

CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA

Date: _____

ORDINANCE NO.: _____ (2026)

An ordinance to amend and expand Drug Trafficking to include synthetic opioids and opium

WHEREAS, Tribal Council has the power and authority to define and change criminal laws within the Cherokee Code to fit the needs of the Eastern Band of Cherokee Indians; and

WHEREAS, changes in the chemical compounds and nature of certain controlled substances have necessitated a change in the language of the Cherokee Code; and

WHEREAS, specifically, the term "opiate" is defined as "any substance.... similar to morphine"; and

WHEREAS, fentanyl is a synthetic compound which falls into the separate defined category of "opioids"; and

WHEREAS, currently, Cherokee Code 14-95.9, the Drug Trafficking section, only mentions the amount of "opiates or heroin" required for a drug trafficking charge; and

WHEREAS, to be as comprehensive as possible, section 14-95.9 of the Cherokee Code, needs to be amended to include the terms "opioids and opium."

NOW THEREFORE BE IT ORDAINED, by the Tribal Council of the Eastern Band of Cherokee Indians, in council assembled, at which a quorum is present, the Cherokee Code is hereby amended as follows:

Sec. 14-95.9. Drug trafficking.

(a) Except as authorized by Cherokee Law, any person who sells, manufactures, delivers, transports or possesses in excess of the following amounts of controlled substances or marijuana shall be guilty of "trafficking," and shall be punished with a class A penalty:

i.	Marijuana	more than 1 pound
ii.	Methaqualone	more than 125 dosage units
iii.	Cocaine	more than 3 grams
iv.	Methamphetamine/amphetamine	more than 3 grams
v.	Opiates, Opioids, Opium or heroin	more than 2 grams
vi.	Lysergic acid diethylamide	more than 10 dosage units
vii.	MDA/MDMA	more than 4 grams or 10 dosage units

1 (b) The controlled substances listed in this section includes the controlled substance
2 named and any salt, isomer, salts of isomers, compound, derivative, or preparation
3 thereof, or any leaves and any salt, isomer, salts of isomers, compound,
4 derivative, or preparation of leaves, stems, seeds, buds or any part of any plant
5 named, and any salt, isomer, salts of isomers, compound, derivative or preparation
6 thereof which is chemically equivalent or identical with any of these substances
7 (except leaves or any extraction of leaves which does not contain the controlled
8 substance) or any mixture containing such substances. The term "dosage units,"
9 used in this section shall include tablets, capsules, or dosage units as appropriate.
10

11 BE IT FINALLY ORDAINED, that all ordinances and resolutions inconsistent with this
12 ordinance are rescinded for crimes committed subsequent to ratification of this
13 ordinance. This ordinance shall become effective upon ratification by the
14 Principal Chief.
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16 *Submitted by the Office of the Attorney General*