

Cherokee Nation Code Annotated
Title 21: Crimes and Punishments
Part VIII. Controlled Dangerous Substances
Chapter 75: Uniform Controlled Dangerous Substances Act
Article V. Enforcement and Administrative Provisions
§ 2502. Inspections
Cite as: 21 CNCA § 2502

A. Prescriptions, orders, and records, required by this act, and stock of substances specified in this act shall be open for inspection only to specifically designated or assigned Nation officers, whose duty it is to enforce the laws of this Nation relating to controlled dangerous substances. No officer having knowledge by virtue of his office of any such prescription, order or record shall divulge such knowledge, except in connection with a prosecution or proceeding in court or before a licensing or registration board or officer, to which prosecution or proceeding the person to whom such prescriptions, orders, or records relate is a party.

B. Any peace officer or agency charged with administration of this act is authorized to make administrative inspections of controlled premises in accordance with the following provisions:

1. For purposes of this act only, "**controlled premises**" means:

a. Places where persons registered or exempted from registration requirements under this act are required to keep records; and

b. Places including factories, warehouses, establishments, and conveyances where persons registered or exempted from registration requirements under this act are permitted to hold, manufacture, compound, process, sell, deliver, or otherwise dispose of any controlled dangerous substance.

2. This section shall not be construed to prevent the inspection of books and records pursuant to the provisions of this act; nor shall this section be construed to prevent entries and administrative inspections at reasonable times without a warrant:

a. With the consent of the owner, operator, or agent in charge of the controlled premises;

b. In situations presenting imminent danger to health or safety;

c. In situations involving inspection of conveyances where there is reasonable cause to believe that the mobility of the conveyance makes it impracticable to obtain a warrant;

d. In any other exceptional or emergency circumstance where time or opportunity to apply for a warrant is lacking; and

e. In all other situations where a warrant is not constitutionally required.

3. Except when the owner, operator, or agent in charge of the controlled premises so consents in writing, no inspection authorized by this section shall extend to:

a. Financial data;

b. Sales data other than shipment data; or

c. Pricing data.

Historical Data

LA 03–91, eff. February 9, 1991.

Renumbered from 63 CNCA § 2–502.