

Cherokee Nation Code Annotated
Title 21: Crimes and Punishments
Part VIII. Controlled Dangerous Substances
Chapter 75: Uniform Controlled Dangerous Substances Act
Article IV. Offenses and Penalties
§ 2415. Application—Fines and penalties
Cite as: 21 CNCA § 2415

A. The provisions of the Trafficking in Illegal Drugs Act, 21 CNCA § 2414 et seq., shall apply to persons convicted of violations with respect to the following substances:

1. Marijuana,
2. Cocaine or coca leaves,
3. Heroin,
4. Amphetamine or methamphetamine,
5. Lysergic acid diethylamide (LSD),
6. Phencyclidine (PCP),
7. Cocaine base, commonly known as "crack" or "rock".
8. 3,4-Methylenedioxy methamphetamine, commonly known as "ecstasy" or MDMA;
9. Morphine;
10. Oxycodone;
11. Hydrocodone;
12. Benzodiazepine;
13. Fentanyl and its analogs and derivatives;

B. Except as otherwise authorized by the Uniform Controlled Dangerous Substances Act, 21 CNCA § 2101 et seq., it shall be unlawful for any person to:

1. Knowingly distribute, manufacture, bring into this Nation or possess a controlled substance specified in subsection (A) of this section in the quantities specified in subsection (C) of this section; or
2. Possess any controlled substance with the intent to manufacture a controlled substance specified in subsection (A) of this section in quantities specified in subsection (C) of this section; or

3. Use or solicit the use of services of a person less than eighteen (18) years of age to distribute or manufacture a controlled dangerous substance specified in subsection (A) of this title in quantities specified in subsection (C) of this section.

Violation of this section shall be known as "trafficking in illegal drugs".

Any person who commits the conduct described in paragraph 1, 2 or 3 of this subsection and represents the quantity of the controlled substance to be an amount described in subsection (C) of this section shall be deemed guilty of a felony.

C. In the case of a violation of the provisions of subsection (B) of this section, involving:

1. Marijuana: twenty-five (25) pounds or more of a mixture or substance containing a detectable amount of marijuana, such violation shall be a felony;
2. Cocaine or coca leaves: twenty-eight (28) grams or more of a mixture or substance containing a detectable amount of cocaine or coca leaves, such violation shall be a felony;
3. Heroin: ten (10) grams or more of a mixture or substance containing a detectable amount of heroin, such violation shall be a felony;
4. Amphetamine or methamphetamine: twenty (20) grams or more of a mixture or substance containing a detectable amount of amphetamines or methamphetamine, such violation shall be a felony;
5. Lysergic acid diethylamide (LSD): one (1) gram or more of a substance containing a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD), such violation shall be a felony;
6. Phencyclidine (PCP): one (1) ounce or more of a substance containing a mixture or substance containing a detectable amount of phencyclidine (PCP), such violation shall be a felony;
7. Cocaine base: five (5) grams or more of a mixture or substance described in paragraph 2 of this subsection which contains cocaine base, such violation shall be a felony.
8. Methylenedioxy methamphetamine: thirty (30) tablets or ten (10) grams of a mixture or substance containing a detectable amount of 3,4-Methylenedioxy methamphetamine, such violation shall be a felony;
9. Morphine: one thousand (1,000) grams or more of a mixture containing a detectable amount of morphine, such violation shall be a felony;
10. Oxycodone: four hundred (400) grams or more of a mixture containing a detectable amount of oxycodone, such violation shall be a felony;

11. Hydrocodone: three thousand seven hundred fifty (3,750) grams or more of a mixture containing a detectable amount of hydrocodone, such violation shall be a felony;

12. Benzodiazepine: five hundred (500) grams or more of a mixture containing a detectable amount of benzodiazepine, such violation shall be a felony;

13. Fentanyl and its analogs and derivatives: one (1) gram or more of a mixture containing fentanyl or carfentanil or any fentanyl analogs or derivatives, such violation shall be a felony.

D. Any person who violates the provisions of this section with respect to a controlled substance specified in subsection (A) of this section in a quantity specified in subsection (C) shall be deemed guilty of a felony.

Historical Data

LA 03–91, eff. February 9, 1991. Amended LA 03-25, eff. February 10, 2025.

Renumbered from 63 CNCA § 2–415.