

# Lac Vieux Desert Band Of Lake Superior Chippewa Tribal Government

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## **Executive Officers:**

James Williams Jr., Tribal Chairman  
Samuel Klingman, Tribal Vice-Chairman  
Patrick Garrison, Tribal Treasurer  
Priscilla Smith, Tribal Secretary



## **Council Members:**

Patrick Hazen II  
Cynthia McGeshick  
Jeffery McGeshick  
Mitchell McGeshick  
Tyrone McGeshick

## **RESOLUTION NO. T2021-041**

### **APPROVING AND ADOPTING AMENDMENTS TO THE LAC VIEUX DESERT CRIMINAL CODE §54**

- WHEREAS,** the Lac Vieux Desert Band of Lake Superior Chippewa Indians ("Tribe"), is a federally recognized Indian tribe pursuant Pub. L. 100-420 (Sept. 8, 1988) with a Constitution approved and adopted pursuant to the Indian Reorganization Act of June 18, 1934, 48 Stat. 984, 25 U.S.C. §476; and
- WHEREAS,** pursuant to the Constitution of the Tribe ("Constitution"), the Tribal Council ("Council") is empowered, pursuant to Article IV, Section 1(a) "to promote and protect the health, safety, education and general welfare of the Tribe and its members"; and,
- WHEREAS,** the Council acknowledges and affirms that the Constitution is the supreme law of the tribe subordinate to no other ordinance, resolution, regulations, rule or other enactment of the Council, boards or organizations, or other branches of government of the Tribe; and
- WHEREAS,** the Council is empowered, pursuant to Article IV, Section 1(m), of the Constitution "[t]o take action, not inconsistent with [the] Constitution, which shall be necessary and proper to carry out the sovereign powers of the [Tribe];" and,
- WHEREAS,** pursuant to Article IV, Section 1(b) of the Constitution, the Council is authorized to promulgate ordinances, and adopt resolutions not inconsistent with [the] Constitution, and to enforce the same; and
- WHEREAS,** the Tribal Criminal Code §54 describes and provides penalties for crimes involving controlled substances; and
- WHEREAS,** the Tribal Prosecutor has presented the Council with proposed amendments which:



1. Update the controlled substance schedules, and;
2. Increase criminal punishments for controlled substance possession; and,
3. Increase punishments for controlled substance distribution, manufacture, and intent to distribute; and,
4. Provide exemption from prosecution who are seeking medical attention for themselves or others due to overdose or other medical emergency arising from use of a controlled substance; and,
5. Create penalties for those persons who use minors to commit any felony found in the section; and,
6. Create specific penalties for methamphetamine manufacture and related activities; and,
7. Create penalties for those persons who maintain a drug house; and,
8. Create penalties for those who use or attempt to use deception to pass a drug test; and,

**WHEREAS,** the proposed amendments will

**WHEREAS,** the purpose of this amendments are to provide current drug schedules and address the ongoing drug epidemic occurring on Tribal lands; and,

**WHEREAS,** the Tribe adopted the Legislative Procedure Code on March 12, 2012 by Resolution No. 2012-016, amended on September 28, 2012 by Resolution No. 2012-061, which requires twenty-one (21) days for notice and public comment under §§3 and 4.1; and,

**WHEREAS,** the Legislative Procedure Code §8 allows for an exception to the notice and comment period if the proposed amendment or revision to an ordinance “is needed to further the health, safety, or welfare of the Tribe and the action is immediately necessary”; and,

**WHEREAS,** the Tribal Council finds that due to the current drug epidemic present within the jurisdiction and the unreasonable risk of harm to members from maintaining the current controlled substances provisions under the Criminal Code, these amendments are necessary to further the health, safety and welfare of the Tribe and fit within the exception of the Legislative Procedure Code §8 and does not require the notice and comment period for the proposed amendments.

**THEREFORE BE IT RESOLVED,**

that the Council hereby approves and adopts the proposed revision of Tribal Criminal Code §55 to read in substantially the same form as follows:

**DRUGS AND CONTROLLED SUBSTANCES**

**2-54-1 DEFINITIONS**

(a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or other means, to the body of a patient or research subject by a practitioner, or in the practitioner's presence by his or her authorized agent, or the patient or research subject at the direction and in the presence of the practitioner.

(b) "Controlled substances" means a drug, substances, or immediate precursor listed in schedules I through V of this section.

(c) "Deliver or delivery" means the actual or constructive transfer from one person to another of a controlled substance, whether or not there is an agency relationship. For purposes of this section, it also includes an offer to sell a controlled substance. Proof of an offer to sell must be corroborated by a person other than the offeree or by evidence other than a statement of the offeree.

(d) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by, or pursuant to the lawful order of a practitioner (in the course of professional practicing or research), including prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for such delivery.

(e) "Dispenser" means a person who dispenses.

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

(g) "Distributor" means a person who distributes.

(h) "Industrial hemp" means the plant *Cannabis sativa* L. and any part of that plant, including the viable seeds of that plant and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis. Industrial hemp includes industrial hemp commodities and products and topical or ingestible animal and consumer products derived from the plant *Cannabis sativa* L. with a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis.

(i) "Marijuana" means and includes parts of the plant *cannabis sativa*, *cannabis Americana*, and *cannabis indica*, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or



preparation of such plants, its seeds, or resin, but shall not include the mature stalks of such plants, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks except the resin extracted therefrom, fiber oil, cake, or the sterilized seed of such plant which is incapable of germination. Marijuana does not include industrial hemp.

(j) "Narcotic drugs" means coca leaves, opium, marijuana, isonipecaine, amidone, isoamidone, ketobemidone, lysergic acid diethylamide, commonly known as LSD, and every substance neither chemically nor physically distinguishable from them, and any other drugs to which the federal laws relating to narcotic drugs may now apply.

(k) "Opiate" means any substance having an addiction forming or addiction sustaining liability similar to morphine or being capable of conversion into a drug having addiction forming or addiction sustaining liability.

(l) "Opium poppy" means the plant of the species *Papaver soniferum* L., except its seeds.

(m) "Person" means any individual, corporation, government or government subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

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

(o) "Possession" means actual care, custody, control, or management.

(p) "Practitioner" means:

1. A physician, dentist, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, analyze or conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state; or

2. A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or administer a controlled substance in the course of professional practice or research in this state.

(q) "Production" includes manufacturing, planting, cultivating, growing, or harvesting of a controlled substance.

(r) "Ultimate user" means a person who has lawfully obtained and possesses a controlled substance for his own use or for the use of a member of his household or for administering to an animal by him or by a member of his household.

## **2-54-2 STANDARDS AND SCHEDULES**

(a) The Lac Vieux Desert Tribal Council determines that the substances listed in Schedules I, II, III, and V shall be controlled substances.

**2-54-3 SCHEDULE I – OPIATES AND HALLUCINOGENS**

(a) The following controlled substances are included in Schedule I:

1. Any of the following opiates, indicating their isomers, ethers, esters, salts, and salts, or isomers, esters, and ethers unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

Acetylmethadol	Dimenoxadol	Noracymethadol
Allylprodine	Dimepheptanol	Norlevorphanol
Alphameprodine	Dimethylthiambutene	Normethadone
Alphamethadol	Dioxaphetyl butyrate	Norpipanone
Benzethidine	Dipipanone	Phenadoxone
Betacetylmethadol	Ethylmethylthiambutene	Phenampromide
Betameprodine	Etonitazene	Phenomorphane
Betamethadol	Etoxeridine	Phenoperidine
Betaprodine	Furethidine	Piritramide
Clonitazene	Hydroxypethidine	Proheptazine
Dextromoramide	Ketobemidone	Properidine
Diampromide	Levomoramide	Propiram
Diethylthiambutene	Levophenacymorphan	Racemormide
Difenoxin	Morpheridine	Trimeperidine

2. Any of the following opium derivatives, their salts, isomers, and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts, of isomers is possible within the specific chemical designation;

Acetorphine	Dihydromorphine	Morphine methylbromide
Acetyldihydrocodeine	Drotebanol	Morphine methylsulfonate
Benzylmorphine	Etorphine	Morphine-N-Oxide
Codeine methylbromide	Heroin	Myrophine
Codeine-N-Oxide	Hydromorphanol	Nicodine
Cyprenorphine	Methyldesorphine	Nicomorphine
Desomorphine	Methyldihydromorphine	Normorphine



Pholcodine

Thebacon

3. 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, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

2-Mthylamino-1-phenylpropan-1-one

Some trade and other names:

Methcathinone

Cat

Ephedrone

3,4-methylenedioxy amphetamine

5-methoxy-3, 4-mthylenedioxy amphetamine

3, 4, 5-trimethoxy amphetamine

Bufotenine

Some trade and other names:

3-(8-dimethylaminoethyl)-5 hydrozindole

3-(2-dimethylaminoethyl)-5 indolol

N,N-dimethylserotonin; 5-hydroxy-N-dimethyltryptamine

Mappine

2, 5-Dimethoxyamphetamine

2, 5-Dimethoxy-amethylphenethylamine; 2,5-DMA

4-Bromo-2, 5-Dimethoxyamphetamine

Some trade or other names:

4-brom-2, 5 dimethoxy-a-methylphenethylamine; 4-bromo

2,5-DMA

Diethyltryptamine

Some trade and other names:

**N,N-Diethyltryptamine; DET**

**Dimethyltryptamine**

**Some trade and other names:**

**DMT**

**4-methyl-2, 5-dimethoxyamphetamine**

**Some trade and other names:**

**4-methyl-2, 5-dimethoxy- $\alpha$ -methyl-phenethylamine**

**DOM, STP**

**4-methoxyamphetamine**

**Some trade or other names:**

**4-methoxy- $\alpha$ -methylphenethylamine; paramethoxy amphetamine;**

**PMA**

**Ibogaine**

**Some trade and other names:**

**7-Ethyl-6,6a,7,8,9,10,12,13**

**Octahydro-2-methoxy-6,9-methano-5H-pyrido (1, 2:1, 2 azepino 4, 5-b) indole**

**tabernanthe iboga**

**Lysergic acid diethylamide**

**Marijuana**

**Mecloqualone**

**Mescaline**

**Peyote**

**N-ethyl-3-piperidyl benzilate**

**N-methyl-3-piperidyl benzilate**

**Psilocybin**



Psilocyn

Thiophene analog of phencyclidine

Some trade or other names:

1-(1-(2-thienyl)cyclohexyl) piperidine

2-thienyl analog of phencyclidine; TPCP

4. Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of marijuana and synthetic substances, derivatives, and their isomers with similar chemical structure or pharmacological activity, or both, such as the following, are included in schedule I:

- (i) delta-1 cis or trans tetrahydrocannabinol and their isomers;
- (ii) delta-6 cis or trans tetrahydrocannabinol and their optical isomers;
- (iii) delta-3, 4 cis or trans tetrahydrocannabinol and its optical isomers.

5. Synthetic cannabinoids. As used in this subdivision, "synthetic cannabinoids" includes any material, compound, mixture, or preparation that is not otherwise listed as a controlled substance in this schedule or in schedules II through V, is not approved by the federal food and drug administration as a drug, and contains any quantity of the following substances, their salts, isomers (whether optical, positional, or geometric), homologues (analogues), and salts of isomers and homologues (analogues), unless specifically excepted, whenever the existence of these salts, isomers, homologues (analogues), and salts of isomers and homologues (analogues) is possible within the specific chemical designation:

(i) Any compound containing a 3-(1-naphthoyl)indole structure, also known as naphthoylindoles, with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthyl ring to any extent. Examples of this structural class include but are not limited to: JWH-007, JWH-015, JWH-018, JWH-019, JWH-073, JWH-081, JWH-122, JWH-200, JWH-210, JWH-398, AM-1220, AM-2201, and WIN-55, 212-2.

(ii) Any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure, also known as naphthylmethylinindoles, with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthyl ring to any extent. Examples of this structural class include but are not limited to: JWH-175, and JWH-184.



(iii) Any compound containing a 3-(1-naphthoyl)pyrrole structure, also known as naphthoylpyrroles with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the pyrrole ring to any extent and whether or not substituted on the naphthyl ring to any extent. Examples of this structural class include but are not limited to: JWH-370, JWH-030.

(iv) Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indene ring to any extent and whether or not substituted on the naphthyl ring to any extent. Examples of this structural class include but are not limited to: JWH-176.

(v) Any compound containing a 3-phenylacetylindole structure, also known as phenacetylindoles, with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the phenyl ring to any extent. Examples of this structural class include but are not limited to: RCS-8 (SR-18), JWH-250, JWH-203, JWH-251, and JWH-302.

(vi) Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure, also known as cyclohexylphenols, with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not substituted on the cyclohexyl ring to any extent. Examples of this structural class include but are not limited to: CP-47,497 (and homologues(analog)), cannabicyclohexanol, and CP-55,940.

(vii) Any compound containing a 3-(benzoyl)indole structure, also known as benzoylindoles, with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the phenyl ring to any extent. Examples of this structural class include but are not limited to: AM-694, pravadoline (WIN-48,098), RCS-4, AM-630, AM-679, AM-1241, and AM-2233.

(viii) Any compound containing a 11-hydroxy- $\Delta^8$ -tetrahydrocannabinol structure, also known as dibenzopyrans, with further substitution on the 3-pentyl group by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group. Examples of this structural class include but are not limited to: HU-210, JWH-051, JWH-133.

(ix) Any compound containing a 3-(L-adamantoyl)indole structure, also known as adamantoylindoles, with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-



morpholinyl)ethyl group, whether or not further substituted on the adamantyl ring system to any extent. Examples of this structural class include but are not limited to: AM-1248.

(x) Any other synthetic chemical compound that is a cannabinoid receptor agonist and mimics the pharmacological effect of naturally occurring cannabinoids that is not listed in schedules II through V and is not approved by the federal food and drug administration as a drug.

6. Compounds of structures referred to in subdivision (d), regardless of numerical designation of atomic positions, are included.

7. Gamma-hydroxybutyrate and any isomer, salt, or salt of isomer of gamma-hydroxybutyrate.

Some trade and other names:

Sodium oxybate

4-hydroxybutanoic acid monosodium salt

8. 3,4-methylenedioxymethamphetamine.

Some trade and other names:

Ecstasy

MDMA

9. N-Benzylpiperazine

Some trade and other names:

BZP

Benzylpiperazine

1-(phenylmethyl)-piperazine

10. 3-Chlorophenylpiperazine

Some trade and other names:

MCP

11. 1-(3-Trifluoromethylphenyl)piperazine

Some trade and other names:

TFMPP

12. 4-Bromo-2,5-dimethoxybenzylpiperazine



Some trade and other names:

2C-B-BZP

13. All of the following:

(i) (6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol.

Some trade and other names:

HU-210

(ii) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol and its side chain homologues.

Some trade and other names:

CP47,497

(iii) 1-pentyl-3-(1-naphthoyl)indole.

Some trade and other names:

JWH-018

(iv) 1-butyl-3-(1-naphthoyl)indole.

Some trade and other names:

JWH-073

(v) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone.

Some trade and other names:

JWH-015

(vi) [1-[2-(4-morpholinyl)ethyl]-1H-indol-3-yl]-1-naphthalenyl-methanone.

Some trade and other names:

JWH-200

(vii) 1-(1-pentyl-1H-indol-3-yl)-2-(2-methoxyphenyl)-ethanone.

Some trade and other names:

JWH-250

14. Mephedrone (4-methylmethcathinone).

Some trade and other names:



4-MMC, M-Cat, meow meow, miaow miaow, bubbles, bubble love, mad cow, plant food, drone, and neo doves

15. 4-Methyl-alpha-pyrrolidinobutyrophenone.

Some trade and other names:

MPBP

16. Methylenedioxypropylone

Some trade and other names:

MDPV, Bath salts, charge plus, cloud nine, hurricane Charlie, ivory wave, ocean, red dove, scarface, sonic, white dove, white lightning

17. 5,6-Methylenedioxy-2-aminoindane

Some trade and other names:

MDAI

Woof-woof

18. Naphyrone (Naphthylpropylone)

Some trade and other names:

NRG-1

Rave

19. Propylone (1-(4-Methylphenyl)-2-(1-pyrrolidinyl)-1-propanone)

20. *Catha edulis*; except as provided in subdivision (u) and section 2-54-6, all parts of the plant presently classified botanically as *Catha edulis*, whether growing or not; the leaves and seeds of the plant; any extract from any part of that plant; and every compound, salt, derivative, mixture, or preparation of that plant or its leaves, seeds, or extracts.

Some trade or other names:

Khat

Qat

21. Cathinone

22. *Salvia divinorum*; except as provided in subdivision (w), all parts of the plant presently classified botanically as *salvia divinorum*, whether growing or not, the leaves and seeds of that plant; any extract from any part of that plant; and every compound, salt, derivative, mixture, or preparation of that plant or its leaves, seeds, or extracts.



23. Salvinorin A.

24. Synthetic cathinones. As used in this subdivision, "synthetic cathinones" includes any material, compound, mixture, or preparation that is not otherwise listed as a controlled substance in this schedule or in schedules II through V, is not approved by the federal food and drug administration as a drug, and contains any quantity of the following substances, their salts, isomers (whether optical, positional, or geometric), homologues (analogs), and salts of isomers and homologues (analogs), unless specifically excepted, whenever the existence of these salts, isomers, homologues (analogs), and salts of isomers and homologues (analogs) is possible within the specific chemical designation:

(i) Any compound containing a 2-amino-1-propanone structure with substitution at the 1-position with a monocyclic or fused polycyclic ring system and a substitution at the nitrogen atom by an alkyl group, cycloalkyl group, or incorporation into a heterocyclic structure. Examples of this structural class include, but are not limited to, dimethylcathinone, ethcathinone, and alpha-pyrrolidinopropiophenone.

(ii) Any compound containing a 2-amino-1-propanone structure with substitution at the 1-position with a monocyclic or fused polycyclic ring system and a substitution at the 3-position carbon with an alkyl, haloalkyl, or alkoxy group. Examples of this structural class include, but are not limited to, naphyrone.

(iii) Any compound containing a 2-amino-1-propanone structure with substitution at the 1-position with a monocyclic or fused polycyclic ring system and a substitution at any position of the ring system with an alkyl, haloalkyl, halogen, alkylendioxy, or alkoxy group, whether or not further substituted at any position on the ring system to any extent. Examples of this structural class include, but are not limited to, mephedrone, methylene, and 3-fluoromethylene.

(b) For purposes of subsection (1), "isomer" includes the optical, position, and geometric isomers.

#### **2-54-4 SCHEDULE II – OPIUM AND AMPHETAMINES**

(a) Schedule II shall consist of the controlled substances listed in this section, as follows:

1. Any of the following substances, except those narcotic drugs listed in other schedules, however produced;

(i) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, including the following:

Raw opium

Opium extracts



Opium Fluid-extracts

Hydrocodone

Powdered opium

Hydromorphone

Granulated opium

Metopon

Tincture of opium

Morphine

Codeine

Oxycodone

Ethylmorphine

Oxymorphone

Etorphine hydrochloride

Thebaine

(ii) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in this subdivision, but not including the isoquinoline alkaloids of opium;

(iii) Opium poppy, poppy straw, and concentrate of poppy straw, the crude extract of poppy straw in either liquid, solid, or powder form, which contains the phenanthrene alkaloids of the opium poppy.

(iv) Coca leaves and any salt compound, derivative or preparation of coca leaves, and any salt, compound, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine. The substances include cocaine, its salts, stereoisomers, and salts of stereoisomers when the existence of the salts, stereoisomers, and salts of stereoisomers is possible within the specific chemical designation.

2. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designations;

Alphaprodine

Fentanyl

Anileridine

Isomethadone

Bezitramide

Levomethorphan

Dihydrocodeine

Levorphanol

Diphenoxylate

Metazocine

Methadone

Methadone-intermediate, 4-cyano-2dimethylamino-4, 4-ciphenyl butane



Moramide-intermediate, 2-methyl-3-corphalino-1, 1-dupheylporpane-carboxylic acid

### Pethidine

Pethidine-intermediate-r, 4-cyano-1methyl-4-pheylpiperidine

Pethidine-intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate

Pethidine-intermediate-C, 1-methyl-4-pheylpiperidine-4-carboxylic acid

Phenazocine

Racemethorphan

Piminodine

Racemorphan

3. Unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of following substances having a potential for abuse associated with a stimulant effect of the central nervous system;

- (i) Amphetamine, its salts, optical isomers, and salts of its optical isomers.
- (ii) Methamphetamine, including its salts, isomers, and salts of isomers.
- (iii) Methylphenidate and its salts.
- (iv) Phenmetrazine and its salts.

4. Any material, compound, mixture, or preparation, including its salts, isomers, and salts of isomers, and salts of isomers when the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation as listed in schedule 2, which contains any quantity of the following substances having a potential for abuse associated with the depressant effect on the central nervous system: methaqualone, amobarbital, pentobarbital, or secobarbital; or, any compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital, or any salt thereof in combination with itself, with another, or with one (1) or more other controlled substances.

5. Tianeptine sodium

### 2-54-5 SCHEDULE III – DEPRESSANTS AND NARCOTICS

(a) Schedule III shall consist of the controlled substances listed in this section as follows;

1. Unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system, including their salts, isomers, including optical, position, or geometric isomers, and salts of the isomers if the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:



Benzamphetamine	Mediatric tabs
Chlorophentermine	Mediatric liquid
Clortermine	Phendimetrazine
Adrisal tabs	Special formula 711 tabs
Genegestic tabs	Thora Dex No. 1 tab
Hovizyme tabs	Thora Dex No. 2 tab
Mazindol	

2. Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect of the central nervous system, including their salts, isomers, including optical, position, or geometric isomers, and salts of the isomers if the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:

Chlorhexadol	Phencyclidine
Glutethimide	Sulfondiethylmethane
Lysergic acid	Sulfonethylmethane
Lysergix acid amide	Sulfonmethane
Methypylon	

3. Nalorphine

4. Any substance that contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances that are specifically listed in other schedules.

5. A compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital, or a salt of amobarbital, secobarbital, or pentobarbital, and one (1) or more other active medicinal ingredients that are not listed in a schedule.

6. A suppository dosage form containing amobarbital, secobarbital, pentobarbital, or a salt of amobarbital, secobarbital, or pentobarbital and approved by the food and drug administration for marketing only as a suppository.

7. Any material, compound, mixture, or preparation containing limited quantities of the following narcotic drugs, or any salts thereof:



(i) Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.

(ii) Not more than 1.8 grams of codeine, or any of its salts, per 100 milliliters or not more than 90 milliliters per dosage unit, with one (1) or more active non-narcotic ingredients in recognized therapeutic amounts.

(iii) Not more than 300 milligrams of dihydrocodeinone, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.

(iv) Not more than 300 milligrams of dihydrocodeinone, or any of its salts, per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, non-narcotic ingredients in recognized therapeutic amounts.

(v) Not more than 1.8 grams of dihydrocodeine, or any of its salts, per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more ingredients in recognized therapeutic amounts.

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

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

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

8. Any material, compound, mixture, or preparation containing any quantity of ketamine, a salt of ketamine, an isomer of ketamine, or a salt of an isomer of ketamine.

#### **2-54-6 SCHEDULE IV BARBITURATES**

(a) Schedule IV shall consist of the controlled substances listed in this section, as follows;

1. Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect of the central nervous system, including their salts, isomers, and salts of isomers if the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:

Barbital  
Chloral Betaine  
Chloral Hydrate  
Chlordiazepoxide  
Clonazepam  
Clorazepate  
Dextropropoxyphene  
Diazepam  
Ethchlorvynol  
Ethinamate  
Flunitrazepam  
Flurazepam  
Lorazepam  
Mebutamate  
Meprobamate  
Methohexital  
Methylphenobarbital  
Oxazepam  
Paraldehyde  
Petrichloral  
Phenobarbital  
Prazepam

2. Any material, compound, mixture, or preparation containing any quantity of the following substances having a potential for abuse associated with an effect on the central nervous system, including their salts, optical, positional, or geometric isomers, and salts of the isomers if the existence of the salts, isomers, and salts of isomers is possible.

3. Any material, compound, mixture, or preparation containing any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system, including their salts, optical, positional, or geometric isomers, and salts



of the isomers if the existence of the salts, isomers, and salts of isomers is possible within the specific chemical designation:

Diethylpropion

Phentermine

Pemoline, including organometallic complexes and chelates of pemoline.

Cathine

Some trade and other names:

d-norpseudoephedrine

4. Any compound, mixture, or preparation containing any depressant substance listed in this section may be excepted from the application of all or any part of this act 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.

#### **2-54-7 SCHEDULE V – PRESCRIPTION DRUGS**

(a) Schedule V shall consist of the controlled substances listed in this section, as follows;

1. The following drugs and other substances, by whatever official name, common or usual, name, chemical, name, or brand name designated:

Loperamide

2. Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs or salts of narcotic drugs, which also contain one (1) or more non-narcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal quantities other than those processed by the narcotic drug alone;

(i) Not more than 200 milligrams of codeine, or any of its salts per 100 milliliters or per 100 grams and not more than 10 milligrams per dosage unit;

(ii) Not more than 100 milligrams of dihydrocodeine, or any of its salts, per 100 milliliters or per 100 grams and not more than 5 milligrams per dosage unit;

(iii) Not more than 100 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or per 100 grams and not more than 5 milligrams per dosage unit;

(iv) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

(v) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams and not more than 5 milligrams per dosage unit.

3. Except as otherwise provided in this subdivision, ephedrine, a salt of ephedrine, an optical isomer of ephedrine, a salt of an optical isomer of ephedrine, or a compound, mixture, or preparation containing ephedrine, a salt of ephedrine, an optical isomer of ephedrine, or a salt of an optical isomer of ephedrine. However, the following are not included in Schedule V:

(i) A product containing ephedrine, a salt of ephedrine, an optical isomer of ephedrine, or a salt of an optical isomer of ephedrine if the drug product may lawfully be sold over the counter without a prescription under federal law, is labeled and marketed in a manner consistent with the pertinent OTC tentative final or final monograph, is manufactured and distributed for legitimate medical use in a manner that reduces or eliminates the likelihood of abuse, and is not marketed, advertised, or labeled for an indication of stimulation, mental alertness, energy, weight loss, appetite control, or muscle enhancement and if the product is 1 of the following:

(A) A solid dosage form, including but not limited to a soft gelatin caplet, that combines as active ingredients not less than 400 milligrams of guaifenesin and not more than 25 milligrams of ephedrine per dose, packaged in blister packs with not more than 2 tablets per blister.

(B) An anorectal preparation containing not more than 5% ephedrine.

(ii) A food product or dietary supplement containing ephedrine, if the food product or dietary supplement meets all of the following criteria:

(A) It contains, per dosage unit or serving, not more than the lesser of 25 milligrams of ephedrine alkaloids or the maximum amount of ephedrine alkaloids provided in applicable regulations adopted by the United States food and drug administration and contains no other controlled substance.

(B) It contains no hydrochloride or sulfate salts of ephedrine alkaloids.

(C) It is packaged with a prominent label securely affixed to each package that states the amount in milligrams of ephedrine in a serving or dosage unit; the amount of the food product or dietary supplement that constitutes a serving or dosage unit; that the maximum recommended dosage of ephedrine for a healthy adult human is the lesser of 100 milligrams in a 24-hour period or the maximum recommended dosage or period of use provided in applicable regulations adopted by the United States Food and Drug Administration; and that improper use of the product may be hazardous to a person's health.

#### **2-54-8 EXCLUSION FROM SCHEDULE**

(a) A non-narcotic substance is excluded from Schedules I through V if the substance may lawfully be sold over the counter without a prescription under the federal food, drugs, and



cosmetic act and the Tribal Council shall have no power to include a non-narcotic substance in Schedules I through V if the substance may lawfully be sold over the counter without a prescription under the federal, food, drug and cosmetic act.

#### **2-54-9 REGULATION OF MANUFACTURE, DISTRIBUTION AND DISPENSING OF CONTROLLED SUBSTANCES**

(a) Registration requirements

1. Every person who manufactures, distributes, analyzes, or dispenses any controlled substance within the exterior boundaries of the Lac Vieux Desert Band of Lake Superior Chippewa Indians Reservation must possess a valid registration from the Michigan Board of Pharmacy. Said registration must be obtained annually and be in compliance with all rules and regulations promulgated by the state.

(b) Persons registered with the state of Michigan or the United States of America to manufacture, distribute, dispense, analyze or conduct research with controlled substances may possess, manufacture, distribute, dispense, analyze or conduct research with those substances to the extent authorized by their registration.

#### **2-54-10 DISTRIBUTION, MANUFACTURE, OR POSSESSION WITH INTENT TO DISTRIBUTE**

(a) Except as authorized by this section, any person who knowingly or intentionally manufactures, distributes, or possesses with intent to manufacture or distribute a controlled substance listed in schedule I through V is guilty of a felony.

1. Any person who commits distribution, manufacture, or possession with intent to distribute with no prior conviction of a substantially similar law in any jurisdiction shall be deemed guilty of a first offense of distribution, manufacture, or possession and shall be imprisoned for a term not less than one hundred eighty (180) days and fined in an amount not less than one thousand dollars (\$1,000).

2. Any person who commits distribution, manufacture, or possession with intent to distribute with one or more prior convictions of a substantially similar law in any jurisdiction shall be deemed guilty of a second or subsequent offense and shall be imprisoned for a term not less than two hundred seventy (270) days and fined in an amount not less than three thousand dollars (\$3,000).

#### **2-54-11 UNLAWFUL POSSESSION OF CONTROLLED SUBSTANCE**

(a) Except as authorized by this section, any person who knowingly or intentionally possesses a controlled substance listed in schedules I through IV unless the substances were obtained directly from, or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice, is guilty of a felony.

(b) Except as authorized by this section, any person who knowingly or intentionally possesses a controlled substance listed in schedule V unless the substances were obtained

directly from, or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice, is guilty of a misdemeanor.

(c) Any person who knowingly or intentionally possesses lysergic acid diethylamide, mescaline, dimethyltryptamine, psilocyn, or psilocybin is guilty of a misdemeanor.

(d) The following individuals are not in violation of this section:

1. An individual who seeks medical assistance for himself or who requires medical assistance and is presented for assistance by another individual if he or she is incapacitated because of a drug overdose or other perceived medical emergency arising from the use of a controlled substance or a controlled substance analogue that he or she possesses or possessed in an amount sufficient only for personal use and the evidence of his or her violation of this section is obtained as a result of the individual's seeking or being presented for medical assistance.

2. An individual who in good faith attempts to procure medical assistance for another individual or who accompanies another individual who requires medical assistance for a drug overdose or other perceived medical emergency arising from the use of a controlled substance or a controlled substance analogue that he or she possesses or possessed in an amount sufficient only for personal use and the evidence of his or her violation of this section is obtained as a result of the individual's attempting to procure medical assistance for another individual or as a result of the individual's accompanying another individual who requires medical assistance to a health facility or agency.

3. The exemption from prosecution under this subsection does not prevent the investigation, arrest, charging, or prosecution of an individual for any other violation of the laws of the Tribe or be grounds for suppression of evidence in the prosecution of any other criminal charges.

(e) As used in this section:

1. "Drug overdose" means a condition including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, mania, or death, that is the result of consumption or use of a controlled substance or a controlled substance analogue or a substance with which the controlled substance or controlled substance analogue was combined, or that a layperson would reasonably believe to be a drug overdose that requires medical assistance.

2. "Seeks medical assistance" means reporting a drug overdose or other medical emergency to law enforcement, the 9-1-1 system, a poison control center, or a medical provider, or assisting in reporting a drug overdose or other medical emergency.

#### **2-54-12 PEYOTE EXEMPTION**

(a) The provisions of this section relating to the possession and distribution of peyote shall not apply to the use of peyote by members of the Native American Church in bona fide religious ceremonies of the church.



## **2-54-13 MARIJUANA EXEMPTION**

(a) Except as provided in Section 55 of this Code, the provisions of this section relating to the possession and distribution of marijuana shall not apply to the use of marijuana by members of a federally recognized Indian tribe.

## **2-54-14 INHABITING A ROOM OR SPACE WHERE CONTROLLED SUBSTANCE IS ILLEGALLY STORED OR USED**

(a) Any person who inhabits a room, space or any area confined or unconfined knowing that any controlled substance is being illegally stored or used therein is guilty of a misdemeanor.

## **2-54-15 POSSESSION OR SALE OF DRUG RELATED PARAPHERNALIA**

(a) "Paraphernalia" means any item or thing used commonly or extensively in association or related to or in conjunction with the use and or possession of any controlled substance other than marijuana.

(b) Any person who possesses or sells any drug related paraphernalia shall be guilty of a misdemeanor.

## **2-54-16 RECRUITING, INDUCING, SOLICITING, OR COERCING MINOR TO COMMIT FELONY**

(a) Any person 18 years of age or over who recruits, induces, solicits, or coerces a minor to commit or attempt to commit any act that would be a felony under this section if committed by an adult is guilty of a felony and may be punished by a fine of not more than the fine authorized by this part for an adult who commits such an act, and shall be imprisoned for a term of not less than ninety (90) days.

## **2-54-17 METHAMPHETAMINE MANUFACTURE**

(a) Any person who owns, possesses, or uses a vehicle, building, structure, place, or area that he or she knows or has reason to know is to be used as a location to manufacture methamphetamine shall be guilty of a felony.

(b) Any person who owns or possess any chemical or laboratory equipment that he or she knows or has reason to know it to be used for the purpose of manufacturing methamphetamine shall be guilty of a felony.

(c) Any person who provides any chemical or laboratory equipment to another person knowing or having reason to know that the other person intends to use that chemical or laboratory equipment for the purpose of manufacturing methamphetamine shall be guilty of a felony.

(d) If any person violates subsection a-c in the presence of a minor, that person shall be imprisoned for a term not less than two hundred seventy (270) days.

(e) Any person who is in possession of twelve (12) or more grams of ephedrine, pseudoephedrine, or phenylpropanolamine, or possesses any amount of ephedrine,

pseudoephedrine, or phenylpropanolamine knowing or having reason to know that it is to be used to manufacture methamphetamine, shall be guilty of a misdemeanor.

#### **2-54-18 MAINTAINING A DRUG HOUSE**

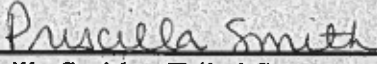
(a) Any person who knowingly keeps or maintains a store, shop, warehouse, dwelling, building, vehicle, boat, aircraft, or other structure or place that is frequented by persons using controlled substances in violation of this section for the purpose of using controlled substances or that is used for keeping or selling controlled substances in violation of this section shall be guilty of a misdemeanor.

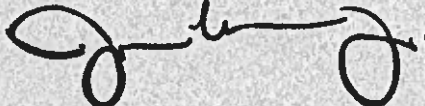
#### **2-54-19 DRUG TESTING DECEPTION**

(a) Any person who, when lawfully ordered by law enforcement, the Court, or the probation department, intentionally acts to avoid providing a urine sample, to dilute a urine sample to reduce the quantitative value of that sample, to substitute any substance for one's own urine, or to chemically alter, adulterate or modify one's own urine or saliva to avoid detection of any controlled substance or analogue, or to assist another in attempting to do the same shall be guilty of a misdemeanor.

### **CERTIFICATION**

I, the undersigned, as Chairman of the Lac Vieux Desert Band of Lake Superior Chippewa Indians, a tribal government operating under a Constitution adopted pursuant to Section 16 of the Indian Reorganization Act 25 U.S.C. 476 and, more specifically, 25 U.S.C. 1300(h), do hereby certify that the Tribal Council of the Band is composed of nine (9) members, of whom (9), constituting a quorum, were present at a meeting duly called, noticed, convened and held on the 14<sup>th</sup> day of April, 2021 and that the foregoing resolution was duly adopted at said meeting by an affirmative vote of (8) members, (0) against, and (0) abstaining, and that the said resolution has not been rescinded or amended in any way.

  
Priscilla Smith – Tribal Secretary

  
James Williams, Jr. – Tribal Chairman