



**MENOMINEE NATION
MENOMINEE TRIBAL LEGISLATURE
TRIBAL ORDINANCE 24-29
AMENDMENT TO THE CODE OF MENOMINEE
INDIAN TRIBE OF WISCONSIN
CHAPTER 306 – “Drugs and Drug Paraphernalia”**

FINAL APPROVAL:

BE IT ORDAINED BY THE LEGISLATURE OF THE MENOMINEE INDIAN TRIBE OF WISCONSIN:

Tribal Ordinance 24-29 is hereby enacted. Tribal Ordinance 24-29 hereby amends Chapter 306, “Drugs and Drug Paraphernalia” of the Code of the Menominee Indian Tribe of Wisconsin as attached hereto and incorporated herein as if fully reproduced here.

CERTIFICATION

We, the undersigned Officers of the Menominee Tribal Legislature, do hereby certify that the foregoing amendment to the Menominee Indian Tribe of Wisconsin General Code, “Chapter 306, “Drugs and Drug Paraphernalia” was duly adopted at a regular meeting of the Tribal Legislature held June 20, 2024, at which a quorum was present, by a vote of 6 for, 1 opposed, 0 abstentions and 1 absent.


The undersigned also certify that the foregoing amendment to Code of the Menominee Indian Tribe of Wisconsin has been posted in accordance with the Menominee Constitution and Bylaws.



GENA KAKKAK, CHAIRWOMAN

MENOMINEE INDIAN TRIBE OF WISCONSIN

DATE: JUNE 20, 2024



SPENCER GAUTHIER, SECRETARY
MENOMINEE INDIAN TRIBE OF WISCONSIN



MENOMINEE INDIAN TRIBE OF WISCONSIN

LEGAL DIVISION
P.O. Box 910
Keshena, WI 54135-0910
715-799-5194

Memorandum

To: Menominee Tribal Legislature
From: John Wilhelmi, Tribal Attorney – Gaming Emphasis
Date: May 29, 2024
Re: Proposed Amendments to Chapter 306

Attached is a draft ordinance that would amend Chapter 306 to change current Tribal law on medical marijuana in two ways:

1. The Tribe would set up a registration system where persons wishing to use marijuana medically would apply for and obtain a Registration Card. Currently in order for a person to legally possess or use marijuana under Tribal law, they would be required to obtain a letter from a physician stating they had certain listed conditions. Under the proposed change, this would not be required. Instead a person would apply for a Registration Card. They would still need to state in the application that they suffer from certain listed conditions, however, the listed conditions have been expanded to include "any other condition that, in the opinion of the applicant would benefit from the use of Marijuana." There is no requirement for any documentation from a physician or any third party. The applicant only needs to self-certify that they have a qualifying condition. There is also a provision that recognizes any registration card issued by any other State, or federally recognized Indian Tribe.
2. Currently Section 306-12 exempts from the prohibitions of Chapter 306 "persons registered under federal law to manufacture, distribute, dispense or conduct research with controlled substances may possess, manufacture, distribute, dispense or conduct research with those substances." The proposed amendment would add a further exemption for any business licensed under Tribal law to manufacture, distribute, dispense or conduct research on marijuana or cannabis. The purpose of this is to exempt those businesses from the Tribe's criminal law. This will have no effect until the Tribe passes laws (such as the proposed Chapter 412) that authorize the licensing of such activities.

The ordinance is proposed to go into effect 60 days after passage to allow the Member Services Department to set up a registration system and have it operational prior to eliminating the current protections for possession and use of medical marijuana under Tribal law.

**MENOMINEE NATION
MENOMINEE TRIBAL LEGISLATURE
TRIBAL ORDINANCE 24-29**

1. Purpose. The purpose of this amendment is to change the requirements under Tribal law to lawfully possess and use marijuana and paraphernalia for medical purposes and to exempt any business licensed by the Tribe pursuant to future amendments to the Menominee Tribal Code from the prohibitions on the manufacture, distribution and dispensation of marijuana or cannabis.
2. Amendment to § 306-3.4. 306-3.4 is deleted in its entirety and replaced with the following:

“§ 306-3.4 Medical use or possession of marijuana.

- A. Notwithstanding any other provision of Chapter 306 or any other tribal law, the possession or use of 50 grams or less of marijuana shall not subject any person who has been issued a current valid Medical Registration Card by the Tribe pursuant to this § 306-3.4 to any form of criminal or civil punishment under the laws of the Menominee Indian Tribe of Wisconsin related to such use or possession.
- B. Notwithstanding any other provision of Chapter 306 or any other tribal law, the possession or uses of drug paraphernalia associated with the use or possession of 50 grams or less of marijuana shall not subject any person who has been issued a current valid Medical Registration Card by the Tribe pursuant to this § 306-3.4 to any form of criminal or civil punishment under the laws of the Menominee Indian Tribe of Wisconsin related to such use or possession.
- C. The Department shall issue Medical Registration Cards to persons eighteen years of age or older who submit the following, in accordance with rules promulgated by the Department:
 - (1) A written signed statement that the applicant has a Qualifying Condition; or a registration card issued by any state or federally recognized Indian Tribe authorizing the person to possess Marijuana if such card is unexpired, and the individual can verify identification; and
 - (2) The name, address, and date of birth of the applicant, except that if the applicant is homeless, no address is required;
 - (3) The name, address, and date of birth of the person making medical decisions for the applicant as stated in subsection D below (if any) and proof of said persons authority to make such decisions;
 - (4) The application or renewal fee for a Medical Marijuana Registration Card determined by the Department;

- D. If the applicant is unable to submit the information required of this chapter due to the person's age or medical condition, the person responsible for making medical decisions for the qualifying patient may do so on behalf of the qualifying patient..
- E. A Qualifying Condition for the purposes of this § 306-3.4(1) is a condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; pain; nausea; seizures; muscle spasms; depression; anxiety; or any other condition that, in the opinion of the applicant would benefit from the use of Marijuana.
- F. The Department shall give written notice to the applicant of the reason for denying a Medical Registration Card to the applicant.
- G. Medical Registration Cards shall be effective for one (1) year from the date of issue.
- H. The Department for the purposes of this § 306-3.4 shall mean the Member Services Department.
- I. Nothing contained in this section shall be construed to repeal or modify existing laws, policies, regulations, or agreements, related to:
- (1) The operation of motor vehicles or other actions taken while under the influence of marijuana.
 - (2) Personnel practices or policies governing employee conduct, including, but not limited to, drug testing policies and policies related to the use or possession of marijuana.
 - (3) The policy of any entity related to the prohibition of possession or use of marijuana on such entity's premises.
 - (4) A tenant's use or possession of marijuana.
 - (5) Punishment for public use of marijuana as provided by tribal law.
 - (6) The manufacture, distribution, or sale of marijuana prohibited by Chapter 306 of the Menominee Tribal Code.
 - (7) The possession of marijuana by any person who has not been issued a valid, current Medical Registration Card pursuant to this § 306-4.3.
- J. Any actions taken to enforce such laws, policies, regulations, or agreements shall not be deemed a punishment prohibited by Subsection B.”
3. Amendment to § 306-12. Section 306-12 is amended to:
- a) renumber current subsection 306-12.B to 306-12.C.
 - b) create a new subsection B to read as follows:

“B. Businesses and persons licensed under Tribal Law to manufacture, distribute, dispense or conduct research with Marijuana or Cannabis may possess, manufacture, distribute, dispense or conduct research with Marijuana or Cannabis on this Reservation to the extent authorized by their Tribal license. The provisions of § 306-13 are not applicable to such licensed businesses.”

c) create new subsections 306-12.C (5) and (6) to read as follows:

(5) A licensed agent or employee of a business licensed to manufacture, distribute, dispense or conduct research with marijuana or cannabis under Tribal law if the agent or employee is acting in the usual course of the agent or employee’s business or employment.

(6) Any employee or agent of the Menominee Indian Tribe of Wisconsin acting within the scope of their duties in regard to regulation of businesses licensed to manufacture, distribute, dispense or conduct research with marijuana or cannabis under Tribal law, and any person or entity performing tests on marijuana or cannabis pursuant to an agreement with such a licensed business.

4. Effect on Remaining Provisions of Chapter. The remaining provisions of Chapter 306 are unchanged.

5. Effective Date. This amendment shall be effective sixty (60) days after final approval.

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Article II Provisions for Scheduling; Schedules I, II, III, IV and V

§ 306-3.1 Industrial hemp excluded. [Added 5-7-2015 by Ord. No. 15-06]

Industrial hemp, as defined under Chapter 307 of the Menominee Tribal Code, is excluded from the categories of controlled substances identified under this chapter.

§ 306-3.2 Personal possession and use of marijuana. [Added 2-4-2016 by Ord. No. 15-35]

- A. Notwithstanding any other provision of Chapter 306 or any other tribal law, any person 21 years of age or older who uses or possesses 25 grams or less of marijuana shall be assessed a civil penalty of \$20 for a first offense; \$30 for a second offense; and \$40 for a third or any additional offense, in addition to such routine assessments necessary for the administration of civil violations, and such marijuana shall be subject to confiscation. The person shall not be subject to any other form of criminal or civil punishment related solely to such use or possession.
- B. Notwithstanding any other provision of Chapter 306 or any other tribal law, any person under the age of 21 who uses or possesses 25 grams or less of marijuana shall be subject to the penalties listed in Subsections E through G. The marijuana in question shall be subject to confiscation, and the person shall not be subject to any other form of criminal or civil punishment solely related to such use or possession.
- C. Notwithstanding any other provision of Chapter 306 or any other tribal law, the possession or use of drug paraphernalia associated with the use or possession of 25 grams or less of marijuana shall not subject any person to any form of criminal or civil punishment under the laws of the Menominee Indian Tribe of Wisconsin solely related to such use or possession.
- D. Nothing contained in this section shall be construed to repeal or modify existing laws, policies, regulations, or agreements, related to:
 - (1) The operation of motor vehicles or other actions taken while under the influence of marijuana.
 - (2) Personnel practices or policies governing employee conduct, including, but not limited to, drug testing policies and policies related to the use or possession of marijuana.
 - (3) The policy of any entity related to the prohibition of possession or use of marijuana on such entity's premises.
 - (4) A tenant's use or possession of marijuana.
 - (5) Punishment for public use of marijuana as provided by tribal law.
 - (6) The manufacture, distribution, or sale of marijuana prohibited by Chapter 306 of the Menominee Tribal Code.
 - (7) The possession of over 25 grams of marijuana.
 - (8) The imposition of a punishment resulting from a failure to make timely payment of a civil forfeiture or

other penalty provided for in Subsection A or B.

E. Any person violating Subsection B of this section is subject to the following penalties:

- (1) For a first violation, a forfeiture of not less than \$100 nor more than \$200, suspension of the person's operating privilege, participation in a supervised work program or other community service work under, or any combination of these penalties.
- (2) For a violation committed within 12 months of one previous violation, either a forfeiture of not less than \$200 nor more than \$300, participation in a supervised work program or other community service work, or any combination of these penalties. In addition, the person's operating privilege may be suspended, except that if the violation involved a motor vehicle, the person's operating privilege shall be suspended.
- (3) For a violation committed within 12 months of two previous violations, either a forfeiture of not less than \$300 nor more than \$500, participation in a supervised work program or other community service work, or any combination of these penalties. In addition, the person's operating privilege may be suspended, except that if the violation involved a motor vehicle, the person's operating privilege shall be suspended.
- (4) For a violation committed within 12 months of three or more previous violations, either a forfeiture of not less than \$500 nor more than \$1,000, participation in a supervised work program or other community service work, or any combination of these penalties. In addition, the person's operating privilege may be suspended, except that if the violation involved a motor vehicle the person's operating privilege shall be suspended.

F. A person who is under 17 years of age on the date of disposition is subject to Chapter 124 of the Menominee Tribal Code.

G. After ordering a penalty under Subsection E for any person 17, 18, 19, or 20 years of age, the court, with the agreement of the defendant, may enter an additional order staying the execution of the penalty order and suspending or modifying the penalty imposed. The order may require the defendant to do any of the following:

- (1) Submit to an AODA assessment.
- (2) Participate in an outpatient AODA treatment program at an approved treatment facility, if an assessment recommends treatment.
- (3) Participate in a court-approved AODA education program.
- (4) Participate in any other program the court finds applicable.

H. Any actions taken to enforce such laws, policies, regulations, or agreements shall not be deemed a punishment prohibited by Subsections A through C.

§ 306-3.3 Public use or consumption of marijuana prohibited.
[Added 2-4-2016 by Ord. No. 15-36]

A. The following words and terms shall have the following meanings for the purposes of this section:

MARIJUANA

Has the meaning provided in Chapter 306 of the Menominee Tribal Code.

PRIVATE PROPERTY

Any private residence which is owned or leased by:

- (1) The person using marijuana or in open possession of marijuana;
- (2) An immediate member of said person's family; or
- (3) A person who has granted permission to the person using or in open possession of marijuana to be on the property.

PRIVATE RESIDENCE

A house or apartment where persons reside and shall not include any commercial establishment.

PUBLIC PLACE

Any place:

- (1) That is within view of a public road; or
- (2) That is where the conduct involved may reasonably be expected to be viewed by people other than members of the actor's family or household; and
- (3) That is not private property.

- B. It shall be unlawful for any person to use or be in open possession of marijuana in a public place within the exterior boundaries of the Menominee Indian Reservation. Persons violating this article shall be issued a citation by a Menominee tribal police or Menominee tribal conservation officer and have any marijuana in their possession confiscated. Open possession, for the purposes of this subsection, does not mean any situation where a person has removed marijuana from their person or possessions at the request or requirement of a law enforcement officer, and is otherwise in compliance with tribal law.
- C. The penalty for violation of Subsection B shall be a forfeiture of not less than \$50 nor more than \$100. The Court may, upon a second or subsequent conviction, order the offender to obtain an alcohol and other drug abuse (AODA) assessment and to follow the recommendations resulting from said assessment.

§ 306-3.4 Medical use or possession of marijuana.

[Added 1-21-2016 by Ord. No. 15-37]

- A. Notwithstanding any other provision of Chapter 306 or any other tribal law, the possession or use of 50 grams or less of marijuana shall not subject any person who has been issued a current valid Medical Registration Card by the Tribe pursuant to this § 306-3.4 to any form of criminal or civil punishment under the laws of the Menominee Indian Tribe of Wisconsin related to such use or possession.
- B. Notwithstanding any other provision of Chapter 306 or any other tribal law, the possession or uses of drug paraphernalia associated with the use or possession of 50 grams or less of marijuana shall not subject any person who has been issued a current valid Medical Registration Card by the Tribe pursuant to this § 306-3.4 to any form of criminal or civil punishment under the laws of the Menominee Indian Tribe of Wisconsin related to such use or possession.
- C. The Department shall issue Medical Registration Cards to persons eighteen years of age or older who submit the following, in accordance with rules promulgated by the Department:
- (1) A written signed statement that the applicant has a Qualifying Condition; or a registration card issued by any state or federally recognized Indian Tribe authorizing the person to possess Marijuana if such card is unexpired, and the individual can verify identification; and
 - (2) The name, address, and date of birth of the applicant, except that if the applicant is homeless, no address

is required;

- (3) The name, address, and date of birth of the person making medical decisions for the applicant as stated in subsection D below (if any) and proof of said persons authority to make such decisions;
- (4) The application or renewal fee for a Medical Marijuana Registration Card determined by the Department;
- D. If the applicant is unable to submit the information required of this chapter due to the person's age or medical condition, the person responsible for making medical decisions for the qualifying patient may do so on behalf of the qualifying patient.
- E. A Qualifying Condition for the purposes of this § 306-3.4(1) is a condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; pain; nausea; seizures; muscle spasms; depression; anxiety; or any other condition that, in the opinion of the applicant would benefit from the use of Marijuana.
- F. The Department shall give written notice to the applicant of the reason for denying a Medical Registration Card to the applicant.
- G. Medical Registration Cards shall be effective for one (1) year from the date of issue.
- H. The Department for the purposes of this § 306-3.4 shall mean the Member Services Department.
- I. Nothing contained in this section shall be construed to repeal or modify existing laws, policies, regulations, or agreements, related to:
 - (1) The operation of motor vehicles or other actions taken while under the influence of marijuana.
 - (2) Personnel practices or policies governing employee conduct, including, but not limited to, drug testing policies and policies related to the use or possession of marijuana.
 - (3) The policy of any entity related to the prohibition of possession or use of marijuana on such entity's premises.
 - (4) A tenant's use or possession of marijuana.
 - (5) Punishment for public use of marijuana as provided by tribal law.
 - (6) The manufacture, distribution, or sale of marijuana prohibited by Chapter 306 of the Menominee Tribal Code.
 - (7) The possession of marijuana by any person who has not been issued a valid, current Medical Registration Card pursuant to this § 306-4.3.
- J. Any actions taken to enforce such laws, policies, regulations, or agreements shall not be deemed a punishment prohibited by Subsection B.

§ 306-4 Authority and criteria for classification of substances.

- A. Hearing rules and regulations of the Legislature. The Legislature shall apply the provisions of this article to the controlled substances listed in the schedules established by §§ 306-6, 306-7, 306-8, 306-9, and 306-10 of this article and to any other drug or other substance added to such schedules under this subchapter.
 - (1) Add to such a schedule or transfer between such schedules any drug or other substance if the

Legislature:

- (a) Finds that such drug or other substance has a potential for abuse, and
 - (b) Makes, with respect to such drug or other substance, the findings prescribed by § 306-5B of this article for the schedule in which such drug is to be placed; or
- (2) Remove any drug or other substance from the schedules if it finds that the drug or other substance does not meet the requirements for inclusion in any schedule.
- B. Factors determinative of control or removal from schedules. In making any finding under Subsection A or under § 306-5B of this article, the Legislature shall consider the following factors with respect to each drug or other substance proposed to be controlled or removed from the schedules:
- (1) Its actual or relative potential for abuse.
 - (2) Scientific evidence of its pharmacological effect, if known.
 - (3) The state of current scientific knowledge regarding the drug or other substance.
 - (4) Its history and current pattern of abuse.
 - (5) The scope, duration, and significance of abuse.
 - (6) What, if any, risk there is to the public health.
 - (7) Its psychic or physiological dependence liability.
 - (8) Whether the substance is an immediate precursor of a substance already controlled under this subchapter.
 - (9) The Legislature may consider findings of the federal Food and Drug Administration, decisions made by the United States Attorney General, the State of Wisconsin, or Drug Enforcement Administration as prima facie evidence relating to one or more of the determinative factors.

§ 306-5 Scheduling of controlled substances.

- A. Five schedules of controlled substances are established, to be known as Schedules I, II, III, IV, and V. Such schedules shall initially consist of the substances listed in this section. The schedules established by this section shall be updated and republished on a semiannual basis during the two-year period beginning one year after September 1, 2013.
- B. The Menominee Tribal Legislature may add a substance to an appropriate schedule upon finding the following:
- (1) Schedule I.
 - (a) The drug or other substance has a high potential for abuse.
 - (b) The drug or other substance has no currently accepted medical use in treatment in the United States.
 - (c) There is a lack of accepted safety for use of the drug or other substance under medical supervision.
 - (2) Schedule II.
 - (a) The drug or other substance has a high potential for abuse.

- (b) The drug or other substance has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions.
- (c) Abuse of the drug or other substances may lead to severe psychological or physical dependence.
- (3) Schedule III.
 - (a) The drug or other substance has a potential for abuse less than the drugs or other substances in Schedules I and II.
 - (b) The drug or other substance has a currently accepted medical use in treatment in the United States.
 - (c) Abuse of the drug or other substance may lead to moderate or low physical dependence or high psychological dependence.
- (4) Schedule IV.
 - (a) The drug or other substance has a low potential for abuse relative to the drugs or other substances in Schedule III.
 - (b) The drug or other substance has a currently accepted medical use in treatment in the United States.
 - (c) Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III.
- (5) Schedule V.
 - (a) The drug or other substance has a low potential for abuse relative to the drugs or other substances in Schedule IV.
 - (b) The drug or other substance has a currently accepted medical use in treatment in the United States.
 - (c) Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule IV.
- C. Initial Schedules I, II, III, IV, and V of controlled substances shall, unless and until amended, consist of the following drugs or other substances, by whatever official name, common or usual name, chemical name, or brand name designated.

§ 306-6 Schedule I.

Unless specifically excepted by tribal regulation or unless listed in another schedule, any of the following substances, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, are listed in Schedule I:

- A. Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation:
 - (1) Acetyl-alpha-methylfentanyl [N-(1-[1-methyl-2-phenethyl]-4-piperidinyl)-N-phenylacetamide].
 - (2) Acetylmethadol.
 - (3) Allyprodine.

- (4) Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM).
- (5) Alphameprodine.
- (6) Alphamethadol.
- (7) Alpha-methylfentanyl [N-(1-[alpha-methyl-beta-phenyl]ethyl-4-piperidyl) propionamide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine].
- (8) Alpha-methylthiofentanyl [N-(1-methyl-2-[2-thienyl]ethyl-4-piperidyl)-N-phenylpropanamide].
- (9) Benzethidine.
- (10) Betacetylmethadol.
- (11) Beta-hydroxyfentanyl [N-(1-[2-hydroxy-2-phenethyl]-4-piperidyl)-N-phenylpropanamide].
- (12) Beta-hydroxy-3-methylfentanyl [other name: N-(1-[2-hydroxy-2-phenethyl]-3-methyl-4-piperidyl)-N-phenylpropanamide].
- (13) Betameprodine.
- (14) Betamethadol.
- (15) Betaprodine.
- (16) Clonitazene.
- (17) Dextromoramide.
- (18) Diampromide.
- (19) Diethylthiambutene.
- (20) Difenoazin.
- (21) Dimenoxadol.
- (22) Dimepheptanol.
- (23) Dimethylthiambutene.
- (24) Dioxaphetyl butyrate.
- (25) Dipipanone.
- (26) Ethylmethylthiambutene.
- (27) Etonitazene.
- (28) Etoxadine.
- (29) Furethidine.
- (30) Hydroxypethidine.

- (31) Ketobemidone.
- (32) Levomoramide.
- (33) Levophenacymorphan.
- (34) 3-Methylfentanyl [N-(3-methyl-1-[2-phenylethyl]-4-piperidyl)-N-phenylpropanamide].
- (35) 3-methylthiofentanyl [N-(3-methyl-1-[2-thienyl]ethyl-4-piperidyl)-N-phenylpropanamide].
- (36) Morpheridine.
- (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine).
- (38) Noracymethadol.
- (39) Norlevorphanol.
- (40) Normethadone.
- (41) Norpipanone.
- (42) Para-fluorofentanyl [N-(4-fluorophenyl)-N-(1-[2-phenethyl]-4-piperidyl) propanamide].
- (43) PEPAP[1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine].
- (44) Phenadoxone.
- (45) Phenampromide.
- (46) Phenomorphan.
- (47) Phenoperidine.
- (48) Piritramide.
- (49) Proheptazine.
- (50) Properidine.
- (51) Propiram.
- (52) Racemoramide.
- (53) Thiofentanyl [N-phenyl-N-(1-[2-thienyl]ethyl-4-piperidyl)-propanamide].
- (54) Tilidine.
- (55) Trimeperidine.

B. Opium derivatives. Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, its salts, isomers, and salts of isomers, whenever the existence of such 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) Drotebanol.
- (10) Etorphine (except hydrochloride salt).
- (11) Heroin.
- (12) Hydromorphenol.
- (13) Methyldesorphine.
- (14) Methyldihydromorphine.
- (15) Morphine methylbromide.
- (16) Morphine methylsulfonate.
- (17) Morphine-N-Oxide.
- (18) Myrophine.
- (19) Nicocodeine.
- (20) Nicomorphine.
- (21) Normorphine.
- (22) Pholcodine.
- (23) Thebacon.

C. Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (For purposes of this subsection only, the term "isomer" includes the optical, position and geometric isomers.):

- (1) Alpha-ethyltryptamine [some trade or other names: etryptamine; Monase; α -ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; α -ET; and AET].
- (2) 4-bromo-2,5-dimethoxy-amphetamine (some trade or other names: 4-bromo-2, 5-dimethoxy- α -methylphenethylamine; 4-bromo-2,5-DMA).

- (3) 4-Bromo-2,5-dimethoxyphenethylamine [some trade or other names: 2-(4-bromo-2, 5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB; 2C-B, Nexus].
- (4) 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy- α -methylphenethylamine; 2,5-DMA).
- (5) 2,5-dimethoxy-4-ethylamphetamine (some trade or other names: DOET).
- (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (some trade or other names: 2C-T-7).
- (7) 4-methoxyamphetamine (some trade or other names: 4-methoxy- α -methylphenethylamine; paramethoxyamphetamine, PMA).
- (8) 5-methoxy-3,4-methylenedioxy-amphetamine.
- (9) 4-methyl-2,5-dimethoxy-amphetamine (some trade and other names: 4-methyl-2,5-dimethoxy- α -methylphenethylamine; "DOM"; and "STP").
- (10) 3,4-methylenedioxy amphetamine.
- (11) 3,4-methylenedioxymethamphetamine (MDMA).
- (12) 3,4-methylenedioxy-N-ethylamphetamine [also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA].
- (13) N-hydroxy-3,4-methylenedioxyamphetamine [also known as N-hydroxy-alpha -methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA].
- (14) 3,4,5-trimethoxy amphetamine.
- (15) 5-methoxy-N,N-dimethyltryptamine [some trade or other names: 5-methoxy-3-(2-[dimethylamino]ethyl) indole; 5-MeO-DMT].
- (16) Alpha-methyltryptamine (other name: AMT).
- (17) Bufotenine [some trade and other names: 3-(β -Dimethylaminoethyl) -5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N,N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine].
- (18) Diethyltryptamine (some trade and other names: N,N-Diethyltryptamine; DET).
- (19) Dimethyltryptamine (some trade or other names: DMT).
- (20) 5-methoxy-N, N-diisopropyltryptamine (other name: 5-MeO-DIPT).
- (21) Ibogaine [some trade and other names: 7-Ethyl-6,6 β ,7,8,9,10,12,13- octahydro-2-methoxy-6,9-methano-5H-pyrido (1', 2':1,2) azepino (5,4-b) indole; Tabernanthe iboga].
- (22) Lysergic acid diethylamide.
- (23) Marijuana, also marihuana.
- (24) Mescaline.
- (25) Parahexyl; some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6, 6,9-trimethyl-6H-dibenzo(b,d)pyran; Synhexyl.

- (26) Peyote; meaning all parts of the plant presently classified botanically as *Lophophora williamsii* Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant, its seeds or extracts. (A religious exception is found in § 306-11.)
- (27) N-ethyl-3-piperidyl benzilate.
- (28) N-methyl-3-piperidyl benzilate.
- (29) Psilocybin.
- (30) Psilocyn.
- (31) Tetrahydrocannabinols: meaning tetrahydrocannabinols naturally contained in a plant of the genus *Cannabis* (cannabis plant), as well as synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of such plant, and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following:
- (a) 1 cis or trans tetrahydrocannabinol, and their optical isomers.
 - (b) 6 cis or trans tetrahydrocannabinol, and their optical isomers.
 - (c) 3,4 cis or trans tetrahydrocannabinol, and its optical isomers.
 - (d) (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)
 - (e) Ethylamine analog of phencyclidine [some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)ethylamine, N-(1-phenylcyclohexyl)ethylamine, cyclohexamine, PCE].
 - (f) Pyrrolidine analog of phencyclidine [some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP].
 - (g) Thiophene analog of phencyclidine [some trade or other names: 1-(1-[2-thienyl]-cyclohexyl)-piperidine, 2-thienylanalog of phencyclidine, TPCP, TCP].
 - (h) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (some other names: TCPy).
 - (i) 4-methylmethcathinone (Mephedrone).
 - (j) 3,4-methylenedioxyprovalerone (MDPV).
 - (k) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).
 - (l) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).
 - (m) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).
 - (n) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).
 - (o) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).
 - (p) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4).
 - (q) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).

- (r) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N).
- (s) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).
- D. Unless specifically exempted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of cannabimimetic agents, or which contains their salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.
- (1) The term "cannabimimetic agents" means any substance that is a cannabinoid receptor type 1 (CB1 receptor) agonist as demonstrated by binding studies and functional assays within any of the following structural classes:
 - (a) 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent.
 - (b) 3-(1-naphthoyl)indole or 3-(1-naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent.
 - (c) 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent.
 - (d) 1-(1-naphthylmethylene)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent.
 - (e) 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent.
- (2) Such term includes:
 - (a) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497);
 - (b) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog);
 - (c) 1-pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678);
 - (d) (6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210);
 - (e) 1-butyl-3-(1-naphthoyl)indole (JWH-073);
 - (f) 1-hexyl-3-(1-naphthoyl)indole (JWH-019);
 - (g) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);
 - (h) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);
 - (i) 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081);
 - (j) 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);

- (k) 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);
- (l) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201);
- (m) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694);
- (n) 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19 and RCS-4);
- (o) 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18 and RCS-8);
- (p) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203);
- (q) 1-pentyl-1H-indol-3-yl(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144) (Some trade or other names include TCMP-018 and KM-X1.); and
- (r) [1-(5-fluoropentyl)-1H-indol-3-yl](2,2,3,3-tetramethylcyclo-propyl)methanone (XLR11) (Some other trade names include 5-F-UR-144.).

E. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Gamma-hydroxybutyric acid. (Some other names include GHB; gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate.)
- (2) Mecloqualone.
- (3) Methaqualone.

F. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

- (1) Aminorex (some other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine).
- (2) N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine).
- (3) Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone, and norephedrone).
- (4) Fenethylamine.
- (5) Methcathinone [some other names: 2-(methylamino)-propiofenone; alpha-(methylamino) propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR1432], its salts, optical isomers and salts of optical isomers.
- (6) (±)cis-4-methylaminorex [(±)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine].
- (7) N-ethylamphetamine.
- (8) N,N-dimethylamphetamine (also known as N,N-alpha-trimethyl- benzeneethanamine; N,N-alpha-

trimethylphenethylamine).

§ 306-7 Schedule II.

Unless specifically excepted by tribal regulation or unless listed in another schedule, any of the following substances, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, are listed in Schedule II:

- A. Substances, plant origin or chemical synthesis. Unless specifically excepted or unless listed in another schedule, any of the following substances, whether produced directly or indirectly by extraction from substances of plant origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:
- (1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine, nalmefene, naloxone, and naltrexone, and their respective salts, isomers, and salts of isomers, but including the following:
 - (a) Codeine.
 - (b) Dihydroetorphine.
 - (c) Ethylmorphine.
 - (d) Etorphine hydrochloride.
 - (e) Granulated opium.
 - (f) Hydrocodone.
 - (g) Hydromorphone.
 - (h) Metopon.
 - (i) Morphine.
 - (j) Opium extracts.
 - (k) Opium fluid.
 - (l) Oripavine.
 - (m) Oxycodone.
 - (n) Oxymorphone.
 - (o) Powdered opium.
 - (p) Raw opium.
 - (q) Thebaine.
 - (r) Tincture of opium.
 - (2) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in this section, except that these substances shall not include the

isoquinoline alkaloids of opium.

- (3) Opium poppy and poppy straw.
- (4) Coca leaves and any salt, compound, derivative or preparation of coca leaves (including cocaine and ecgonine and their salts, isomers, derivatives and salts of isomers and derivatives), and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine.
- (5) 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).

B. Opiates. Unless specifically excepted or unless in another schedule, any of the following opiates, including their isomers, esters, ethers, salts and salts of isomers, esters and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrophan and levopropoxyphene excepted:

- (1) Alfentanil.
- (2) Alphaprodine.
- (3) Anileridine.
- (4) Bezitramide.
- (5) Bulk dextropropoxyphene (nondosage forms).
- (6) Carfentanil.
- (7) Dihydrocodeine.
- (8) Diphenoxylate.
- (9) Fentanyl.
- (10) Isomethadone.
- (11) Levo-alpha-acetylmethadol (some other names: levo-alpha-acetylmethadol, levomethadyl acetate, LAAM).
- (12) Levomethorphan.
- (13) Levorphanol.
- (14) Metazocine.
- (15) Methadone.
- (16) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane.
- (17) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.
- (18) Pethidine (meperidine).
- (19) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine.

(20) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate.

(21) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid.

(22) Phenazocine.

(23) Piminodine.

(24) Racemethorphan.

(25) Racemorphan.

(26) Remifentanil.

(27) Sufentanil.

(28) Tapentadol.

C. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers.

(2) Methamphetamine, its salts, isomers, and salts of its isomers.

(3) Phenmetrazine and its salts.

(4) Methylphenidate.

(5) Lisdexamfetamine, its salts, isomers, and salts of its isomers.

D. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Amobarbital.

(2) Glutethimide.

(3) Pentobarbital.

(4) Phencyclidine.

(5) Secobarbital.

E. Hallucinogenic substances.

(1) Nabilone [another name for nabilone: (+/-)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one].

(2) (Reserved)

F. Immediate precursors. Unless specifically excepted or unless listed in another schedule, any material,

compound, mixture, or preparation which contains any quantity of the following substances:

- (1) Immediate precursor to amphetamine and methamphetamine:
 - (a) Phenylacetone (some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone).
- (2) Immediate precursors to phencyclidine (PCP):
 - (a) 1-phenylcyclohexylamine.
 - (b) 1-piperidinocyclohexanecarbonitrile (PCC).
- (3) Immediate precursor to fentanyl:
 - (a) 4-anilino-N-phenethyl-4-piperidine (ANPP).
 - (b) (Reserved)

§ 306-8 Schedule III.

Unless specifically excepted by tribal regulation or unless listed in another schedule, any of the following substances, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, are listed in Schedule III:

- A. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, positional, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
 - (1) Benzphetamine.
 - (2) Chlorphentermine.
 - (3) Clortermine.
 - (4) Phendimetrazine.
- B. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:
 - (1) Any compound, mixture or preparation containing:
 - (a) Amobarbital;
 - (b) Secobarbital;
 - (c) Pentobarbital; or
 - (d) Any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule.
 - (2) Any suppository dosage form containing:

- (a) Amobarbital;
 - (b) Secobarbital;
 - (c) Pentobarbital; or
 - (d) Any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository.
- (3) Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof.
 - (4) Chlorhexadol.
 - (5) Embutramide.
 - (6) Any drug product containing gamma hydroxybutyric acid, including its salts, isomers, and salts of isomers, for which an application is approved under Section 505 of the Federal Food, Drug, and Cosmetic Act.
 - (7) Ketamine, its salts, isomers, and salts of isomers [some other names for ketamine: (\pm)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone].
 - (8) Lysergic acid.
 - (9) Lysergic acid amide.
 - (10) Methyprylon.
 - (11) Sulfondiethylmethane.
 - (12) Sulfonethylmethane.
 - (13) Sulfonmethane.
 - (14) Tiletamine and zolazepam or any salt thereof (some trade or other names for a tiletamine-zolazepam combination product: Telazol; some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone; some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e] [1,4]-diazepin-7(1H)-one, flupyrazapon).
 - (15) Nalorphine 9400.

C. Narcotic drugs. Unless specifically excepted or unless listed in another schedule:

- (1) Any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:
- (2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.
- (3) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
- (4) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.
- (5) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) per 100 milliliters or not more than

15 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts.

- (6) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts.
- (7) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
- (8) 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, nonnarcotic ingredients in recognized therapeutic amounts.
- (9) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

D. Narcotic drugs not limited by quantity. Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts, as set forth below:

(1) Buprenorphine.

(2) (Reserved)

E. Anabolic steroids. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any quantity of the following substances, including its salts, esters and ethers:

(1) Anabolic steroids. (See § 306-3 of this Part 1.)

(2) (Reserved)

F. Hallucinogenic substances.

(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration approved product [some other names for dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo [b,d]pyran-1-ol] or (-)-delta-9-(trans)-tetrahydrocannabinol].

(2) (Reserved)

§ 306-9 Schedule IV.

Unless specifically excepted by tribal regulation or unless listed in another schedule, any of the following substances, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, are listed in Schedule IV:

A. Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts, calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(1) Not more than one milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

(2) Dextropropoxyphene [α -(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane].

B. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound,

mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Alprazolam.
- (2) Barbital.
- (3) Bromazepam.
- (4) Camazepam.
- (5) Carisoprodol.
- (6) Chloral betaine.
- (7) Chloral hydrate.
- (8) Chlordiazepoxide.
- (9) Clobazam.
- (10) Clonazepam.
- (11) Clorazepate.
- (12) Clotiazepam.
- (13) Cloxazolam.
- (14) Delorazepam.
- (15) Diazepam.
- (16) Dichloraphenazone.
- (17) Estazolam.
- (18) Ethchlorvynol.
- (19) Ethinamate.
- (20) Ethyl loflazepate.
- (21) Fludiazepam.
- (22) Flunitrazepam.
- (23) Flurazepam.
- (24) Fospropofol.
- (25) Halazepam.
- (26) Haloxazolam.

- (27) Ketazolam.
- (28) Loprazolam.
- (29) Lorazepam.
- (30) Lormetazepam.
- (31) Mebutamate.
- (32) Medazepam.
- (33) Meprobamate.
- (34) Methohexital.
- (35) Methylphenobarbital (mephobarbital).
- (36) Midazolam.
- (37) Nimetazepam.
- (38) Nitrazepam.
- (39) Nordiazepam.
- (40) Oxazepam.
- (41) Oxazolam.
- (42) Paraldehyde.
- (43) Petrichloral.
- (44) Phenobarbital.
- (45) Pinazepam.
- (46) Prazepam.
- (47) Quazepam.
- (48) Temazepam.
- (49) Tetrazepam.
- (50) Triazolam.
- (51) Zaleplon.
- (52) Zolpidem.
- (53) Zopiclone.

C. Fenfluramine. Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers (whether optical, position, or geometric), and salts of

such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:

(1) Fenfluramine.

(2) (Reserved)

D. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

(1) Cathine [(+)-norpseudoephedrine].

(2) Diethylpropion.

(3) Fencamfamin.

(4) Fenproporex.

(5) Mazindol.

(6) Mefenorex.

(7) Modafinil.

(8) Pemoline (including organometallic complexes and chelates thereof).

(9) Phentermine.

(10) Pipradrol.

(11) Sibutramine.

(12) SPA[(-)-1-dimethylamino- 1,2-diphenylethane].

E. Other substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts:

(1) Pentazocine.

(2) Butorphanol (including its optical isomers).

§ 306-10 Schedule V.

Unless specifically excepted by tribal regulation or unless listed in another schedule, any of the following substances, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, are listed in Schedule V:

A. Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by narcotic drugs alone:

(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams.

- (2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams.
 - (3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams.
 - (4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.
 - (5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.
 - (6) Not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.
- B. Stimulants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:
- (1) Pyrovalerone.
 - (2) (Reserved)
- C. Depressants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts:
- (1) Ezogabine [N-(2-amino-4-[4-fluorobenzylamino]-phenyl)-carbamic acid ethyl ester].
 - (2) Lacosamide [(R)-2-acetoamido- N -benzyl-3-methoxy-propionamide].
 - (3) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].
 - (4) Gabapentin [241-(aminomethyl) cyclohexyl] acetic acid]. [Added 2-6-2020 by Ord. No. 19-40]

§ 306-11 Exception for certain religious ceremonies.

This article does not apply to the holistic (sacred) use of peyote in the bona fide religious ceremonies of the Native American Church. Use, possession, or transfer of such substance in connection with such religious ceremonies shall not be punishable under this article.

§ 306-12 Manufacture, distribution, and dispensing of controlled substances.

- A. Persons registered under federal law to manufacture, distribute, dispense or conduct research with controlled substances may possess, manufacture, distribute, dispense or conduct research with those substances on this Reservation to the extent authorized by their federal registration and in conformity with the other provisions of this article.
- B. Businesses and persons licensed under Tribal Law to manufacture, distribute, dispense or conduct research with Marijuana or Cannabis may possess, manufacture, distribute, dispense or conduct research with Marijuana or Cannabis on this Reservation to the extent authorized by their Tribal license. The provisions of § 306-13 are not applicable to such licensed businesses.
- C. The following persons need not be registered under federal law to lawfully possess controlled substances on the Menominee Indian Reservation:
- (1) An agent or employee of any registered manufacturer, distributor or dispenser of any controlled substance if the agent or employee is acting in the usual course of the agent's or employee's business or employment.

- (2) A common or contract carrier or warehouse keeper, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment.
- (3) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a practitioner or in lawful possession of a Schedule V substance.
- (4) Any person exempted under federal law or for whom federal registration requirements have been waived.
- (5) A licensed agent or employee of a business licensed to manufacture, distribute, dispense or conduct research with marijuana or cannabis under Tribal law if the agent or employee is acting in the usual course of the agent or employee's business or employment.
- (6) Any employee or agent of the Menominee Indian Tribe of Wisconsin acting within the scope of their duties in regard to regulation of businesses licensed to manufacture, distribute, dispense or conduct research with marijuana or cannabis under Tribal law, and any person or entity performing tests on marijuana or cannabis pursuant to an agreement with such a licensed business.

§ 306-13 Prescriptions.

- A. In this section, "medical treatment" includes dispensing or administering a narcotic drug for pain, including intractable pain.
- B. Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance included in Schedule II may be dispensed without the written hard copy or electronic prescription of a practitioner.
- C. In emergency situations, as defined by rule of the Legislature, Schedule II drugs may be dispensed upon an oral prescription of a practitioner, reduced promptly to a written hard copy or electronic record and filed by the pharmacy. Prescriptions shall be retained in conformity with rules of the pharmacy examining board of the State of Wisconsin and must have an active DEA certificate. No prescription for a Schedule II substance may be refilled.
- D. Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a controlled substance included in Schedule III or IV, which is a prescription drug, shall not be dispensed without a written, oral or electronic prescription of a practitioner. The prescription shall not be filled or refilled except as designated on the prescription and in any case not more than six months after the date thereof, nor may it be refilled more than five times, unless renewed by the practitioner.
- E. A substance included in Schedule V may be distributed or dispensed only for a medical purpose, including medical treatment or authorized research.
 - (1) A practitioner may dispense or deliver a controlled substance to or for an individual or animal only for medical treatment or authorized research in the ordinary course of that practitioner's profession.
 - (2) A pharmacist is immune from any civil or criminal liability and from discipline for any act taken by the pharmacist in reliance on a reasonable belief that an order purporting to be a prescription was issued by a practitioner in the usual course of professional treatment or in authorized research.
- F. No practitioner shall prescribe, orally, electronically or in writing, or take without a prescription a controlled substance included in Schedule I, II, III or IV for the practitioner's own personal use.

§ 306-14 Optometrist limitations.

An optometrist who is allowed to use therapeutic pharmaceutical agents and to dispense a contact lens that

delivers a therapeutic pharmaceutical agent:

- A. May not prescribe, dispense, or administer a controlled substance included in Schedule I or II.
- B. May prescribe, dispense, or administer only those controlled substances included in Schedules III, IV, and V that are permitted for prescription or administration.
- C. Shall include with each prescription order all of the following:
 - (1) A statement that he or she is allowed to use therapeutic pharmaceutical agents.
 - (2) The indicated use of the controlled substance included in Schedule III, IV or V so prescribed.

§ 306-15 Advanced practice nurse limitations.

- A. An advanced practice nurse, also referred to as "nurse practitioner," who is certified under § 441.16, Wis. Stats., or certified by a national board and must have been approved for prescriptive authority and must also have an active DEA certificate, may prescribe controlled substances only as permitted by the rules promulgated under the certifying body and the rules governing the prescriptive authority.
- B. An advanced practice nurse as defined above in Subsection A shall include with each prescription order the advanced practice nurse prescriber certification number issued to him or her by the board of nursing.
- C. An advanced practice nurse as defined above in Subsection A may dispense a controlled substance only by prescribing or administering the controlled substance or as otherwise permitted by the rules promulgated under § 441.16(3), Wis. Stats., or any federal guidelines governing the national board certification and prescriptive authority.

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

Article II Provisions for Scheduling; Schedules I, II, III, IV and V

§ 306-3.1 Industrial hemp excluded. [Added 5-7-2015 by Ord. No. 15-06]

Industrial hemp, as defined under Chapter 307 of the Menominee Tribal Code, is excluded from the categories of controlled substances identified under this chapter.

§ 306-3.2 Personal possession and use of marijuana. [Added 2-4-2016 by Ord. No. 15-35]

- A. Notwithstanding any other provision of Chapter 306 or any other tribal law, any person 21 years of age or older who uses or possesses 25 grams or less of marijuana shall be assessed a civil penalty of \$20 for a first offense; \$30 for a second offense; and \$40 for a third or any additional offense, in addition to such routine assessments necessary for the administration of civil violations, and such marijuana shall be subject to confiscation. The person shall not be subject to any other form of criminal or civil punishment related solely to such use or possession.
- B. Notwithstanding any other provision of Chapter 306 or any other tribal law, any person under the age of 21 who uses or possesses 25 grams or less of marijuana shall be subject to the penalties listed in Subsections B through G. The marijuana in question shall be subject to confiscation, and the person shall not be subject to any other form of criminal or civil punishment solely related to such use or possession.
- C. Notwithstanding any other provision of Chapter 306 or any other tribal law, the possession or use of drug paraphernalia associated with the use or possession of 25 grams or less of marijuana shall not subject any person to any form of criminal or civil punishment under the laws of the Menominee Indian Tribe of Wisconsin solely related to such use or possession.
- D. Nothing contained in this section shall be construed to repeal or modify existing laws, policies, regulations, or agreements, related to:
 - (1) The operation of motor vehicles or other actions taken while under the influence of marijuana.
 - (2) Personnel practices or policies governing employee conduct, including, but not limited to, drug testing policies and policies related to the use or possession of marijuana.
 - (3) The policy of any entity related to the prohibition of possession or use of marijuana on such entity's premises.
 - (4) A tenant's use or possession of marijuana.
 - (5) Punishment for public use of marijuana as provided by tribal law.
 - (6) The manufacture, distribution, or sale of marijuana prohibited by Chapter 306 of the Menominee Tribal Code.
 - (7) The possession of over 25 grams of marijuana.
 - (8) The imposition of a punishment resulting from a failure to make timely payment of a civil forfeiture or

other penalty provided for in Subsection A or B.

E. Any person violating Subsection B of this section is subject to the following penalties:

- (1) For a first violation, a forfeiture of not less than \$100 nor more than \$200, suspension of the person's operating privilege, participation in a supervised work program or other community service work under, or any combination of these penalties.
- (2) For a violation committed within 12 months of one previous violation, either a forfeiture of not less than \$200 nor more than \$300, participation in a supervised work program or other community service work, or any combination of these penalties. In addition, the person's operating privilege may be suspended, except that if the violation involved a motor vehicle, the person's operating privilege shall be suspended.
- (3) For a violation committed within 12 months of two previous violations, either a forfeiture of not less than \$300 nor more than \$500, participation in a supervised work program or other community service work, or any combination of these penalties. In addition, the person's operating privilege may be suspended, except that if the violation involved a motor vehicle, the person's operating privilege shall be suspended.
- (4) For a violation committed within 12 months of three or more previous violations, either a forfeiture of not less than \$500 nor more than \$1,000, participation in a supervised work program or other community service work, or any combination of these penalties. In addition, the person's operating privilege may be suspended, except that if the violation involved a motor vehicle the person's operating privilege shall be suspended.

F. A person who is under 17 years of age on the date of disposition is subject to Chapter 124 of the Menominee Tribal Code.

G. After ordering a penalty under Subsection E for any person 17, 18, 19, or 20 years of age, the court, with the agreement of the defendant, may enter an additional order staying the execution of the penalty order and suspending or modifying the penalty imposed. The order may require the defendant to do any of the following:

- (1) Submit to an AODA assessment.
- (2) Participate in an outpatient AODA treatment program at an approved treatment facility, if an assessment recommends treatment.
- (3) Participate in a court-approved AODA education program.
- (4) Participate in any other program the court finds applicable.

H. Any actions taken to enforce such laws, policies, regulations, or agreements shall not be deemed a punishment prohibited by Subsections A through C.

§ 306-3.3 Public use or consumption of marijuana prohibited.
[Added 2-4-2016 by Ord. No. 15-36]

A. The following words and terms shall have the following meanings for the purposes of this section:

MARIJUANA

Has the meaning provided in Chapter 306 of the Menominee Tribal Code.

PRIVATE PROPERTY

Any private residence which is owned or leased by:

- (1) The person using marijuana or in open possession of marijuana;
- (2) An immediate member of said person's family; or
- (3) A person who has granted permission to the person using or in open possession of marijuana to be on the property.

PRIVATE RESIDENCE

A house or apartment where persons reside and shall not include any commercial establishment.

PUBLIC PLACE

Any place:

- (1) That is within view of a public road; or
- (2) That is where the conduct involved may reasonably be expected to be viewed by people other than members of the actor's family or household; and
- (3) That is not private property.

- B. It shall be unlawful for any person to use or be in open possession of marijuana in a public place within the exterior boundaries of the Menominee Indian Reservation. Persons violating this article shall be issued a citation by a Menominee tribal police or Menominee tribal conservation officer and have any marijuana in their possession confiscated. Open possession, for the purposes of this subsection, does not mean any situation where a person has removed marijuana from their person or possessions at the request or requirement of a law enforcement officer, and is otherwise in compliance with tribal law.
- C. The penalty for violation of Subsection B shall be a forfeiture of not less than \$50 nor more than \$100. The Court may, upon a second or subsequent conviction, order the offender to obtain an alcohol and other drug abuse (AODA) assessment and to follow the recommendations resulting from said assessment.

§ 306-3.4 Medical use or possession of marijuana.

[Added 1-21-2016 by Ord. No. 15-37]

- A. Notwithstanding any other provision of Chapter 306 or any other tribal law, the possession or use of 50 grams or less of marijuana ~~for a medical purpose~~ shall not subject any person who has been issued a current valid Medical Registration Card by the Tribe pursuant to this § 306-3.4 to any form of criminal or civil punishment under the laws of the Menominee Indian Tribe of Wisconsin related to such use or possession.
- B. Notwithstanding any other provision of Chapter 306 or any other tribal law, the possession or uses of drug paraphernalia associated with the use or possession of 50 grams or less of marijuana ~~for a medical purpose~~ shall not subject any person who has been issued a current valid Medical Registration Card by the Tribe pursuant to this § 306-3.4 to any form of criminal or civil punishment under the laws of the Menominee Indian Tribe of Wisconsin related to such use or possession.
- C. The Department shall issue Medical Registration Cards to persons eighteen years of age or older who submit the following formally diagnosed conditions:
- ~~(1) Cancer, if the underlying condition or treatment produces one or more of the following:~~
 - ~~(a) Severe or chronic pain;~~

~~(b) Nausea or severe vomiting; or~~

~~(c) Cachexia or severe wasting.~~

~~(2) Glaucoma.~~

~~(3) Human immunodeficiency virus or acquired immune deficiency syndrome.~~

~~(4) Tourette's syndrome.~~

~~(5) Amyotrophic lateral sclerosis.~~

~~(6) Seizures, including those characteristic of epilepsy.~~

~~(7) Severe and persistent muscle spasms, including those characteristic of multiple sclerosis.~~

~~(8) Crohn's disease.~~

~~(9) Terminal illness, in accordance with a probable life expectancy of under one year, if the illness or its treatment produces one or more of the following:~~

~~(a) Severe or chronic pain;~~

~~(b) Nausea or severe vomiting; or~~

~~(c) Cachexia or severe wasting.~~

~~(10) Post-traumatic stress syndrome.~~

~~D. "Formally diagnosed" shall mean diagnosed rules promulgated by a physician licensed to practice medicine in the State of Wisconsin as evidenced by a letter, or other form of written communication, stating that the person in possession of a medical use quantity of marijuana, or said person's minor child, is a person who suffers from one of the conditions listed in Subsection C above where said letter, or other form of writing, is dated and signed by the physician and is less than one year old. the Department:~~

E(1) A written signed statement that the applicant has a Qualifying Condition; or a registration card issued by any state or federally recognized Indian Tribe authorizing the person to possess Marijuana if such card is unexpired, and the individual can verify identification; and

(2) The name, address, and date of birth of the applicant, except that if the applicant is homeless, no address is required;

(3) The name, address, and date of birth of the person making medical decisions for the applicant as stated in subsection D below (if any) and proof of said persons authority to make such decisions;

(4) The application or renewal fee for a Medical Marijuana Registration Card determined by the Department;

D. If the applicant is unable to submit the information required of this chapter due to the person's age or medical condition, the person responsible for making medical decisions for the qualifying patient may do so on behalf of the qualifying patient.

E. A Qualifying Condition for the purposes of this § 306-3.4(1) is a condition or its treatment that produces one or more of the following: cachexia or wasting syndrome; pain; nausea; seizures; muscle spasms; depression; anxiety; or any other condition that, in the opinion of the applicant would benefit from the

use of Marijuana.

F. The Department shall give written notice to the applicant of the reason for denying a Medical Registration Card to the applicant.

G. Medical Registration Cards shall be effective for one (1) year from the date of issue.

H. The Department for the purposes of this § 306-3.4 shall mean the Member Services Department.

I. Nothing contained in this section shall be construed to repeal or modify existing laws, policies, regulations, or agreements, related to:

- (1) The operation of motor vehicles or other actions taken while under the influence of marijuana.
- (2) Personnel practices or policies governing employee conduct, including, but not limited to, drug testing policies and policies related to the use or possession of marijuana.
- (3) The policy of any entity related to the prohibition of possession or use of marijuana on such entity's premises.
- (4) A tenant's use or possession of marijuana.
- (5) Punishment for public use of marijuana as provided by tribal law.
- (6) The manufacture, distribution, or sale of marijuana prohibited by Chapter 306 of the Menominee Tribal Code.
- (7) The possession of marijuana ~~for~~ by any person who has not been issued a nonmedical purpose valid, current Medical Registration Card pursuant to this § 306-4.3.

FJ. Any actions taken to enforce such laws, policies, regulations, or agreements shall not be deemed a punishment prohibited by Subsection B.

§ 306-4 Authority and criteria for classification of substances.

A. Hearing rules and regulations of the Legislature. The Legislature shall apply the provisions of this article to the controlled substances listed in the schedules established by §§ 306-6, 306-7, 306-8, 306-9, and 306-10 of this article and to any other drug or other substance added to such schedules under this subchapter.

- (1) Add to such a schedule or transfer between such schedules any drug or other substance if the Legislature:
 - (a) Finds that such drug or other substance has a potential for abuse, and
 - (b) Makes, with respect to such drug or other substance, the findings prescribed by § 306-5B of this article for the schedule in which such drug is to be placed; or
- (2) Remove any drug or other substance from the schedules if it finds that the drug or other substance does not meet the requirements for inclusion in any schedule.

B. Factors determinative of control or removal from schedules. In making any finding under Subsection A or under § 306-5B of this article, the Legislature shall consider the following factors with respect to each drug or other substance proposed to be controlled or removed from the schedules:

- (1) Its actual or relative potential for abuse.

- (2) Scientific evidence of its pharmacological effect, if known.
- (3) The state of current scientific knowledge regarding the drug or other substance.
- (4) Its history and current pattern of abuse.
- (5) The scope, duration, and significance of abuse.
- (6) What, if any, risk there is to the public health.
- (7) Its psychic or physiological dependence liability.
- (8) Whether the substance is an immediate precursor of a substance already controlled under this subchapter.
- (9) The Legislature may consider findings of the federal Food and Drug Administration, decisions made by the United States Attorney General, the State of Wisconsin, or Drug Enforcement Administration as prima facie evidence relating to one or more of the determinative factors.

§ 306-5 Scheduling of controlled substances.

- A. Five schedules of controlled substances are established, to be known as Schedules I, II, III, IV, and V. Such schedules shall initially consist of the substances listed in this section. The schedules established by this section shall be updated and republished on a semiannual basis during the two-year period beginning one year after September 1, 2013.
- B. The Menominee Tribal Legislature may add a substance to an appropriate schedule upon finding the following:
 - (1) Schedule I.
 - (a) The drug or other substance has a high potential for abuse.
 - (b) The drug or other substance has no currently accepted medical use in treatment in the United States.
 - (c) There is a lack of accepted safety for use of the drug or other substance under medical supervision.
 - (2) Schedule II.
 - (a) The drug or other substance has a high potential for abuse.
 - (b) The drug or other substance has a currently accepted medical use in treatment in the United States or a currently accepted medical use with severe restrictions.
 - (c) Abuse of the drug or other substances may lead to severe psychological or physical dependence.
 - (3) Schedule III.
 - (a) The drug or other substance has a potential for abuse less than the drugs or other substances in Schedules I and II.
 - (b) The drug or other substance has a currently accepted medical use in treatment in the United States.
 - (c) Abuse of the drug or other substance may lead to moderate or low physical dependence or high psychological dependence.
 - (4) Schedule IV.

- (a) The drug or other substance has a low potential for abuse relative to the drugs or other substances in Schedule III.
 - (b) The drug or other substance has a currently accepted medical use in treatment in the United States.
 - (c) Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III.
- (5) Schedule V.
- (a) The drug or other substance has a low potential for abuse relative to the drugs or other substances in Schedule IV.
 - (b) The drug or other substance has a currently accepted medical use in treatment in the United States.
 - (c) Abuse of the drug or other substance may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule IV.
- C. Initial Schedules I, II, III, IV, and V of controlled substances shall, unless and until amended, consist of the following drugs or other substances, by whatever official name, common or usual name, chemical name, or brand name designated.

§ 306-6 Schedule I.

Unless specifically excepted by tribal regulation or unless listed in another schedule, any of the following substances, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, are listed in Schedule I:

- A. Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation:
- (1) Acetyl-alpha-methylfentanyl [N-(1-[1-methyl-2-phenethyl]-4-piperidiny)-N- phenylacetamide].
 - (2) Acetylmethadol.
 - (3) Allyprodine.
 - (4) Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM).
 - (5) Alphameprodine.
 - (6) Alphamethadol.
 - (7) Alpha-methylfentanyl [N-(1-[alpha-methyl-beta-phenyl]ethyl-4-piperidyl) propionamide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine].
 - (8) Alpha-methylthiofentanyl [N-(1-methyl-2-[2-thienyl]ethyl-4-piperidiny)-N-phenyl- propanamide].
 - (9) Benzethidine.
 - (10) Betacetylmethadol.
 - (11) Beta-hydroxyfentanyl [N-(1-[2-hydroxy-2-phenethyl]-4-piperidiny)-N-phenyl- propanamide].

- (12) Beta-hydroxy-3-methylfentanyl [other name: N-(1-[2-hydroxy-2-phenethyl]-3-methyl-4-piperidinyl)-N-phenylpropanamide].
- (13) Betameprodine.
- (14) Betamethadol.
- (15) Betaprodine.
- (16) Clonitazene.
- (17) Dextromoramide.
- (18) Diampromide.
- (19) Diethylthiambutene.
- (20) DifenoXin.
- (21) Dimenoxadol.
- (22) Dimepheptanol.
- (23) Dimethylthiambutene.
- (24) Dioxaphetyl butyrate.
- (25) Dipipanone.
- (26) Ethylmethylthiambutene.
- (27) Etonitazene.
- (28) EtoXeridine.
- (29) Furethidine.
- (30) Hydroxypethidine.
- (31) Ketobemidone.
- (32) Levomoramide.
- (33) Levophenacymorphan.
- (34) 3-Methylfentanyl [N-(3-methyl-1-[2-phenylethyl]-4-piperidyl)-N-phenylpropanamide].
- (35) 3-methylthiofentanyl [N-(3-methyl-1-[2-thienyl]ethyl-4-piperidinyl)-N-phenylpropanamide].
- (36) Morpheridine.
- (37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine).
- (38) Noracymethadol.
- (39) Norlevorphanol.

- (40) Normethadone.
- (41) Norpipanone.
- (42) Para-fluorofentanyl [N-(4-fluorophenyl)-N-(1-[2-phenethyl]-4-piperidiny) propan- amide].
- (43) PEPAP[1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine].
- (44) Phenadoxone.
- (45) Phenampromide.
- (46) Phenomorphan.
- (47) Phenoperidine.
- (48) Piritramide.
- (49) Proheptazine.
- (50) Properidine.
- (51) Propiram.
- (52) Racemoramide.
- (53) Thiofentanyl [N-phenyl-N-(1-[2-thienyl]ethyl-4-piperidiny)-propanamide].
- (54) Tilidine.
- (55) Trimeperidine.

B. Opium derivatives. Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, its salts, isomers, and salts of isomers, whenever the existence of such 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) Drotebanol.
- (10) Etorphine (except hydrochloride salt).

- (11) Heroin.
- (12) Hydromorphenol.
- (13) Methyldesorphine.
- (14) Methyldihydromorphine.
- (15) Morphine methylbromide.
- (16) Morphine methylsulfonate.
- (17) Morphine-N-Oxide.
- (18) Myrophine.
- (19) Nicocodeine.
- (20) Nicomorphine.
- (21) Normorphine.
- (22) Pholcodine.
- (23) Thebacon.

C. Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (For purposes of this subsection only, the term "isomer" includes the optical, position and geometric isomers.):

- (1) Alpha-ethyltryptamine [some trade or other names: etryptamine; Monase; α -ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; α -ET; and AET].
- (2) 4-bromo-2,5-dimethoxy-amphetamine (some trade or other names: 4-bromo-2, 5-dimethoxy- α -methylphenethylamine; 4-bromo-2,5-DMA).
- (3) 4-Bromo-2,5-dimethoxyphenethylamine [some trade or other names: 2-(4-bromo-2, 5-dimethoxyphenyl)-1-aminoethane; alpha-desmethyl DOB; 2C-B, Nexus].
- (4) 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy- α -methylphenethylamine; 2,5-DMA).
- (5) 2,5-dimethoxy-4-ethylamphetamine (some trade or other names: DOET).
- (6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (some trade or other names: 2C-T-7).
- (7) 4-methoxyamphetamine (some trade or other names: 4-methoxy- α -methylphenethylamine; paramethoxyamphetamine, PMA).
- (8) 5-methoxy-3,4-methylenedioxy-amphetamine.
- (9) 4-methyl-2,5-dimethoxy-amphetamine (some trade and other names: 4-methyl-2,5-dimethoxy- α -methylphenethylamine; "DOM"; and "STP").

- (10) 3,4-methylenedioxy amphetamine.
- (11) 3,4-methylenedioxymethamphetamine (MDMA).
- (12) 3,4-methylenedioxy-N-ethylamphetamine [also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA].
- (13) N-hydroxy-3,4-methylenedioxyamphetamine [also known as N-hydroxy-alpha -methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA].
- (14) 3,4,5-trimethoxy amphetamine.
- (15) 5-methoxy-N,N-dimethyltryptamine [some trade or other names: 5-methoxy-3- (2-dimethylamino)ethyl) indole; 5-MeO-DMT].
- (16) Alpha-methyltryptamine (other name: AMT).
- (17) Bufotenine [some trade and other names: 3-(β -Dimethylaminoethyl) -5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N,N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine].
- (18) Diethyltryptamine (some trade and other names: N,N-Diethyltryptamine; DET).
- (19) Dimethyltryptamine (some trade or other names: DMT).
- (20) 5-methoxy-N, N-diisopropyltryptamine (other name: 5-MeO-DIPT).
- (21) Ibogaine [some trade and other names: 7-Ethyl-6,6 β ,7,8,9,10,12,13- octahydro-2-methoxy-6,9-methano-5H-pyrido (1', 2':1,2) azepino (5,4-b) indole; Tabernanthe iboga].
- (22) Lysergic acid diethylamide.
- (23) Marijuana, also marihuana.
- (24) Mescaline.
- (25) Parahexyl; some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6, 6,9-trimethyl-6H-dibenzo(b,d)pyran; Synhexyl.
- (26) Peyote: meaning all parts of the plant presently classified botanically as *Lophophora williamsii* Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant, its seeds or extracts. (A religious exception is found in § 306-11.)
- (27) N-ethyl-3-piperidyl benzilate.
- (28) N-methyl-3-piperidyl benzilate.
- (29) Psilocybin.
- (30) Psilocyn.
- (31) Tetrahydrocannabinols: meaning tetrahydrocannabinols naturally contained in a plant of the genus *Cannabis* (cannabis plant), as well as synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of such plant, and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant, such as the following:

- (a) 1 cis or trans tetrahydrocannabinol, and their optical isomers.
 - (b) 6 cis or trans tetrahydrocannabinol, and their optical isomers.
 - (c) 3,4 cis or trans tetrahydrocannabinol, and its optical isomers.
 - (d) (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)
 - (e) Ethylamine analog of phencyclidine [some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)ethylamine, N-(1-phenylcyclohexyl)ethylamine, cyclohexamine, PCE].
 - (f) Pyrrolidine analog of phencyclidine [some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP].
 - (g) Thiophene analog of phencyclidine [some trade or other names: 1-(1-[2-thienyl]-cyclohexyl)-piperidine, 2-thienylanalog of phencyclidine, TPCP, TCP].
 - (h) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (some other names: TCPy).
 - (i) 4-methylmethcathinone (Mephedrone).
 - (j) 3,4-methylenedioxypropylvalerone (MDPV).
 - (k) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).
 - (l) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).
 - (m) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).
 - (n) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).
 - (o) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2).
 - (p) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4).
 - (q) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).
 - (r) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N).
 - (s) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P).
- D. Unless specifically exempted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of cannabimimetic agents, or which contains their salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.
- (1) The term "cannabimimetic agents" means any substance that is a cannabinoid receptor type 1 (CB1 receptor) agonist as demonstrated by binding studies and functional assays within any of the following structural classes:
 - (a) 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent.
 - (b) 3-(1-naphthoyl)indole or 3-(1-naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the

naphthoyl or naphthyl ring to any extent.

- (c) 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent.
- (d) 1-(1-naphthylmethylene)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent.
- (e) 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent.

(2) Such term includes:

- (a) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497);
- (b) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol or CP-47,497 C8-homolog);
- (c) 1-pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678);
- (d) (6aR,10aR)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (HU-210);
- (e) 1-butyl-3-(1-naphthoyl)indole (JWH-073);
- (f) 1-hexyl-3-(1-naphthoyl)indole (JWH-019);
- (g) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);
- (h) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);
- (i) 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081);
- (j) 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);
- (k) 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);
- (l) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201);
- (m) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694);
- (n) 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19 and RCS-4);
- (o) 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18 and RCS-8);
- (p) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203);
- (q) 1-pentyl-1H-indol-3-yl(2,2,3,3-tetramethylcyclopropyl)methanone (UR-144) (Some trade or other names include TCMP-018 and KM-X1.); and
- (r) [1-(5-fluoropentyl)-1H-indol-3-yl](2,2,3,3-tetramethylcyclo-propyl)methanone (XLR11) (Some other trade names include 5-F-UR-144.).

E. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Gamma-hydroxybutyric acid. (Some other names include GHB; gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate.)
- (2) Mecloqualone.
- (3) Methaqualone.

F. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

- (1) Aminorex (some other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine).
- (2) N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine).
- (3) Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone, and norephedrone).
- (4) Fenethylamine.
- (5) Methcathinone [some other names: 2-(methylamino)-propionophenone; alpha-(methylamino) propionophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR1432], its salts, optical isomers and salts of optical isomers.
- (6) (\pm)cis-4-methylaminorex [(\pm)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine].
- (7) N-ethylamphetamine.
- (8) N,N-dimethylamphetamine (also known as N,N-alpha-trimethyl- benzeneethanamine; N,N-alpha-trimethylphenethylamine).

§ 306-7 Schedule II.

Unless specifically excepted by tribal regulation or unless listed in another schedule, any of the following substances, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, are listed in Schedule II:

A. Substances, plant origin or chemical synthesis. Unless specifically excepted or unless listed in another schedule, any of the following substances, whether produced directly or indirectly by extraction from substances of plant origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

- (1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextropran, nalbuphine, nalmefene, naloxone, and naltrexone, and their respective salts, isomers, and salts of isomers, but including the following:
 - (a) Codeine.

- (b) Dihydroetorphine.
 - (c) Ethylmorphine.
 - (d) Etorphine hydrochloride.
 - (e) Granulated opium.
 - (f) Hydrocodone.
 - (g) Hydromorphone.
 - (h) Metopon.
 - (i) Morphine.
 - (j) Opium extracts.
 - (k) Opium fluid.
 - (l) Oripavine.
 - (m) Oxycodone.
 - (n) Oxymorphone.
 - (o) Powdered opium.
 - (p) Raw opium.
 - (q) Thebaine.
 - (r) Tincture of opium.
 - (2) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in this section, except that these substances shall not include the isoquinoline alkaloids of opium.
 - (3) Opium poppy and poppy straw.
 - (4) Coca leaves and any salt, compound, derivative or preparation of coca leaves (including cocaine and ecgonine and their salts, isomers, derivatives and salts of isomers and derivatives), and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine.
 - (5) 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).
- B. Opiates. Unless specifically excepted or unless in another schedule, any of the following opiates, including their isomers, esters, ethers, salts and salts of isomers, esters and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrorphan and levopropoxyphene excepted:
- (1) Alfentanil.

- (2) Alphaprodine.
 - (3) Anileridine.
 - (4) Bezitramide.
 - (5) Bulk dextropropoxyphene (nondosage forms).
 - (6) Carfentanil.
 - (7) Dihydrocodeine.
 - (8) Diphenoxylate.
 - (9) Fentanyl.
 - (10) Isomethadone.
 - (11) Levo-alpha-acetylmethadol (some other names: levo-alpha-acetylmethadol, levomethadyl acetate, LAAM).
 - (12) Levomethorphan.
 - (13) Levorphanol.
 - (14) Metazocine.
 - (15) Methadone.
 - (16) Methadone-Intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane.
 - (17) Moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.
 - (18) Pethidine (meperidine).
 - (19) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine.
 - (20) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate.
 - (21) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid.
 - (22) Phenazocine.
 - (23) Piminodine.
 - (24) Racemethorphan.
 - (25) Racemorphan.
 - (26) Remifentanil.
 - (27) Sufentanil.
 - (28) Tapentadol.
- C. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound,

mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

- (1) Amphetamine, its salts, optical isomers, and salts of its optical isomers.
- (2) Methamphetamine, its salts, isomers, and salts of its isomers.
- (3) Phenmetrazine and its salts.
- (4) Methylphenidate.
- (5) Lisdexamfetamine, its salts, isomers, and salts of its isomers.

D. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Amobarbital.
- (2) Glutethimide.
- (3) Pentobarbital.
- (4) Phencyclidine.
- (5) Secobarbital.

E. Hallucinogenic substances.

- (1) Nabilone [another name for nabilone: (+/-)-trans-3-(1,1-dimethylheptyl)-6, 6a,7,8,10,10a-hexahydro-1-hydroxy-6, 6-dimethyl-9H-dibenzo[b,d]pyran-9-one].
- (2) (Reserved)

F. Immediate precursors. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

- (1) Immediate precursor to amphetamine and methamphetamine:
 - (a) Phenylacetone (some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone).
- (2) Immediate precursors to phencyclidine (PCP):
 - (a) 1-phenylcyclohexylamine.
 - (b) 1-piperidinocyclohexanecarbonitrile (PCC).
- (3) Immediate precursor to fentanyl:
 - (a) 4-anilino-N-phenethyl-4-piperidine (ANPP).
 - (b) (Reserved)

§ 306-8 Schedule III.

Unless specifically excepted by tribal regulation or unless listed in another schedule, any of the following substances, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, are listed in Schedule III:

- A. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, positional, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
- (1) Benzphetamine.
 - (2) Chlorphentermine.
 - (3) Clortermine.
 - (4) Phendimetrazine.
- B. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:
- (1) Any compound, mixture or preparation containing:
 - (a) Amobarbital;
 - (b) Secobarbital;
 - (c) Pentobarbital; or
 - (d) Any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule.
 - (2) Any suppository dosage form containing:
 - (a) Amobarbital;
 - (b) Secobarbital;
 - (c) Pentobarbital; or
 - (d) Any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository.
 - (3) Any substance which contains any quantity of a derivative of barbituric acid or any salt thereof.
 - (4) Chlorhexadol.
 - (5) Embutramide.
 - (6) Any drug product containing gamma hydroxybutyric acid, including its salts, isomers, and salts of isomers, for which an application is approved under Section 505 of the Federal Food, Drug, and Cosmetic Act.

- (7) Ketamine, its salts, isomers, and salts of isomers [some other names for ketamine: (\pm)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone].
- (8) Lysergic acid.
- (9) Lysergic acid amide.
- (10) Methyprylon.
- (11) Sulfondiethylmethane.
- (12) Sulfonethylmethane.
- (13) Sulfonmethane.
- (14) Tiletamine and zolazepam or any salt thereof (some trade or other names for a tiletamine-zolazepam combination product: Telazol; some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone; some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e] [1,4]-diazepin-7(1H)-one, flupyrzapon).
- (15) Nalorphine 9400.

C. Narcotic drugs. Unless specifically excepted or unless listed in another schedule:

- (1) Any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:
- (2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium.
- (3) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
- (4) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.
- (5) Not more than 300 milligrams of dihydrocodeinone (hydrocodone) per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts.
- (6) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active nonnarcotic ingredients in recognized therapeutic amounts.
- (7) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.
- (8) 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, nonnarcotic ingredients in recognized therapeutic amounts.
- (9) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

D. Narcotic drugs not limited by quantity. Any material, compound, mixture, or preparation containing any of the following narcotic drugs or their salts, as set forth below:

(1) Buprenorphine.

(2) (Reserved)

E. Anabolic steroids. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any quantity of the following substances, including its salts, esters and ethers:

(1) Anabolic steroids. (See § 306-3 of this Part 1.)

(2) (Reserved)

F. Hallucinogenic substances.

(1) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U.S. Food and Drug Administration approved product [some other names for dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo [b,d]pyran-1-ol] or (-)-delta-9-(trans)-tetrahydrocannabinol].

(2) (Reserved)

§ 306-9 Schedule IV.

Unless specifically excepted by tribal regulation or unless listed in another schedule, any of the following substances, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, are listed in Schedule IV:

A. Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts, calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(1) Not more than one milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

(2) Dextropropoxyphene [α -(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane].

B. Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Alprazolam.

(2) Barbital.

(3) Bromazepam.

(4) Camazepam.

(5) Carisoprodol.

(6) Chloral betaine.

(7) Chloral hydrate.

(8) Chlordiazepoxide.

- (9) Clobazam.
- (10) Clonazepam.
- (11) Clorazepate.
- (12) Clotiazepam.
- (13) Cloxazolam.
- (14) Delorazepam.
- (15) Diazepam.
- (16) Dichlorophenazone.
- (17) Estazolam.
- (18) Ethchlorvynol.
- (19) Ethinamate.
- (20) Ethyl loflazepate.
- (21) Fludiazepam.
- (22) Flunitrazepam.
- (23) Flurazepam.
- (24) Fospropofol.
- (25) Halazepam.
- (26) Haloxazolam.
- (27) Ketazolam.
- (28) Loprazolam.
- (29) Lorazepam.
- (30) Lormetazepam.
- (31) Mebutamate.
- (32) Medazepam.
- (33) Meprobamate.
- (34) Methohexital.
- (35) Methylphenobarbital (mephobarbital).
- (36) Midazolam.

- (37) Nimetazepam.
- (38) Nitrazepam.
- (39) Nordiazepam.
- (40) Oxazepam.
- (41) Oxazolam.
- (42) Paraldehyde.
- (43) Petrichloral.
- (44) Phenobarbital.
- (45) Pinazepam.
- (46) Prazepam.
- (47) Quazepam.
- (48) Temazepam.
- (49) Tetrazepam.
- (50) Triazolam.
- (51) Zaleplon.
- (52) Zolpidem.
- (53) Zopiclone.

C. Fenfluramine. Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:

- (1) Fenfluramine.
- (2) (Reserved)

D. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

- (1) Cathine [(+)-norpseudoephedrine].
- (2) Diethylpropion.
- (3) Fencamfamin.
- (4) Fenproporex.
- (5) Mazindol.

- (6) Mefenorex.
- (7) Modafinil.
- (8) Pemoline (including organometallic complexes and chelates thereof).
- (9) Phentermine.
- (10) Pipradrol.
- (11) Sibutramine.
- (12) SPA[(-)-1-dimethylamino- 1,2-diphenylethane].

E. Other substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts:

- (1) Pentazocine.
- (2) Butorphanol (including its optical isomers).

§ 306-10 Schedule V.

Unless specifically excepted by tribal regulation or unless listed in another schedule, any of the following substances, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, are listed in Schedule V:

A. Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by narcotic drugs alone:

- (1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams.
- (2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams.
- (3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams.
- (4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.
- (5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.
- (6) Not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

B. Stimulants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

- (1) Pyrovalerone.
- (2) (Reserved)

C. Depressants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts:

- (1) Ezogabine [N-(2-amino-4-[4-fluorobenzylamino]-phenyl)-carbamic acid ethyl ester].
- (2) Lacosamide [(R)-2-acetoamido- N -benzyl-3-methoxy-propionamide].
- (3) Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].
- (4) Gabapentin [241-(aminomethyl) cyclohexyl] acetic acid]. [Added 2-6-2020 by Ord. No. 19-40]

§ 306-11 Exception for certain religious ceremonies.

This article does not apply to the holistic (sacred) use of peyote in the bona fide religious ceremonies of the Native American Church. Use, possession, or transfer of such substance in connection with such religious ceremonies shall not be punishable under this article.

§ 306-12 Manufacture, distribution, and dispensing of controlled substances.

A. Persons registered under federal law to manufacture, distribute, dispense or conduct research with controlled substances may possess, manufacture, distribute, dispense or conduct research with those substances on this Reservation to the extent authorized by their federal registration and in conformity with the other provisions of this article.

BB. Businesses and persons licensed under Tribal Law to manufacture, distribute, dispense or conduct research with Marijuana or Cannabis may possess, manufacture, distribute, dispense or conduct research with Marijuana or Cannabis on this Reservation to the extent authorized by their Tribal license. The provisions of § 306-13 are not applicable to such licensed businesses.

C. The following persons need not be registered under federal law to lawfully possess controlled substances on the Menominee Indian Reservation:

- (1) An agent or employee of any registered manufacturer, distributor or dispenser of any controlled substance if the agent or employee is acting in the usual course of the agent's or employee's business or employment.
- (2) A common or contract carrier or warehouse keeper, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment.
- (3) An ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a practitioner or in lawful possession of a Schedule V substance.
- (4) Any person exempted under federal law or for whom federal registration requirements have been waived.
- (5) A licensed agent or employee of a business licensed to manufacture, distribute, dispense or conduct research with marijuana or cannabis under Tribal law if the agent or employee is acting in the usual course of the agent or employee's business or employment.
- (6) Any employee or agent of the Menominee Indian Tribe of Wisconsin acting within the scope of their duties in regard to regulation of businesses licensed to manufacture, distribute, dispense or conduct research with marijuana or cannabis under Tribal law, and any person or entity performing tests on marijuana or cannabis pursuant to an agreement with such a licensed business.

§ 306-13 Prescriptions.

- A. In this section, "medical treatment" includes dispensing or administering a narcotic drug for pain, including intractable pain.
- B. Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, no controlled substance included in Schedule II may be dispensed without the written hard copy or electronic prescription of a practitioner.
- C. In emergency situations, as defined by rule of the Legislature, Schedule II drugs may be dispensed upon an oral prescription of a practitioner, reduced promptly to a written hard copy or electronic record and filed by the pharmacy. Prescriptions shall be retained in conformity with rules of the pharmacy examining board of the State of Wisconsin and must have an active DEA certificate. No prescription for a Schedule II substance may be refilled.
- D. Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a controlled substance included in Schedule III or IV, which is a prescription drug, shall not be dispensed without a written, oral or electronic prescription of a practitioner. The prescription shall not be filled or refilled except as designated on the prescription and in any case not more than six months after the date thereof, nor may it be refilled more than five times, unless renewed by the practitioner.
- E. A substance included in Schedule V may be distributed or dispensed only for a medical purpose, including medical treatment or authorized research.
 - (1) A practitioner may dispense or deliver a controlled substance to or for an individual or animal only for medical treatment or authorized research in the ordinary course of that practitioner's profession.
 - (2) A pharmacist is immune from any civil or criminal liability and from discipline for any act taken by the pharmacist in reliance on a reasonable belief that an order purporting to be a prescription was issued by a practitioner in the usual course of professional treatment or in authorized research.
- F. No practitioner shall prescribe, orally, electronically or in writing, or take without a prescription a controlled substance included in Schedule I, II, III or IV for the practitioner's own personal use.

§ 306-14 Optometrist limitations.

An optometrist who is allowed to use therapeutic pharmaceutical agents and to dispense a contact lens that delivers a therapeutic pharmaceutical agent:

- A. May not prescribe, dispense, or administer a controlled substance included in Schedule I or II.
- B. May prescribe, dispense, or administer only those controlled substances included in Schedules III, IV, and V that are permitted for prescription or administration.
- C. Shall include with each prescription order all of the following:
 - (1) A statement that he or she is allowed to use therapeutic pharmaceutical agents.
 - (2) The indicated use of the controlled substance included in Schedule III, IV or V so prescribed.

§ 306-15 Advanced practice nurse limitations.

- A. An advanced practice nurse, also referred to as "nurse practitioner," who is certified under § 441.16, Wis. Stats., or certified by a national board and must have been approved for prescriptive authority and must also have an active DEA certificate, may prescribe controlled substances only as permitted by the rules promulgated under the certifying body and the rules governing the prescriptive authority.
- B. An advanced practice nurse as defined above in Subsection A shall include with each prescription order

the advanced practice nurse prescriber certification number issued to him or her by the board of nursing.

- C. An advanced practice nurse as defined above in Subsection A may dispense a controlled substance only by prescribing or administering the controlled substance or as otherwise permitted by the rules promulgated under § 441.16(3), Wis. Stats., or any federal guidelines governing the national board certification and prescriptive authority.