent to use drug paraphernalia to cultivate, manufacture, store, conceal or introduce in any manner into the human body a controlled dangerous substance; or

3. Possesses, delivers or manufactures drug paraphernalia with knowledge that it will be used to cultivate, manufacture, store, conceal or introduce in any manner into the human body a controlled dangerous substance.

B. This section shall not apply to any person whose conduct is authorized by subchapter five.

C. In determining whether an object is drug paraphernalia, as defined in subchapter five, the Court shall consider in addition to all other relevant evidence the following:

1. Statements by an owner or by anyone in control of the object concerning its use;
2. The proximity of the object, in time and space, to a violation of subchapter five;
3. The proximity of the object to controlled dangerous substances;
4. The existence of any residue of controlled dangerous substances on the object;
5. Direct or circumstantial evidence of the intent of any owner or of anyone in control of the object to deliver it to persons intended to use the object to facilitate a violation of subchapter five. The innocence of an owner or of anyone in control of the subject, as to violations of subchapter five shall not prevent a finding that the object is drug paraphernalia.
6. Instructions, oral or written, provided with the object which either state directly or imply that the object is to be used for the consumption of controlled dangerous substances;
7. Descriptive materials accompanying the object which explain or depict its use as an object for the consumption of controlled dangerous substances;
8. The manner in which the object is displayed for sale;
9. 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;
10. Direct or circumstantial evidence of the rate of sales of the object or objects to the total sales of the business enterprise;
11. The existence and scope of legitimate use for the object in the community; and
12. Expert testimony concerning its use. Any person convicted of violating the foregoing provision shall be guilty of a felony.

[NCA 10–053, approved May 27, 2010.]

Historical and Statutory Notes

Derivation:
Title 14, § 2–705, added by NCA 92–14, § 7–705, amended by NCA 99–04, § 107; NCA 07–179, § 12.

Library References

Controlled Substances O42. Westlaw Topic No. 96H.
C.J.S. Drugs and Narcotics §§ 221 to 224, 323.

§ 2–518. Unlawful use of proceeds or illegal investments

A. The crime of unlawful use of proceeds or illegal investments occurs when a person knowingly:

1. Gives, receives, obtains, conceals, transports or engages in any transaction with, or transfer of proceeds known to be derived from a violation of subchapter five;
2. Gives, sells, transfers, trades, invests, conceals, transports or maintains an interest in or otherwise makes available anything of value which that person knows is intended to be used for the purpose of committing or furthering the commission of any violation of subchapter five;
3. Directs, plans, organizes, initiates, finances, manages, supervises or facilitates the transportation or transfer of proceeds known to be derived from any violation of subchapter five; or
4. Conducts a financial transaction involving proceeds derived from a violation of subchapter five, when the transaction is designed in whole or in part to conceal or disguise the nature, location, source, ownership or control of the proceeds known to be derived from a violation of subchapter five or to avoid a transaction reporting requirement under applicable Tribal, federal or state law. Any person convicted of violating the foregoing provision shall be guilty of a felony.

B. This section does not apply to any transaction between a person and the counsel of the person necessary to preserve any right of representation of the person which may be guaranteed by the Constitution of the Muscogee (Creek) Nation or the federal Indian Civil Rights Act. The exception does not create any presumption against or prohibition of the right of the Nation to seek and obtain forfeiture of any proceeds derived from a violation of this Code.

[NCA 10–053, approved May 27, 2010.]

§ 2–519. Cultivation of illegal plants

The crime of cultivation of illegal plants occurs when a person knowingly:

1. Cultivates or produces an illegal plant;
2. Permits the cultivation or production of an illegal plant on or use in any property owned or controlled by that person; or
3. Fails to notify a law enforcement official of the existence of or fails to destroy any illegal plant growing, by human effort or wildly, on or in any property owned or controlled by that person. Any person convicted of violating the foregoing provision shall be guilty of a felony.

[NCA 10–053, approved May 27, 2010.]

§ 2–520. Trafficking in nitrites or ethylchloride

A. The crime of trafficking in Nitrites or Ethylchloride occurs when a person knowingly possesses, buys, sells or otherwise transfers any compound, liquid or chemical containing

ethylchloride or nitrite, or mixtures containing any nitrite, with the intent to induce or aid any other person to inhale or ingest such substance.

B. This section shall not apply to persons:

1. Possessing and using a nitrite as part of the care or treatment by a state licensed physician of disease, condition, or injury, or pursuant to a prescription of a state licensed physician; or
2. Possessing a nitrite as part of a known manufacturing process or industrial operation when the possessor has obtained a permit from the State Department of Health. Any person convicted of violating the foregoing provision shall be guilty of a felony.

[NCA 10–053, approved May 27, 2010.]

§ 2–521. Solicitation to violate controlled dangerous substances laws

The crime of solicitation to violate controlled dangerous substances laws occurs when a person with the intent to cause a violation of subchapter five urges, requests or commands another person to violate subchapter five. Any person convicted of violating the foregoing provision shall be guilty of a felony.

[NCA 10–053, approved May 27, 2010.]

§ 2–522. Facilitating trafficking in controlled dangerous substances

The crime of facilitating trafficking in controlled dangerous substances occurs when a person knowingly keeps, maintains, manages, controls, rents, leases or makes available for use any store, shop, warehouse, dwelling, building, vehicle, vessel, aircraft, room, enclosure or any other structure or place which such person knows is resorted to for the purpose of distributing, unlawfully possessing or manufacturing, or up-keeping or transporting for distribution any controlled dangerous substance. Any person convicted of violating the foregoing provision shall be guilty of a felony.

[NCA 10–053, approved May 27, 2010.]

§ 2–523. Possession/sale or manufacture of precursor substances

A. It shall be a crime for a person, individually or through their business, to possess, sell, manufacture, transfer or otherwise furnish any of the following precursor substances without first having a permit or license issued by the Nation or State Director.

1. D–Lysergic Acid;
2. Ergotamine and its salts;
3. Ergo ovine and its salts;
4. Methylamine;
5. Ethylamine;
6. Phenyl–2–Propanone;
7. Phenylacetic acid and its salts;
8. Ephedrine, its salts, optical isomers and salts of optical isomers;
9. Norpseudoephedrine, its salts, optical isomers, and salts of optical isomers;
10. Phenylpropoanolamine, its salts, optical isomers and salts of optical isomers;
11. Benzyl cyanide;
12. N-metylephedrine, its salts, optical isomers and salts of optical isomers;

13. Pseudoephedrine, its salts, optical isomers and salts of optical isomers;
14. Chloroephedrine, its salts, optical isomers and salts of optical isomers;
15. Piperodine and its salts;
16. Pyrrolidine and its salts;
17. Propionic anhydride;
18. Isosafrole;
19. Pirperonal; and
20. Red Phosphorus.

B. This law shall not apply to the sale or transfer of a non-narcotic product that includes a precursor substance defined above, if the product may be sold lawfully with a prescription or over the counter without a prescription pursuant to the federal Food, Drug and Cosmetic Act, 21 U.S.C. § 301 et seq., or a rule adopted pursuant thereto. Furthermore, this law shall not apply to common carriers in the transaction of business.

C. It shall be unlawful for any person to knowingly sell, transfer, distribute, or dispense any product containing ephedrine, pseudoephedrine or phenylpropanolamine, or their salts, isomers or salts of isomers if the person knows that the purchaser will use the product as a precursor to manufacture Methamphetamine or another controlled illegal substance or if the person sells, transfers, distributes or dispenses the product with reckless disregard as to how the product will be used. Any person convicted of violating the foregoing provision shall be guilty of a felony.

D. Any person who sells, transfers, distributes, dispenses or in any manner furnishes any product containing Pseudoephedrine or Phenylpropanolamine, or their salts, isomers or salts of isomers in a negligent manner, with knowledge or reason to know that the product will be used as a precursor to manufacture Methamphetamine or any other illegal controlled substance, or with reckless disregard as to how the product will be used, shall be liable for all damages, whether directly or indirectly caused by the sale, transfer, distribution, dispensation, or furnishing.

1. Such damages may include, but are not limited to, any and all costs of detecting, investigating, and cleaning up or remediating clandestine or other unlawfully operated or maintained laboratories where controlled dangerous substances are manufactured, any and all costs of prosecuting criminal cases arising from such manufacture, and any and all consequential and punitive damages otherwise allowed by law.
2. A civil action to recover damages against persons, corporations or other entities violating this subsection may be brought only by the Attorney General. Any funds recovered from such an action shall be used for payment or reimbursement of costs arising from investigating or prosecuting criminal or civil cases involving the manufacture of controlled dangerous substances, for drug education programs, or for payment or reimbursement of remediating contaminated methamphetamine laboratory sites.

Any person, who offers, solicits, attempts, endeavors, or conspires to commit any offense defined in the Uniform Controlled Dangerous Substances Act,§ 2–501 et seq. of 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.

[NCA 10–053, approved May 27, 2010.]

SUBCHAPTER 6. CRIMES AGAINST PUBLIC SAFETY

Section

2–601. Definitions.
2–605. Consuming a mind-altering common substance.
2–606. Selling a mind-altering common substance to an intoxicated person.
2–607. Furnishing alcoholic beverage to youth or incapacitated person.
2–608. Possession of alcohol on Muscogee (Creek) Nation properties or ceremonial grounds.
2–609. Sale of liquor and/or beer.

§ 2–601. Definitions

In this subchapter the following words and phrases shall have the following meanings:

A. ''Hazardous waste'' shall mean waste whether solid, liquid or gas which is toxic to human, animal, aquatic or plant life, and the disposal of which is controlled by Tribal, or federal statute or regulation.

B. ''Health care professional'' means a physician, resident, intern, physician's assistant or registered nurse.

C. ''Incapacitated person'' means a person who by reason of mental illness, mental deficiency, or intoxication is disabled to such an extent that the person is incapable of making a rational decision.

D. ''Mind altering condition'' means a change, distortion or disturbance of a person's senses, emotions, thought processes, judgment, balance, mobility, or coordination.

E. ''Substance'' means gasoline, glue, fingernail polish, adhesive cement, mucilage, dope, paint dispensed from pressurized containers or any other substance or combination of substances containing solvents releasing toxic vapors. It does not include alcoholic beverages or any substance consumed pursuant to the lawful direction of prescription of a physician as defined by state law.

[NCA 10–053, approved May 27, 2010.]

§ 2–605. Consuming a mind-altering common substance

The crime of consuming a mind-altering common substance occurs when a person inhales or ingests any substance containing ketones, aldehydes, organic acetones, ether, chlorinated hydrocarbon, or metallic powders, knowing that the substance contains an intoxicant. Any person convicted of violating the foregoing provision shall be guilty of a misdemeanor.

[NCA 10–053, approved May 27, 2010.]

Historical and Statutory Notes

Derivation:

Title 14, § 2–707, added by NCA 92–14,
§ 7–707, amended by NCA 99–04, § 107; NCA 07–179, § 12.

Library References

Chemical Dependents O4.
Controlled Substances O38.
Westlaw Topic Nos. 76A, 96H.
C.J.S. Chemical Dependents §§ 7 to 12.
C.J.S. Drugs and Narcotics §§ 264, 304.

§ 2–606. Selling a mind-altering common substance to an intoxicated person

The crime of selling a mind-altering common substance to an intoxicated person occurs when a person, knowing that another person is intoxicated, sells or otherwise provides to that person any substance containing ketones, aldehydes, organic acetones, ether, chlorinated hydrocarbon or metallic powders, knowing that the substance contains an intoxicant. Any person convicted of violating the foregoing provision shall be guilty of a felony.
[NCA 10–053, approved May 27, 2010.]

§ 2–607. Furnishing alcoholic beverage to youth or incapacitated person

The crime of furnishing alcoholic beverage to a youth or incapacitated person occurs when a person sells or otherwise provides a beverage containing greater than one-half of one percent (of 1%) of alcohol by weight to a person who the Actor knows or should know is under twenty-one (21) years of age or is incapacitated. Any person convicted of violating the foregoing provision shall be guilty of a misdemeanor.
[NCA 10–053, approved May 27, 2010.]

§ 2–608. Possession of alcohol on Muscogee (Creek) Nation properties or ceremonial grounds

It is a crime for a person to possess beer or alcohol on property owned by the Muscogee (Creek) Nation; property held in trust by the United States for the benefit of the Muscogee (Creek) Nation; or on Muscogee (Creek) Nation ceremonial grounds unless the sale of alcohol on the property has been approved pursuant to a license granted by the Muscogee (Creek) Nation. Any person convicted of violating the foregoing provision shall be guilty of a misdemeanor.
[NCA 10–053, approved May 27, 2010.]

§ 2–609. Sale of liquor and/or beer

It shall be unlawful for a person to sell or offer to sell liquor and/or beer to any other person, unless said sale or offer is authorized under separate laws of the Nation. For purposes of this section, the term liquor shall mean the four (4) varieties of liquor, commonly referred to as alcohol, spirits, wine and beer in excess of five percent (5%) of alcohol, and all fermented, spirituous, vinous or malt liquors or any other intoxicating liquid, solid, semi-solid or other sub- stance patented or not, containing alcohol, spirits, wine or beer, in excess of five percent (5%) of alcohol and is intended for oral consumption. In addition for purposes of this section, the term beer shall mean any beverage containing more than three and two-tenths percent (3.2%) alcohol by weight and obtained by the alcoholic fermentation of an infusion or decoction or pure hops, pure extract of barley or other grain, malt, sugar or

similar product. Provided, however, nothing in this section shall be construed to authorize the sale of liquor or beer within Indian Country, unless said sale or offer is authorized under separate laws of the Nation. Every person convicted of violating this section shall be guilty of a felony.
[NCA 10–053, approved May 27, 2010.]

Historical and Statutory Notes

Derivation:
Title 14, § 2–708, added by NCA 92–14,
§ 7–708, amended by NCA 99–04, § 107;
NCA 06–136, § 1; NCA 07–179, § 12.

Library References

Indians O323.
Westlaw Topic No. 209. C.J.S. Indians § 194.